PRIFYSGOL ABERYSTWYTH UNIVERSITY

SEMESTER ONE EXAMINATIONS, 2025/26

DEPARTMENT OF LAW AND CRIMINOLOGY

LC36420 FAMILY AND CHILD LAW

Time allowed: TWO hours

Answer TWO questions

Candidates are permitted to take ONE A4 page of handwritten or typed notes (both sides) into the examination.

Please state clearly which question(s) you are answering.

STUDENTS MAY SUBMIT ANSWERS TO THIS PAPER IN EITHER WELSH OR ENGLISH

Once seated, students may complete the front cover of the answer book(s) and the attendance slip ONLY.

DO NOT TURN THE EXAMINATION QUESTION PAPER OVER UNTIL INSTRUCTED TO DO SO.

1. Samantha and Jeffrey have been living together for 8 years. They purchased their current house 4 years ago, it was purchased in Jeffrey's name, as Samantha was worried she may have to move out, as she was not happy in her job at the time, and had applied for jobs elsewhere, she paid ¼ of the cost of the house, she asked Jeffrey if he would "Buy her out" if she had to leave and he said "sure".

   They are now separated; Samantha would like your legal advice on the following questions: -

   a. What is to be done with their shared cat, Jeffrey bought 3 years ago, but which seems to like Samantha much more, and as a result she is responsible for its care. Because the cat (named Quintus) seems to prefer Samantha Jeffrey once commented that Quintus was "basically Samantha's cat at this point".

   b. They shared an extensive DVD collection, they cannot remember who purchased which DVD's, but they think it was approximately equal.

   c. Samantha would like to remain in the house, Jeffrey is still living there, and says he does not mind her staying there, but as he owns the house he would charge her rent. Samantha contends that this would not be legal.

   d. Samantha contends that she owns at least part of the house, due to her investment in it, and the fact that she would otherwise have spent that money on her own investments, which could have provided her significant earnings.

   e. Samantha's friend has said that all property should be split 50/50, as married couples must split everything 50/50, and if you have lived together for long enough you are presumed to be married. Samantha would like to know if her friend is right.

   Advise Samantha, keeping in mind to use relevant sources of law including statute and case law.

   [50%]

2. Please critically evaluate the following statement.

"White v White is often said to have established the "yardstick" of equal sharing. However it is arguable if that case did anything meaningful at all. This is because despite the existence of the "yardstick" the courts have continuously bent over backwards in order to find special contributions and divide assets unequally between former couples. Due to this attitude very little has changed with regards to the treatment of property on separation in the past hundred years"

Please ensure that your analysis includes discussion of the relevant law, as well as to what degree you agree or disagree with the statement.

[50%]

3. Mary has been having a tough time recently. She is 13, and lives with her dad, following the separation of her parents. He has insisted that Mary go to a new school (St Scholastica's school for girls), which would result in her having to leave her friends at her current school. She also objects to the fact that it is a religious school, as she is not religious, despite the religious views of her father (he has recently converted to Catholicism, Mary's mother is an atheist). She also objects to the fact that it is a single sex school, saying that this is blatantly sexist, and such segregation runs contrary to the values of modern society. She also claims that her father is not respecting her life choices, as she wishes to be vegan, but her father has said that he is reluctant to provide vegan meals due to concerns about ensuring that Mary gets sufficient nutrients in her diet. She also wishes to go on birth control and is concerned that her father would not consent to this on her behalf.

Mary would like for a court order to allow her to live with her mother. Please advise her as to her legal rights and if this is possible. Please use relevant sources of law including statutes and caselaw. Please ensure that your answer includes a discussion of what Mary's rights would be in court, and the law on children initiating proceedings as parties in their own right.

[50%]

4. Please critically evaluate the following statement:

"Courts have recently appeared to be far more willing to grant special guardianships than adoptions. This shows the attachment of the courts to the idea of a "natal" family, which shows the fondness of the British family law for outdated family models which do not reflect the diversity of modern society. Another example of this fondness for tradition can be seen in the fact that private fosterage remails largely unregulated, despite the risks that this can post to children."

Please ensure that your analysis includes discussion of the relevant law, as well as to what degree you agree or disagree with the statement.

[50%]

END OF PAPER