



**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**  
**UNIT 15 – 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 the question paper fully.** However, you may make notes on the 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 ball point 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 following CILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

**Question 1**

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

- (a) (i) Explain whether Mary is entitled to receive Attendance Allowance if she remains living in her own home.  
**(10 marks)**
- (ii) What effect would moving into a care home have on Mary's entitlement to receive Attendance Allowance?  
**(2 marks)**
- (b) If Mary goes to live in a care home, because she needs nursing care, explain how the NHS will decide whether or not to help with the payment of her care home fees.  
**(5 marks)**

**(Total: 17 marks)**

**Question 2**

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

- (a) Explain the consequences to both Mary and her daughter, Jill, of Mary having transferred her home into the joint names of herself and Jill with regard to the following:
- (i) The payment of care home fees;  
**(7 marks)**
- (ii) Capital Gains Tax;  
**(6 marks)**
- (iii) Inheritance Tax.  
**(6 marks)**
- (b) If Mary goes to live with her daughter, Jill, instead of going to live in a care home, will Jill be entitled to claim any State Benefits for looking after her?  
**(4 marks)**

**(Total: 23 marks)**

### Question 3

Reference: Question relates to **Documents 1 and 4** of the case study materials.

- (a) (i) Explain why it will be necessary to obtain medical evidence on Ernest's capacity to make a will **and** a lasting power of attorney. **(4 marks)**
- (ii) Draft the contents only of a letter of instructions to Dr Graham seeking an opinion on Ernest's capacity to make both a will **and** a lasting power of attorney. **(10 marks)**

### Additional Information

Dr Graham advises that Ernest does **not** have the capacity to make a will or a lasting power of attorney and is not able to manage his financial affairs:

- (b) Explain what steps Patricia should take with Ernest's enduring power of attorney before she can use it. **(8 marks)**
- (c) Explain what steps Patricia could take in order to change Ernest's will. **(8 marks)**
- (Total: 30 marks)**

**End of Examination Paper**

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