

Guidance for the Completion of Documents in Divorce Proceedings

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Introduction

This guidance has been drafted to assist those involved in submitting papers for divorce proceedings, it is not intended as legal advice. It remains the responsibility of the lodging party to ensure that all documents have been completed correctly and lodged with the Matrimonial Office in accordance with the legislation and Practice Directions/Notes issued by the Judge/Master.

All the relevant forms in respect of divorce proceedings can be accessed at the following links;

[High Court forms and checklists for making an application for divorce](#)

[County Court forms and checklists for making an application for divorce](#)

[High Court Forms and checklists for making an application for Dissolution of a Civil Partnership](#)

[County Court Forms and checklist for making an application for dissolution of a Civil Partnership in the County Court](#)

General information on the divorce process is also available at **[INSERT LINK]**.

Completing the Petition

The Title- The heading of a petition should be as per Form M2 of the [Family Proceedings Rules 1996](#) (below). You must select either the High Court of Justice or In the County Court, the Petition should not contain both headings.

In the High Court of Justice in Northern Ireland

Family Division⁽¹⁾

In the County Court for the Division of⁽¹⁾

The Petition of AB—

1.

2.

3.

Etc

(1) Delete if inapplicable

Paragraph 1- State the full name of the petitioner.

Paragraph 1- The names of parties should appear as on the marriage certificate/ civil partnership certificate. The married name of the female party should be stated, if they did not take on the married name an explanation must be given on the face of the Petition that is, that the;

- name was changed by deed poll;
- name was changed by common usage;
- the party never took on the married name.

The names of civil partners must be recited as set out in the civil partnership certificate with explanations of any discrepancy as to names recited on petition.

Paragraph 1- When providing the name of the place where the marriage took place / civil partnership was formed you should write the words contained in the marriage certificate / civil partnership certificate which come after the phrase "Place of marriage / Civil Partnership formed at", for example: "The Register Office, in the District of ... in the County of ..."

Paragraph 2- Insert details parties last lived together as per [Paragraph 1\(c\), Appendix 2, Family Proceedings Rules \(NI\) 1996 \(FPR 1996\)](#).

Paragraph 3- For a divorce petition the jurisdiction of the court to hear the application must be detailed at paragraph 3 of the petition. There are seven variations, each petition must contain at least **one**;

- the parties are both habitually resident in Northern Ireland;
- the parties were last habitually resident in Northern Ireland and the petitioner/respondent still resides there; (delete petitioner/respondent as appropriate);
- the respondent is habitually resident in Northern Ireland;
- the petitioner is habitually resident in Northern Ireland and has resided there for at least one year immediately prior to the presentation of the petition [the address(es) where the Petitioner resided during this year must also be stated here];
- the petitioner is domiciled and habitually resident in Northern Ireland and has resided there for at least six months immediately prior to the presentation of the petition [the address(es) where the Petitioner resided during this six month period must also be stated here];
- the parties are both domiciled in Northern Ireland;
- either of the parties to the marriage is domiciled in Northern Ireland.

Being "habitually resident" means that a person normally lives in a country, however does not regard it as their home.

A person who was born here, has lived here all their life and regards NI as their home, will be domiciled here.

Paragraph 4- Should the petitioner wish their current address to remain confidential an application to that effect must be made to the Master. A petition which does not disclose the address of the petitioner cannot otherwise proceed as per [Paragraph 1\(e\), Appendix 2, FPR 1996](#).

Paragraph 4- If the respondent's address is unknown to the petitioner, this should be stated at paragraph 4. In such circumstances the applicant will have to make an application to the Master to dispense with service in order to proceed with the application.

Paragraph 5- Should include the full names (as per long form birth certificates), of each child of the family and their dates of birth or, if it be the case, a statement that the children are over 18 years of age, refer to [Paragraph 1\(f\), Appendix 2, FPR 1996](#). A child of the family is defined by [Article 2 of the Matrimonial Causes \(NI\) Order 1978](#) as;

1. children born to the Petitioner and Respondent;
2. children adopted or fostered by the Petitioner and Respondent;
3. children born to either party who were treated as children of the family.

In the case of each minor child over the age of 16, a statement should be included at paragraph 5 as to whether the child is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation as per [Paragraph 1\(f\), Appendix 2, FPR 1996](#).

