



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 15 – THE PRACTICE OF LAW FOR THE ELDERLY CLIENT*

Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

Question 1

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

(a) Explain to Denise the test in the Mental Capacity Act 2005 used to determine whether a person lacks mental capacity.

(6 marks)

(b) Explain why medical evidence on Hugh's mental capacity should be obtained.

(5 marks)

Medical evidence is obtained, which confirms that Hugh does not have the mental capacity to make either a Will or a Lasting Power of Attorney.

(c) Explain to Denise the procedure for registering Hugh's Enduring Power of Attorney with the Court of Protection.

(9 marks)

(d) Once Hugh's Enduring Power of Attorney has been registered, Denise wants to apply for a Statutory Will.

(i) Explain to Denise the procedure for obtaining permission to make a Statutory Will.

(8 marks)

(ii) Explain the principles that the Court of Protection will apply when deciding whether to grant Denise permission to make a Statutory Will for Hugh.

(6 marks)

(Total: 34 marks)

Question 2

Reference: Question relates to **Document 4** of the case study materials.

Yasmine has telephoned Mr Andrews to ask him to write to her explaining more fully how equity release plans work, and whether they would be appropriate for her as a means of raising money to repair and update her home by using her home as security.

(a) Draft paragraphs to be included in a letter to Yasmine explaining the following types of scheme, including their advantages and disadvantages:

(i) A lifetime mortgage.

(10 marks)

(ii) A home reversion plan.

(7 marks)

(b) Draft paragraphs to be included in the letter to Yasmine explaining what effect, if any, the monies raised under an equity release plan would have on her entitlement to continue receiving her existing benefits.

(5 marks)

(Total: 22 marks)

Question 3

Reference: Question relates to **Document 5** of the case study materials.

Following Mr Andrews' meeting with Vivienne, he would like you to prepare some further information for her.

Explain to Vivienne:

(a) the capital gains tax consequences for her if she sells the flat left to her by her uncle;

(5 marks)

(b) the steps she could take to reduce the inheritance tax payable on her estate.

(9 marks)

(Total: 14 marks)

End of Examination Paper

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