GUERNSEY BAR EXAMINATION

09:30AM WEDNESDAY 13 MAY 2026

PAPER FOUR

FAMILY LAW

THREE HOURS

CANDIDATES ARE REQUIRED TO ANSWER ALL QUESTIONS. THE MARKS AVAILABLE FOR EACH QUESTION ARE SHOWN BELOW.

- **QUESTION 1 – 20 MARKS**
- **QUESTION 2 – 20 MARKS**
- **QUESTION 3 – 20 MARKS**
- **QUESTION 4 – 20 MARKS**
- **QUESTION 5 – 20 MARKS**

MARKS WILL BE GIVEN FOR REFERENCES TO APPLICABLE LEGISLATION AND CASE LAW.

PLEASE ENSURE THAT THE FOLLOWING IS CLEARLY MARKED ON EACH PAGE OF YOUR ANSWER SCRIPT:

- **NAME OF PAPER**
- **CANDIDATE LETTER**
- **QUESTION NUMBER**
- **PART NUMBER OF QUESTIONS (if applicable)**

MATERIALS PROVIDED (all consolidated texts, where applicable):

1. **The Children (Guernsey and Alderney) Law, 2008**
2. **The Family Proceedings (Guernsey and Alderney) Rules, 2009**
3. **The Matrimonial Causes (Bailiwick of Guernsey) Law, 2022**
4. **The Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law 2024**
5. **The Domestic Abuse Protection Order (Procedure) Rules 2025**

Question 1

Alan and Betty have been married for thirty years. They do not have children. Both of them are company directors – Alan (aged 60) earns £100,000 net per annum and Betty (aged 50) earns £75,000 net per annum. As there is a difference in their incomes, Betty believes that Alan should pay her maintenance. Alan has a private pension which has a cash equivalent transfer value of £500,000. Betty does not have a private pension but has an investment portfolio worth £300,000. Both the pension and the investment portfolio accumulated during the marriage.

Betty and Alan are currently living separate and apart in the matrimonial home which was purchased 20 years ago in their joint names. They both contributed to the deposit and mortgage. The house is worth £600,000. Alan paid off the remaining mortgage two years ago using an inheritance of £100,000 from his father. Alan would like that money back in addition to 50% of the value of the house.

Alan has a new girlfriend, Clara, with whom he plans to cohabit in due course. Clara has significant assets following her own divorce – including a large house in Guernsey and a holiday home in Devon. Betty blames Clara for the breakdown of her marriage to Alan, and she firmly believes that Clara's assets should be put into the pot when the finances are settled.

Alan is the registered owner of the family dog, Fido. Betty would like to have Fido but Alan will not agree. Betty has a valuable collection of jewellery that she inherited from her mother five years ago. Alan feels he should have a share in the value and wants the jewellery to be sold.

Betty and Alan agree that the time has come for them to get divorced. Betty has instructed you. In addition to divorce, she would like to resolve financial matters. Betty would like you to be firm. She can see to it, if needs be, that Alan's family never speak to him again.

I. What options are open to Betty in relation to divorce, and what procedure will be followed? [3 marks]

II. Betty asks for your advice as to how the assets and income are likely to be divided on divorce. Advise Betty. [10 marks]

III. How do you respond to Betty's request that you be firm, and her threat to involve family members? [2 marks]

IV. Betty's best friend is also divorcing and has told Betty that she might have to go to a court "FDR". Explain to Betty what the procedure would be for a court FDR and what documentation will be required. [5 marks]

Question 2

Dorris and Edward have been living together for three years. They are not married. They have a baby, Fred who is twelve months old. Dorris has asked Edward to leave their flat, which is rented in joint names, but he has refused to do so. Dorris does not have anywhere else she can stay with Fred. Her relationship with Edward has been volatile. Edward has threatened her on numerous occasions. Last week, he slapped her across the face and threatened to kill her if she left him. He sends her up to 300 WhatsApp messages each day, many of which are abusive, and he insists on tracking her using her mobile phone. He has suggested that he may hurt Fred if he doesn't stop crying at night. Dorris is afraid that, if Dorris dares to end the relationship, Edward will hang around on the pavement outside Fred's nursery to grab Fred. Dorris had a medical history of depression, and Edward has told her that the baby will be taken away from her if he is not there to support them.

Dorris is a qualified nurse who can ordinarily earn approximately £40,000 net per annum. Edward, who is an accountant, earns £80,000 net per annum. Edward has not permitted Dorris to work since Fred was born and she is currently financially dependent on him. Edward pays the rent, Fred's nursery fees and pays an amount of money to Dorris each week to pay for living expenses, bills and food. Dorris is very worried that Edward will not pay the rent and will not continue to support her and Fred if she finds a way to separate from him. She has managed to get a credit card and has built up a balance of £2,000 that she is not currently able to pay. She is worried that she will not be able to pay the rent of £1,000 per month, her household bills including food of £2,000 per month and the childcare costs of £900.00 per month. Dorris is confident that she will be able to get back to work, if childcare can be afforded.

I. **Advise Dorris as to what, if anything, can be done to keep her and Fred safe. Outline the procedure that would be followed, and the documentation that you would prepare. [7 marks]**

II. **Advise Dorris as to what, if anything, can be done to assist her financially. Set out the applicable legal principles and how they are likely to be applied to her case, and the procedure that would be followed. [7 marks]**

III. **Imagine that you have successfully made an application for money. Draft the order. [6 marks]**

Question 3

Gary and Helen have two children, Ivan (2) and Jemima (13). Both children were born during the marriage, which ended in divorce a year ago. Gary and Helen both rent three bedroomed homes. They both work full time but are able to work flexible hours. The divorce and ancillary matters have been resolved by agreement. They share the cost of childcare.

