



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 7 – FAMILY LAW\*

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

#### **Instructions to Candidates**

- You have **FIFTEEN** minutes to read through this question paper 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.
- **This question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios from Section B ONLY.**
- 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**

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## SECTION A

(Answer ALL questions in Section A)

1. Identify the court that hears family law cases.  

**(1 mark)**
2. Identify **three** members of the family which are of concern to family law.  

**(3 marks)**
3. Outline **two** Articles under the European Convention on Human Rights of relevance to family law.  

**(2 marks)**
4. Explain the definition of marriage from Hyde v Hyde and Woodmansee (1866).  

**(4 marks)**
5. Explain **two** advantages of a cohabitation contract.  

**(2 marks)**
6. State which Statute deals with property disputes involving cohabittees.  

**(1 mark)**
7. Identify **three** legal consequences of a civil partnership.  

**(3 marks)**
8. Identify the **five** facts that are available under the Matrimonial Causes Act 1973 to establish irretrievable breakdown of a marriage.  

**(5 marks)**
9. State **three** consequences of a judicial separation.  

**(3 marks)**
10. Explain the term 'Mesher order'.  

**(3 marks)**
11. Identify **three** examples of parental responsibility.  

**(3 marks)**

**(Total Marks for Section A: 30 marks)**

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## SECTION B

**(There are three scenarios in Section B. Answer the questions relating to ONE of the scenarios ONLY)**

### Scenario 1

Ben and Jogeeta have been married for 20 years. They have four children over the age of 18 years. All of the children have left home and reside with partners, apart from Peter, who is studying Chemistry at Sheffield University. Ben, Jogeeta and Peter live in the family home, a five-bedroomed detached property, which is valued at £300,000 free of mortgage.

Ben is a successful insurance broker earning £100,000 per annum, receives bonuses and has a private pension. Jogeeta, a former secondary school teacher, gave up her career on the birth of their first child, and has since stayed at home and cared for the children. Jogeeta would like to return to work, but feels that having been away from the workplace for so long will make returning very difficult.

Ben and Jogeeta are not happy. For the last two years they have been leading separate lives. They have been sleeping in separate bedrooms, doing their own shopping, cooking and cleaning. Ben has recently admitted that he is having an affair with a female work colleague, which Jogeeta had suspected.

Jogeeta wants a divorce, but wants to remain in the family home. Ben is agreeable to the divorce, but wants the family home sold and the proceeds divided.

## Scenario 1 Questions

1. Advise Jogeeta whether she can divorce Ben, and if so, the basis of those proceedings.

**(10 marks)**

2. If the parties do proceed with a divorce, identify **and** briefly explain **three** orders the court could make with regard to financial provision in this case.

**(6 marks)**

3. (a) State what the court must consider under s.25(1) Matrimonial Causes Act 1973 in relation to financial relief proceedings.

**(2 marks)**

- (b) Explain **and** apply **four** factors that the court will consider when deciding the financial provision order in this case.

**(8 marks)**

**(Total: 10 marks)**

4. Identify **and** briefly explain the duty imposed by s.25A Matrimonial Causes Act 1973 in this case.

**(4 marks)**

**(Total Marks for Scenario 1: 30 marks)**

**Turn over**

## **Scenario 2**

Elizabeth and Suzanne entered and registered a formal civil partnership in 2012. There are two children of the family, Alexander and Niamh. Alexander is 14 years of age and was born to Elizabeth during her previous marriage. Alexander has no contact with his natural father. Niamh is 9 years of age and was adopted by Elizabeth and Suzanne in 2013.

Elizabeth is a full-time secondary school teacher and an examiner. Her income is the main financial support for the family. Suzanne works part-time as a freelance lecturer and is the main carer for the children on a day-to-day basis.

The family home is jointly owned by Elizabeth and Suzanne. Elizabeth also has an apartment in France in her sole name, a private pension, and a sole savings account. Suzanne has only her part-time income.

Recently, Elizabeth has been working late and Suzanne has heard that Elizabeth is seeing a work colleague, Thomas. As a result, last week Suzanne took the children and went to stay with her mother, leaving Elizabeth a note saying she had left. Elizabeth has spoken to Suzanne on the phone and asked her to bring the children home, but Suzanne has refused. Elizabeth is concerned that she will not see the children again.

## Scenario 2 Questions

1. (a) Define parental responsibility by reference to Statute. **(3 marks)**  
  
(b) Explain who has parental responsibility for Alexander. **(3 marks)**  
  
(c) Explain who has parental responsibility for Niamh. **(3 marks)**  
**(Total: 9 marks)**
  
2. Identify which s.8 Children Act 1989 orders are relevant in relation to Alexander and Niamh, **and** explain how they might apply. **(6 marks)**
  
3. Explain on what basis Suzanne can apply for the dissolution of her civil partnership. **(6 marks)**
  
4. Explain any **four** financial and property orders the court could make on the dissolution of the civil partnership of Suzanne and Elizabeth. **(9 marks)**

**(Total Marks for Scenario 2: 30 marks)**

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### **Scenario 3**

#### **Kieran and Tanya**

Kieran and Tanya have been married for two months. Tanya is five months pregnant. Recently, Tanya told Kieran that he is not the father of the baby, and that the father is her previous boyfriend, Matthew. Kieran is devastated and wants to end their marriage as soon as possible.

#### **Liam and Daniella**

Liam and Daniella lived together for six years. Liam believed that they had a common law marriage because they had arranged for an informal ceremony in their own home, in front of a friend who used to be a registrar. They lived together in a house purchased in Liam's sole name four years ago. Liam paid the deposit and pays the mortgage, while Daniella carried out the majority of the renovation work and continued to make improvements to the house. As a result of Daniella's work, the house has increased in value.

Liam and Daniella have now separated. Liam remains in the house. Daniella has moved back in with her parents. Daniella wants to ensure that she gets the value of the work she has carried out on the house.

## Scenario 3 Questions

### Kieran and Tanya

1. (a) Explain to Kieran whether the marriage can be annulled. **(8 marks)**  
  
(b) Advise Kieran on the consequences of annulment. **(4 marks)**  
**(Total: 12 marks)**

### Liam and Daniella

2. Advise Liam whether the parties have a marriage. **(8 marks)**
  
3. Advise Daniella whether she has any rights in the house she shared with Liam. **(10 marks)**

**(Total Marks for Scenario 3: 30 marks)**

**End of Examination Paper**

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