If there are no children of the family the word "except" should be omitted from paragraph 5 so that it reads "***There are no children of the family now living.***"

Paragraph 6-As per paragraph 1(g) of [Appendix 2, FPR 1996](#), paragraph 6 of the petition is concerned only with children born to the female party of the marriage who were not treated as children of the family. The word petitioner or respondent should be deleted accordingly. The child(ren)s full name and date(s) of birth must be included, or as the case may be, a statement that the children are aged over 18 years. If there are no such children, the word "except" should be omitted and paragraph 6 should end either with the word "marriage" if the female party is the petitioner, or with the phrase "so far as is known to the petitioner" if the male party of the marriage is the petitioner.

Paragraph 7- Should detail any financial settlement which the petitioner requires the court to make on behalf of the children of the family, that is, those children included at paragraph 5 of the petition. The name and date of birth of each child in relation to which a settlement is required must be set out, as must a statement that;

- the application is for a stepchild;
- the application is for settlement in addition to maintenance already payable under a Child Support Agency calculation;
- the application is to meet expenses arising from a child's disability;
- that the application is to meet expenses in relation to a child's education or training.

If the child, the person with care of the child or the absent parent is not habitually resident in Northern Ireland, a statement to that effect should also be included as per [Appendix 2, FPR 1996](#).

If no financial support for the children is required, the words from “**except**” onwards should be omitted so that paragraph 7 reads “**No periodical payment order or secured payments order is sought for any child of the family.**” If there are no children of the family, this paragraph can be omitted and subsequent paragraphs renumbered.

Paragraph 8- should include details of any proceedings in Northern Ireland or elsewhere with reference to the marriage/civil partnership, or to any children of the family or between the petitioner and the respondent with reference to any property of either or both of them. In each case, there must be specific mention of;

- the nature of proceedings;
- the date and effect of any decree, civil partnership order or other order;
- in the case of proceedings with reference to the marriage or civil partnership whether there has been any resumption of cohabitation since the making of the decree or order, see [Paragraph 1\(k\), Appendix 2, FPR 1996](#).

References to previous proceedings in paragraph 8 should be verified by including copies of court orders. If proceedings related to the marriage / civil partnership, a statement should be included as to whether co-habitation was resumed after the court order was made. Details of applications to file amended or second petitions should also be included in this paragraph. If there are no related proceedings, the word “except”, should be omitted.

Paragraph 9- Should include details of any applications made to the Child Support Agency in respect of any child of the family. If there have been proceedings, you should include the following;

- the child's name;
- the date of the application;
- details of the calculation, if such is available should be included as per [Paragraph 1\(i\), Appendix 2, FPR 1996](#).

If no such application has been made the word “**except**” should be removed. If there are no children of the family, paragraph 9 may be removed and subsequent paragraphs renumbered.

Paragraph 10- Should detail any continuing court proceedings outside Northern Ireland which relate to the marriage or civil partnership or are capable of affecting its validity or subsistence. Details should include;

- particulars of the proceedings, including the court in or tribunal or authority before which they were begun;
- the date when they were begun;
- the names of the parties;
- the date or expected date of any trial in the proceedings and in a matrimonial cause such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under [Schedule 1 to the Matrimonial Causes \(NI\) Order 1978](#);
- and such proceedings shall include any which are not instituted in a court of law in that country, if they are instituted before a tribunal or other authority having power under the law having effect there to determine questions of status, and shall be treated as continuing if they have been begun and have not been finally disposed of.

If there are no such proceedings the word “**except**” should be removed, however the paragraph must not be removed as per [Paragraph 1\(l\) Appendix 2, FPR 1996](#).

Paragraph 11- Should include details of arrangements or proposed arrangements for the financial support of the petitioner or respondent and any child of the family. The words petitioner, respondent and children of the family should be deleted as applicable.

If no such arrangements have been made or are proposed to be made the word “except” should be deleted, as per [Paragraph 1\(m\), Appendix 2 FPR 1996](#). This paragraph **must be included if the grounds for divorce are 5 years separation** but is not required in other grounds.

Paragraph 12- A statement as to the marriage has broken down irretrievably / or that the civil partnership has broken down irretrievably is required only in cases of divorce / dissolution as per [Paragraph 1\(o\), Appendix 2, FPR 1996](#).

Paragraph 13- The grounds on which an application is sought should be detailed. For divorce or judicial separation one or more of the five facts contained in [Article 3\(2\) of the 1978 Order](#) must be included as per [Paragraph 1\(p\) Appendix 2 FPR 1996](#), as set out below;

- since the date of the marriage, the respondent has committed adultery with (name the person) (hereinafter called the Co-Respondent);
- the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
- the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition;

- the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to a decree being granted;
- the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation.

