

Assas

Session : Septembre 2015
Année d'étude : Troisième année de Licence Droit
Discipline : *Anglais*
(Unité d'Enseignements Complémentaires 2)

Titulaire(s) du cours :

M. Justin BEPLATE

Document(s) autorisé(s) : Aucun

In this exam, 50% of each mark is given for your knowledge of the facts and 50% for your use of the English language.

I. Complete the following sentences, using at least 10 words. Limit your answers to one complete sentence (20 points)

1. The High Court ...
2. Although the Lord Chancellor ...
3. Rights protected by the Human Rights Act 1998 include ...
4. In family law, the welfare of the child ...
5. While trials are generally public ...

II. Read the document and answer the following questions below IN YOUR OWN WORDS (maximum ten lines for each). DO NOT QUOTE DIRECTLY FROM THE TEXT (30 points)

Keen to leave your rich husband? Come to London, divorce capital of the world

The Guardian (24 February 2015)

Pauline Chai wants to get divorced in England. Her husband, the businessman Khoo Kay Pen, wants to get divorced in Malaysia. This is their first battle before they even start dividing their estimated £440m fortune. "If you're the person with the money then most people will move heaven and earth to avoid a divorce in England because the law is much more generous to, typically, the wife, the person without the money," says Mark Harper, divorce lawyer at Hughes Fowler Carruthers.

London has been regarded as the divorce capital of the world for the past few years – a title boosted in November when the former wife of a financier was awarded more than £337m, in what is thought to have been the biggest divorce payout. In 2012, the Times found that a sixth of divorce cases heard by English courts involved foreign nationals, and of the cases where huge sums were involved, around half may involve international couples (who is entitled to a divorce in England is a complex issue based on residence and domicile).

Ayesha Vardag, the lawyer representing Chai, who has represented a number of wealthy clients in high-profile cases, says: "Of the capital that is built up in the marriage, both partners are entitled to share fairly in that, which usually results in a roughly 50/50 split. The principle that there is no discrimination between breadwinner and homemaker is the cornerstone of why the English jurisdiction is seen as a particularly fair one for the financially weaker spouse."

But this week, a judge told the ex-wife of a wealthy vet that she should get a job after she lost an appeal against the cutting of her annual £75,000 maintenance. Will this case change anything for the spouses of wealthy partners? "Not really," says Harper. "The court is required to consider both spouses' earning capacity. Here, if the husband is approaching retirement, if there isn't the money to go round then there is no choice and the wife has to work. But this decision doesn't mean that the wife of a banker earning £2m a year is going to have to go and get a job straight away."

What is changing, says Vardag, is issues of maintenance. "The old way of viewing things, which is that mothers really ought to be at home, is changing and there is far more of a recognition that both parents work, and it can be beneficial for children to see their mothers having a role in the workplace. The idea that women really should stay at home is gone. It reflects the fact that women are no longer seen as weak, dependent creatures that have to be looked after."

1. Why has London become "the divorce capital of the world"? (10 points)
2. From your knowledge of UK family law, explain the legal procedures for ending a marriage or a civil partnership. (10 points)
3. Look at the underlined sentence in the text. What are some of the arguments for and against the principle of equally dividing property after a divorce? (10 points)

III. Essay. Choose ONE of the following subjects and answer in approximately 250 words (50 points).

1. Describe the role and jurisdiction of the UK Supreme Court.

OR

2. Discuss one or more of the current controversies concerning human rights legislation in the UK.