



LOCATION

SWANSEA

**LLEOLIAD
ABERTAWE**

LEVEL 5

LEFEL 5

**EXAMINATION PERIOD
SPECIMEN**

**CYFNOD ARHOLIADAU
ENGHREIFFTIOL**

MODULE CODE: BMLW5018

FAMILY LAW AND PRACTICE

TIME: 2 HOURS

ANSWER ALL QUESTIONS

1. Candidates must enter their **NAME** and **STUDENT NUMBER** on the front page of their answer sheet.
2. Candidates are entitled to bring with them 10 A4 pages of notes into this examination. This can either be single sided pages, or 5 double sided pages.

This is a sample exam paper. It is not the exam paper which you will sit and has been produced to support you to understand the expectations of the exam.

Answer **ALL** questions in this paper

In this exam you will be advising the (fictitious) Davids family, who you have met as part of your studies.

Consider the following factual scenario and answer all three questions which follow.

Scenario

Following their difficulties at home, Sara and Karl Benjamin, of the David's family have decided to separate. They were married in August 2017 and have one child Ashleigh Benjamin, born in July 2021. Karl has accused Sara of coercive control and physical violence. This is supported by medical, police and social services evidence. It is proposed that he remains in the family home. Currently their daughter Ashleigh is staying with Sara's parents under a special guardianship order, given the concerns previously raised by social services. Karl would like for Ashleigh to live with him at the family home on a sole custody arrangement. Sara has refused to leave the family home, reminding Karl that she owns it.

You have been supplied the following key information from respective Form Es. Use this information when considering your advice for question 2.

	Applicant: Sara Benjamin	Respondent: Karl Benjamin
Date of Birth	7 May 1997	4 September 1995
Occupation	Head teacher Employed by: Trinity Primary School	Personal Trainer Employed by: The Gym Ltd
Earned income	£55,000 in 2023-24	£19,000 in 2023-24 Currently part-time as looking after child
Family home	Family home valued at £300,000 with a mortgage of £250,000 (left to pay) The Home is in Sara's sole name. Sara contributed the 10% deposit to for the property. Karl has not contributed to the deposit, but has contributed to renovation costs.	
Other owned real assets	Flat valued at £150,000 with a £100,000 mortgage, which they rent out through Airbnb (the income from which covers the mortgage payments)	
Total value of individual cash savings	£39,031	£905
Joint savings	£1500	
Life insurance policies	NONE	NONE
Liabilities	£350 credit card debt Enjoys two overseas holidays a year	£200 per month personal lone, to be paid over 3 years Enjoys two overseas holidays per year

	Clothing budget of £1000 each quarter	Gym membership: £30/month Clothing budget: £50 / month Enjoys motor racing
Business Assets	NONE	NONE
Pension value to date	£20,000 to date, expectation of annual income of £10,000	NONE
Other	Car, valued at: £32,000 No other significant assets	Car, valued at: £475 No other significant assets

Please note, you do not need to advise on any potential proceedings relating to their children in this exam, and no marks will be awarded for any content relating to your study of child law.

- 1) Pending their divorce, Karl would like some protections from the domestic violence he has experienced. Advise Karl on the orders which he might apply for under the Family Law Act 1996 to offer some protection, the process for doing so, and the basis upon which a decision is made. Briefly explain to Karl the consequence of any of these orders being breached. **[25 marks]**

- 2) Advise Karl on any key claims he might make upon divorce in respect of a financial settlement. In your advice, you should explain the potential orders which the court might make, noting those most relevant to his circumstances. In doing so, explain to Karl the key factors which the courts will consider in resolving any claim, and how they might apply to his circumstances. **[50 marks]**

- 3) Advise Karl on whether he can apply for legal aid funding to support any aspect of his upcoming family law proceedings. Explain to Karl alternative routes to funding his legal support **[25 Marks]**

End of Exam Paper