If an application is for a marriage to be declared null and void, the ground on which relief is sought should be included as per [Paragraph 1\(p\), Appendix 2, FPR 1996](#).

[Article 13 of the Matrimonial Causes \(Northern Ireland\) Order 1978](#), sets out the grounds on which a marriage is void;

- that the parties are within the prohibited degrees of relationship;
- that it is not a valid marriage under the provisions of the Age of Marriage Act (Northern Ireland) 1951 (a) (persons under 16);
- that it is not a valid marriage by reason of non-compliance with any statutory provision or rule of law governing the formation of marriage;
- that at the time of the marriage either party was already lawfully married;
- that the parties are not respectively male and female;
- in the case of a polygamous marriage entered into outside Northern Ireland; that either party was at the time of the marriage domiciled in Northern Ireland.

[Article 14 of the Matrimonial Causes \(Northern Ireland\) Order 1978](#) sets out the grounds on which a marriage is voidable;

- that the marriage has not been consummated owing to the incapacity of either party to consummate it;
- that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it;
- that either party to the marriage did not validly consent to it, whether in consequence of duress, mistake or unsoundness of mind or otherwise;
- that at the time of the marriage either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961(a) of such a kind or to such an extent as to be unfitted for marriage;
- that at the time of the marriage the respondent was suffering from venereal disease in a communicable form;
- that at the time of the marriage the respondent was pregnant by some person other than the petitioner.

Prayer

Every petition must conclude with a prayer setting out particulars of the relief claimed, including any claim for costs and any application for ancillary relief (including any application for pension sharing or pension attachment order this should be accompanied if applicable with a draft Pension Sharing Order and confirmation from the Pension Provider that no issue is taken with the proposed draft.) which it is intended to claim, refer to [Paragraph 4\(a\), Appendix 2, FPR 1996](#).

Agreement

Where the petitioner prays that a written agreement or deed, be made a rule of court, the original written agreement should be lodged with the petition together with signed consent from the respondent to have the agreement made a rule of court.

Costs

References to the respondent and co-respondent should be deleted as appropriate. If the petitioner is not requesting that the respondent or co-respondent be ordered to pay costs the paragraph should be deleted. The information contained in this paragraph must correspond to the reference to costs in the **acknowledgement of service**.

Property Adjustment Order

If a property adjustment order is sought the full address of the property should be included.

Signing the Petition

If settled by counsel, petitions must be signed by counsel, otherwise the petition should be signed by the solicitor in their own name or the name of the firm. Or if being lodged by a personal petitioner by the petitioner.

Details for Service

The names and addresses of all persons to be served with the petition should be included, refer to [Paragraph 4\(b\), Appendix 2, FPR 1996](#). If any respondent is under a disability a statement to that effect should be included. Service may never be performed personally by the petitioner as per [Rule 2.9\(2\) FPR 1996](#). [Rule 2.9\(1\) FPR 1996](#) provides that acceptable examples of service are post, recorded delivery or service by a process server or other party.

The petitioner's address for service should be the solicitors firm name and address as per [Paragraph 4\(c\), Appendix 2, FPR 1996](#), or if a personal petition the petitioner's address.

The court address must be included at the end of the petition;

Matrimonial Office
Family Division
Royal Courts of Justice
Chichester Street
Belfast BT1 3JF

Dissolution or Separation Petition

Paragraph 3-For a civil partnership dissolution petition the jurisdiction of the court to hear the application must be detailed at paragraph 3 of the petition. Each Petition must contain at least one;

- both civil partners are habitually resident in Northern Ireland;
- both civil partners were last habitually resident in Northern Ireland and one of the civil partners continues to reside there;
- the respondent is habitually resident in Northern Ireland;
- the applicant is habitually resident in Northern Ireland and has resided there for at least one year immediately preceding the application was made;
- the applicant is domiciled and habitually resident in Northern Ireland and has resided there for at least six months immediately preceding the presentation of the application was made on; or
- both civil partners are domiciled in Northern Ireland.

Paragraph 6-In a civil partnership cause, whether (to the knowledge of the Petitioner) any other child now living has been born to either of the civil partners during the civil partnership and, if so, the full names (including surname) of the child and his date of birth or, if it be the case, that he is over 18).

Paragraph 13-For a dissolution or separation order the grounds on which an application is sought should be detailed at paragraph 13.