Jemima has struggled following the separation and has recently been self-harming. Helen would like to take her to have counselling, which has been recommended by their GP, but Gary will not agree. He does not believe in counselling and feels that the problem will pass. At the moment, Jemima is choosing not to have contact with Gary. Helen has declined to encourage her to go. Gary has regular overnight contact with Ivan, who is a relaxed and happy baby. Gary would like to have a fixed routine in place whereby both Jemima and Ivan will spend every Tuesday and Wednesday and alternate full weekends in his care. He feels that Jemima will do what she is told. Helen would like Jemima to have the choice as to when she sees her father. She is prepared to agree to Ivan having alternate weekends with his father, but no more than that as she wants to keep the children together.

I. Advise Helen as to how the other disputes between her and Gary can be resolved. Address the position in relation to both Ivan and Jemima. [10 marks]

Helen wants to leave Guernsey with the children to live in Southampton, closer to her own family. Helen has not looked into accommodation, schooling or work in Southampton – but she has told Jemima about the move, and Jemima is keen to go. Helen has given notice to her landlord that they will be leaving at the end of the school year in July. She has not told Gary because she knows that he will not agree, but she intends to go anyway. No thought has been given to what ongoing contact he would have with the children.

II. Advise Helen in relation to her planned move to Southampton. [10 marks]

Question 4

Kerry is the mother of Larry, aged 13. Larry's father has never been involved in his care. For the last two years, Kerry and Larry have lived with her boyfriend – Max. Unfortunately, Larry and Max clash regularly which is causing tension in the family home. Larry has been excluded from school for short periods of time due to his bullying of other pupils. He has started drinking and has been missing from home on two occasions overnight – only to be found in the company of adults who are known drug users. Kerry and Larry have a loving relationship, but she is not currently able to enforce boundaries with him. A month ago, a student at Larry's school reported to a teacher that Larry had assaulted him and that Larry has been taking a penknife into school. Larry denies that this is true, and Kerry believes him. Larry has accused Max of slapping him – Max denies that this is true and Kerry believes Max. To keep the peace, Max has moved out of the family home, but the relationship is ongoing and he still spends time there. However, following Max's departure Kerry's parents are now spending more time with Larry – and the school have begun to see an improvement in his behaviour in the last few weeks.

Kerry has been notified that a referral has been made to the Convenor. The Convenor has written to Kerry and has invited her to attend a meeting. The Convenor has provided a statement which includes all of the above concerns. Max wants to attend the meeting so that he can hear, and respond to, what is said about him. Kerry think that is a bad idea, and is inclined not to go.

You have been appointed to act for Kerry. Advise Kerry on the following issues:

I. **What will happen at the Convenor's meeting, and who should attend? [5 marks]**

II. **How will the disputed facts be resolved? [5 marks]**

III. **Assume that a finding has been made (i) that Larry did assault a fellow pupil, but has not been carrying a knife and (ii) that Max did slap Larry on one occasion during an argument. Explain to Kerry which Court or Tribunal is likely to be involved in making decisions for Larry, what principles will be applied and what outcome is likely. [9 marks]**

IV. **If Kerry is unhappy with the facts found, or any orders made in relation to Larry, can she appeal and what is the timeframe for doing so? [1 mark]**

Question 5

Nora and Ollie, both aged 22, have never been married but live together. Nora was the victim of sexual abuse as a child and she has a long history of drug use and problematic drinking. Five months ago, Nora gave birth to baby Poppy. Nora used heroin during the pregnancy and Poppy suffered withdrawal symptoms following birth. Once discharged from hospital, Nora agreed that she could not care for Poppy at that point in time and Poppy has been in foster care ever since. The Committee *for* Health and Social Care has offered regular contact to both of Poppy's parents, but they have been inconsistent in attending contact.

Ollie has been imprisoned on several occasions for offences of violence, including violence against Nora. Nora has a diagnosis of emotionally unstable personality disorder. Ollie has a diagnosis of bi-polar disorder. Their respective mental health prognoses are poor, but recently Nora has engaged with the Mental Health Service and has signed up for a treatment programme, which will take at least twelve months to complete. There would then need to be a further assessment, and a period of review, before Poppy could be left unsupervised in Nora's care. Ollie and Nora say that they are committed to their relationship and plan to go to the Guernsey Counselling Service to get back on track. They have asked their GP to refer them to the Community Drug & Alcohol Team. They want to get Poppy back but accept they need some time to get their lives back on track.

You are acting for Nora. Proceedings are under way and the Committee *for* Health and Social Care is seeking a Community Parenting Order. The final hearing is approaching, a social worker has informed you that the care plan for Poppy is one of adoption. You have shared this information with Nora, who is distraught. She will never agree. If it happens against her will, she will want regular contact with Poppy.

Advise Nora on the following:

I. **How the Committee's application for a Community Parenting Order will be decided. State the principles that will apply, and the likely outcome in this case. [12 marks]**

II. **Whether Poppy could be adopted without Nora's consent and, if so, on what grounds. Include advice as to the role that Ollie will have in the process. [5 marks]**

III. **What the implications of adoption would be for Nora's relationship and contact with Poppy. [3 marks]**