



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 **Document 1** of the case study materials.

- (a) Following his meeting with George, Mr Andrews has doubts about George's capacity to make a Lasting Power of Attorney or a Will.

Explain the tests used to determine whether a person has mental capacity in:

- (i) the Mental Capacity Act 2005; **(5 marks)**
- (ii) Banks v Goodfellow (1870). **(2 marks)**

George's doctor has confirmed that he does have capacity to make a Property and Financial Affairs Lasting Power of Attorney and George has telephoned Mr Andrews to say that he would like some further advice about attorneys.

- (b) Draft paragraphs for inclusion in a letter to George explaining the factors he should consider when choosing and appointing his attorneys. **(10 marks)**
- (c) Outline the duties and responsibilities of an attorney when managing the financial affairs of a donor. **(10 marks)**
- (Total: 27 marks)**

Question 2

Reference: Question relates to **Document 2** of the case study materials.

- (a) Following Mr Andrew's telephone conversation with Pablo, he has received a copy of the medical report from Dr Keele. This confirms that Sofia does not have capacity to manage her affairs. He advises Pablo to seek a Deputyship Order.

- (i) Identify and explain the contents of the documentation to be sent with the application form (COP1) to the Court of Protection. **(8 marks)**
- (ii) Outline the procedure for obtaining a Deputyship Order after the application form (COP1) has been submitted. **(10 marks)**

Pablo has been appointed as his mother's deputy. He would like to apply to the Court of Protection for a Statutory Will so that Lucia and Teresa benefit from Sofia's estate but Isabella does not.

- (b) Identify the principles the court will apply when considering Pablo's application. **(7 marks)**
- (Total: 25 marks)**

Question 3

Reference: Question relates to **Document 3** of the case study materials.

(a) What local authority assistance may be available to an elderly or disabled person to enable them to continue living in their own home? Explain the qualifying criteria.

(5 marks)

(b) Explain the state benefits Mildred could be entitled to receive.

(4 marks)

(c) (i) Explain the principle of Capital Gains Tax.

(2 marks)

(ii) Explain the Capital Gains Tax consequences to Mildred if she sells the flat to Brian.

(7 marks)

(Total: 18 marks)

End of Examination Paper

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