For dissolution or separation one or more of the four facts contained in [Section 168 \(5\) of the Civil Partnership Act 2004](#) must be included. That is:

- that the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent;
- that the parties to the civil partnership have lived apart for a continuous period of at least two years immediately preceding the presentation of the Petition and the Respondent consents to a dissolution order being made;
- that the parties to the civil partnership have lived apart for a continuous period of at least five years immediately preceding the presentation of the Petition;
- that the Respondent has deserted the Petitioner for a continuous period of at least two years immediately preceding the presentation of the Petition.

If an application is for a civil partnership to be declared null and void, the ground on which relief is sought should be included, refer to [Section 173/174 of the Civil Partnership Act 2004 applies](#). Section 173 sets out the grounds on which civil partnership is void where two people register as civil partners of each other in Northern Ireland, the civil partnership is void if;

- at the time when they do so, they are not eligible to register as civil partners of each other under Chapter 1, or
- at the time when they do so they both know;

- that due notice of proposed civil partnership has not been given;
- that the civil partnership schedule has not been duly issued;
- that the place of registration is a place other than that specified in the civil partnership schedule;
- that a registrar is not present.

[Section 174 of the Civil Partnership Act 2004](#) sets out the grounds on which the civil partnership is voidable.

Where two people register as civil partners of each other in Northern Ireland, the civil partnership is voidable if;

- either of them did not validly consent to its formation (whether as a result of duress, mistake, unsoundness of mind or otherwise);
- at the time of its formation either of the, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder of such a kind or to such an extent as to be unfitted for civil partnership;
- at the time of its formation, the respondent was pregnant by some person other than the applicant;
- an interim gender recognition certificate under the Gender Recognition Act 2004 (c7) has, after the time of its formation, been issued to either civil partner;
- the respondent is a person whose gender at the time of its formation had become the acquired gender under the 2004 Act.

To note, [section 175 of the Civil Partnership Act 2004 paragraph 3a](#), “mental disorder” has the same meaning as in the [Mental Health \(Northern Ireland\) Order 1986](#) (SI 1986/595 (NI 4)).

Paragraph 14- Should detail the facts relied upon in support of paragraph 13. In relation to the two and five year grounds, for example, the date on which co-habitation ended or the date on which parties began to live separate lives should be specified. Where parties assert that they live separate lives in the same accommodation, details of how they live their lives separately should be included.

[Section 169 of the Civil Partnership Act 2004](#) sets out the supplemental provisions as to facts raising presumption of breakdown refers:

Subsection (2) applies if;

- in any proceedings for a dissolution order the applicant alleges, in reliance on [section 168\(5\)\(a\) of the Civil Partnership Act 2004](#), that the respondent has behaved in such a way that the applicant cannot reasonably be expected to live with the respondent;
- after the date of the occurrence of the final incident relied on by the applicant and held by the court to support the allegation, the applicant and the respondent have lived together for a period (or periods) which does not, or which taken together do not, exceed 6 months.

Decree of Nullity

In the case of an application for a decree of nullity under [Article 14\(e\) of the Matrimonial Causes \(Northern Ireland\) Order 1978](#) ***the respondent was suffering from venereal disease in communicable form*** or Article 14(f) of the 1978 Order; ***at the time of the marriage the respondent was pregnant by some person other than the petitioner***, a statement that the petitioner was ignorant of the facts alleged at the time of marriage should be included, see [Paragraph 2, Appendix 2, Family Proceedings Rules \(Northern Ireland\) 1996](#).

Adultery

It should be noted that adultery cannot be relied upon as grounds for divorce if, after it became known that adultery had been committed, the parties lived with each other for a period exceeding, or periods together exceeding, six months ([Article 4\(1\) of the Matrimonial Causes \(NI\) 1978 Order](#)). In circumstances where it is proven that adultery was committed with the connivance of the petitioner, the court may dismiss the petition ([Article 4\(2\) of the Matrimonial Causes \(NI\) 1978 Order](#)).

Unreasonable Behaviour

In cases where it is alleged the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with him, but the parties have lived with each other for periods after the date of the final incident relied on by the petitioner, an application may still proceed on grounds of unreasonable behaviour provided that the length those periods in which the parties lived together does not exceed six months, as per [Article 4\(3\) Matrimonial Causes \(Northern Ireland\) Order 1978](#).

Desertion

In considering an application for desertion and the period for which the parties have lived apart, no account will be taken of any one period (not exceeding six months) or of any two or more periods (not exceeding six months in all) during which the parties resumed living with each other, but no period during which the parties lived with each other will count as part of the period of desertion or of the period for which the parties to the marriage lived apart, as the case may be, see [Article 4\(5\) Matrimonial Causes \(Northern Ireland\) Order 1978](#). The court may also treat a period of desertion as having continued at a time when the deserting party was incapable of continuing the necessary intention if the evidence before the court is such that, had that party not been so incapable, the court would have inferred that his desertion continued at that time as per [Article 4\(4\) Matrimonial Causes \(Northern Ireland\) Order 1978](#).

Other Proceedings

Where it is intended to adduce evidence that a person was convicted of an offence by or before a court in the United Kingdom or by a court-martial there or elsewhere, or was found guilty of adultery in matrimonial proceedings or was found or adjudged to be the father of a child in relevant proceedings before a court in the United Kingdom, a statement of intention to adduce such evidence together with particulars of;

- the conviction, finding or adjudication and the date thereof;
- the court or court-martial which made the conviction, finding or adjudication and, in the case of a finding or adjudication the proceedings in which it was made; and
- the issue in the proceedings to which the conviction, finding or adjudication is relevant.

Completing the Statement of Arrangements for Children Form (Form M4)

A Form M4 must be lodged if there are children of the family aged under 16 and/or there are children of the family aged between 16 and 18 who are continuing in education or training. The form is concerned with;

- where and with whom the children reside;
- education and training including special educational needs of the children;
- who cares for the children when the parent with whom they reside is not available;
- maintenance paid in respect of the children;
- contact between the parties and the children;
- the health of the children.

Unlike the petition, the M4 may be completed in typescript or by hand. When completing this form, you should ensure that the following is completed if applicable:

- boxes 1 – 3 reflect details of children of the family as described in paragraphs 5 and 6 of the petition;
- special education needs referred to in Box 5(b) are verified by an education report;
- where it is asserted that parties have contact with the children, details of where and when contact takes place are included;
- any health problems referred to in Box 9 are verified by a report from a medical practitioner;
- full details of care and other court proceedings relating to the children and copies of court orders and/or social worker reports

The title of this form must reflect the same court location the case is to be set down in and must be the same as is stated on the petition.

Co-respondents **should not** be served with copies of statements of arrangements for children however where a co-respondent exists their name should remain in the title of the document.

Box 1- Should detail children born to, adopted or fostered by, both parties of the marriage. Together Box 1 and Box 2 should contain the names of all children referred to in paragraph 5 of the petition who are aged under 18 and continuing in education or training.

Box 2- Should detail children born to either party of the marriage who were treated as children of the family. Together Box 1 and Box 2 should contain the names of all children referred to in paragraph 5 of the petition who are aged under 18 and continuing in education or training.

Box 3- Should replicate paragraph 6 of the petition and should detail children born to the female party of the marriage who were not treated as children of the family ([Paragraph 1\(g\) Appendix 2 FPR 1996](#)).

Box 5 -Special education needs must be verified by the inclusion of an education report from the education establishment attended by the children.

Box 8- Where parties have indicated that they or their husband/wife have contact with the children of the family details of how often and where contact takes place must be included.

Box 9 Health problems must be verified by the inclusion of reports from medical practitioners [Rule 2.3\(2\) FPR 1996](#).

It is preferable that the Form M4 is signed by both parties, however, only the petitioners signature is required for the petition to be issued by the Matrimonial Office. The respondent may decide to: sign the M4, not to sign the M4, or to insert their own M4. In any of those circumstances the application may proceed as the respondent has further opportunity to indicate whether they agree with the statement of arrangements on the acknowledgement of service (M6) and the court may make inquiries on the day of the Nisi hearing.

Completing the Notice of Proceedings Form (Form M5 / Form M5A)

Form M5/M5A must be served with the petition and the acknowledgement of service (Form M6/M5A) on every respondent as per [FPR 1996 2.9\(1\)](#). The form seeks to explain the acknowledgement of service for the benefit of parties served. Unlike the petition, the form may be completed and amended in typescript or by hand. The form is generic in nature and should be amended in accordance with the petition and acknowledgement of service.

Paragraphs not relevant to the grounds on which the petition is proceeding should be deleted. For example, if a petition is proceeding on two years with consent,

paragraphs 4 and 7 (paragraph 10 on M6A) should be omitted. Similarly, if there are no children of the family, Paragraph 10 should be deleted. The form should also be amended according to the recipient. For example, Question 10 is not relevant to co-respondents as they will not be served with a copy of Form M4.

Form M5/M5A should be entitled as per Form M3 of the FPR 1996. One of the two options below should be deleted, it should either be the High Court or the County Court. In the case of a petition to be set down before the county court the county court division should be inserted, i.e. the ***County Court Division of Antrim***.

In the High Court of Justice in Northern Ireland

Family Division⁽¹⁾

In the County Court for the Division of⁽¹⁾

Between

Petitioner

and

Respondent

and

Co-Respondent⁽¹⁾

(1) Delete if inapplicable

Questions not relevant to the grounds on which the petition is proceeding should be deleted, various examples are set out below;

- Where the petition is not based upon 5 years separation the reference to Question 7 (Question 10 in M6A) in paragraph 3 should be deleted. **The reference to Question 7 should always be deleted on forms to be served on co-respondents.**
- Where the petition is not based on adultery paragraph 4 should be deleted.
- Where the petition is not based on two years' separation paragraph 5 should be deleted. **Paragraph 5 should always be deleted on forms to be served on co-respondents.**
- Where the petition is not based on two years' separation paragraph 6 should be deleted. **Paragraph 6 should always be deleted on forms to be served on co-respondents.**
- Where the petition is not based upon five years separation paragraph 7 should be deleted. **Paragraph 7 should always be deleted on forms to be served on correspondents.**

- Where the petition is not based on two years' separation or five years separation paragraph 8 should be deleted. **Paragraph 8 should always be deleted on forms to be served on co-respondents.**
- Where the prayer of the petition does not request that an order for costs or half costs be made against any party, paragraph 9 should be deleted.
- If there are no children of the family, paragraph 10 should be deleted. **Paragraph 10 should always be deleted on documents to be served on co-respondents.**
- Applications under [Article 8 of the Children \(Northern Ireland\) Order 1995](#) (SI 1995 No.755 (NI 2) ('1995 Order')). Where there are no children of the family paragraph 11 should be deleted. **Paragraph 11 should always be deleted on documents to be served on co-respondents.**

Completing the Acknowledgement of Service Form (Form M6 / Form M6A)

Form M6/M6A must be served with the petition and the notice in Form M5/M5A on every respondent.

The form will ask you to confirm;

- whether or not the respondent/co-respondents have received a copy of the petition;
- the integrity of the jurisdiction on which the petitioner has relied in paragraph 3 of the petition;
- whether or not the respondent/co-respondents intend to defend the petition;
- whether or not the respondent consents to a decree being granted on a two year grounds;
- whether or not the respondent objects to a divorce on the grounds of financial hardship;
- whether or not the respondent wishes the court to consider their financial position after the divorce;
- whether or not the respondent/co-respondent objects to paying the costs of proceedings as per the prayer of the petition;
- whether or not the respondent has received and agrees with the Statement of Arrangements for Children.

Unlike the petition, the acknowledgement of service may be completed or amended in typescript or by hand. The form is generic in nature and should be amended in accordance with the petition and according to the recipient.

When returning the M6/M6A to the Matrimonial Office you must ensure it is either the original red issued stamped form, or a copy certified by the Matrimonial Office which will have a red certified stamp on the back page of the form, photocopies are not acceptable.

The acknowledgement of service should be entitled as per [Form M3 of the FPR 1996](#). One of the two options should be deleted. In the case of a petition to be set down before the county court the county court division should be inserted, i.e. the **County Court Division of Antrim**.

In the High Court of Justice in Northern Ireland

Family Division⁽¹⁾

In the County Court for the Division of⁽¹⁾

Between

Petitioner

and

Respondent

and

Co-Respondent⁽¹⁾

(1) Delete if inapplicable

Questions not relevant to the grounds on which the petition is proceeding should be deleted, different examples are set out below;

- **Questions 1a-1d and Question 2-5** on the M6A must be answered by the respondent but should be omitted from forms to be served upon co-respondents. Questions 1a- 1d/Questions 2-5 on M6A should also be deleted on forms served on petitioners with Answer and Cross Petitions.
- The date of receipt of the petition should be inserted. **Time limits for defending an application are calculated from the date of service.**
- **Question 3** should be amended to state respondent or co-respondent as appropriate.
- **Notice of intention to defend-** must be made by return of the Acknowledgement of Service to the Matrimonial Office within 14 days of service inclusive of the day of service as per [Rule 2.11 FPR 1996](#).
- **Question 5-**Where the petition is not based on grounds of adultery question 5 should be deleted. Where adultery is the only ground contained in the petition and adultery is not admitted by the respondent at question 5, or the M6 is not returned, it will be the responsibility of the petitioner to prove adultery took place if the petition is to proceed on that ground.
- **Two years separation-**Consent to a petition on the grounds of 2 years' separation must be given via the Acknowledgement of Service signed by the respondent if acting in person or in the case of a respondent represented by a solicitor by the respondent and the solicitor ([Rule 2.12\(1\) FPR 1996](#)).

- Where **2 years' separation** is the only ground in the petition and consent is not given at Question 6/Question 9 on M6A or the M6/M6A is not returned, the petition cannot proceed. Where consent is granted but the respondent makes their consent conditional upon no order for costs being made against them, the fact that consent is so conditioned should be recorded at Question 6/Question 9 on M6A, please refer to [Practice Direction 2/97 – Conditional Consent to a Decree](#).
- Where the petition is not based upon 2 years' separation Question 6/Question 9 on M6A should be deleted. Question 6/Question 9 on M6A should be omitted on forms to be served on co-respondents.
- Where the petition is not based upon 5 years' separation Question 7/Question 10 on M6A should be deleted. Question 7/Question 10 on M6A should be omitted on forms to be served on co-respondents.
- Question 8/Question 11 on M6A is concerned with applications under [Article 12\(2\) of the Matrimonial Causes \(NI\) 1978 Order](#) and [Section 172 of the Civil Partnership Act 2004](#) for the court to consider the financial position of the respondent after the divorce. An application should be made in Form M14 FPR 1996 before the decree is made absolute under [Rule 2.48 FPR 1996](#). Where the petition is not based on 2 years' separation or 5 years' separation Question 8/Question 11 on M6A should be deleted. Question 8/Question 11 on M6A should be omitted on forms to be served on co-respondents.
- Where the petition is not based on 2 years' separation the reference to that ground in Question 8/Question 11 on M6A should be deleted.
- Where the petition is not based on 5 years' separation the reference to that ground in Question 8 Question 11 on M6A should be deleted.
- Question 9/Question 12 on M6A should correspond to the reference to costs in the prayer of the petition. If the petitioner does not request in the prayer that an order for costs be made against the respondent or the respondent and co-respondents, Question 9/Question 12 on M6A should be deleted. If respondents are being asked to pay half costs, Question 9/Question 12 on M6A should be amended to reflect that fact.
- Where there are no children of the family, Question 10/Question 13 on M6A should be deleted. Question 10/Question 13 on M6A should also be deleted on forms to be served on co-respondents.
- Question 11 should be deleted where it does not apply.
- The form must be signed by either the respondent or their legal representative. If the respondent consents to a decree on a two year ground (Question 5/Question 9 on M6A), admits adultery (Question 6) and/or agrees

with the Statement of Arrangements for Children (Question 10b/Question 13b on M6A) they must sign the form personally.

- If respondents are legally represented, it is not necessary for their address to be included as all further documentation will be served on their solicitor.
- Solicitors signing on behalf of clients should sign in person rather than endorse the form with the firm's name.

Completing an Affidavit of Service

Where a copy of a petition has been served on a party personally and no acknowledgement of service has been returned to the Matrimonial Office, service may be proved by filing an affidavit of service in Form M7 FPR 1996 ([Rule 2.10\(3\) FPR 1996](#)). [Order 41 of the Rules of the Court of Judicature \(Northern Ireland\) 1980](#) and [Practice Direction 5/2005](#) makes further provision as to the content and format of affidavits. Affidavits of service cannot be relied upon to prove service in circumstances where the sole ground of divorce is 2 years separation.

Affidavits of service must be entitled as per [Form M3 of the FPR 1996](#).

One of the two options should be deleted. In the case of a petition to be set down before the county court the county court division should be inserted, i.e. the **County Court Division of Antrim**.

In the High Court of Justice in Northern Ireland

Family Division⁽¹⁾

In the County Court for the Division of⁽¹⁾

Between

Petitioner

and

Respondent

and

Co-Respondent⁽¹⁾

(1) Delete if inapplicable

The affidavit must state the full name, address, age (i.e. over 18 years old) and occupation of the person serving the papers.

The affidavit must specify the means by which the Process Server identified the respondent/co-respondent/petitioner/party-cited, such as;

- the presence of the petitioner/respondent at time of service who identified the person served;

- admission by the person served that he/she is the respondent/co-respondent/petitioner/party-cited coupled with the production of identification. Identification may include driving licence, passport, pension book, family allowance book, utility bill, bank statement, benefit book etc;
- a photograph. If the photo is a group photo the party who is being served should be clearly marked, and the party must state that he/she is the person in the photograph. The photograph used for identification must be lodged as an exhibit to the affidavit, and the person who served the papers should sign the photograph on the back;
- personal knowledge on the part of the Process Server of the respondent/co-respondent/petitioner/party-cited. In such cases the means of knowledge should be described;
- the respondent/co-respondent/petitioner/party-cited signing a receipt for the papers. In such cases the original receipt should be an exhibit to the affidavit and there must be a letter signed by the petitioner/respondent stating that they recognise the respondents/co-respondents/petitioners/party-cited's signature.

Guidance on completing Answers

Notice of intention to defend must be made by way of the return of the acknowledgement of service to the Matrimonial Office within 14 days (inclusive of the day of service). A respondent, co-respondent or party-cited's answer to a petition must be filed within 21 days of the expiration of the time limited for giving notice of intention to defend. A petitioner may file a reply to an answer within 14 days of receipt. If a petitioner does not file a reply to an answer, he shall upon filing a certificate of readiness be considered to have denied every material allegation in the answer filed by the respondent. No pleadings subsequent to a reply may be filed without leave.

If the answer is more than a simple denial of facts it should contain the facts relied upon by the respondent, co-respondent or party cited. If the answer is lodged by the husband / wife / civil partner and the facts contained in the original petition regarding children of the family are disputed the answer should contain the full particulars relied upon by the respondent. An answer lodged by the husband / wife / civil partner, must also contain the information required in the case of a petition by paragraph 1(m) of [Appendix 2 FPR 1996](#) (on the grounds of a 5 year separation, the arrangements made or proposed to be made for the support of the respondent, petitioner or children of the family).

In an answer and cross petition, the respondent must ask for the prayer of the petitioner's petition to be rejected, and the petition itself to be dismissed. The respondent must also ask the court to dissolve the marriage/civil partnership, to judicially separate the parties/to nullify the marriage/or to declare the marriage null and void on foot of the answer and cross petition. An answer and cross petition must contain the information required by [paragraph 1 of Appendix 2 FPR 1996](#).

Service of the documents must be lodged with answers, that is, the, M5A/ M5 and M6A/ M6. The respondent may also lodge an M4.

Guidance on Supplemental Petitions, Pleadings and Amendment of a Petition

A petition may be amended without leave before it is served but only with leave after it has been served. There is currently no fee for lodging a supplemental, second or amended petition, however the application for leave carries the normal summons fee.

An application for leave may, if every opposite party consents in writing to a supplementary petition being filed or the petition being amended, be made ex-parte by lodging in the Matrimonial Office the supplementary petition or a copy of the petition as proposed to be amended, together with the appropriate consent. In any other case, the application should be made by summons to be served, unless the court otherwise directs, on every opposite party. The Master may, if he thinks fit, require an application for leave to be supported by an affidavit as per [Rule 2.13\(4\) FPR 1996](#). An order granting leave may if any party has given notice of intention to defend, fix the time within which his answer must be filed or amended and may where the order is made after the certificate of readiness has been lodged, provide for a stay of the hearing until after the certificate has been renewed see [Rule 2.13\(5\) FPR 1996](#).

An amendment authorised to be made by order of the Master under this rule shall be made by filing a copy of the amended petition. An amended petition should be dated the same date as the original petition.

All documents lodged in relation to a second petition must be entitled “**second petition**”. The word “**petition**” should be replaced with the words “**second petition**” anywhere that it occurs. Most often this will be omitted from the first line of Form M5/M5A and Box 1 of Form M6/M6A. Paragraph 8 of the petition (other proceedings in relation to the marriage/civil partnership) must include reference to the order granting leave to file a second petition. For example “**Leave granted by Master/Judge (insert name) on (date) to lodge a second petition**”. A second petition should be dated following the Master’s order and the case will be allocated a new reference number by the court office.

When lodging an amended petition (amended petitions may only be lodged if the amendment is sought to address a matter which could have been relied upon when the original petition was drafted. Any other amendment must be made by way of a second petition), changes must be underlined in red. All documents lodged must be entitled “amended petition” and the word “petition” should be replaced with the words “amended petition” anywhere else that it appears. The word “amended” must also be underlined in red. Paragraph 8 of the petition (other proceedings in relation to the marriage) must include reference to the order granting leave to file an amended petition.

Forms M5/M5A and M6/M6A should be altered to refer to the amended petition with the words amended petition underlined in red.

Unless the court otherwise directs, a copy of a supplemental or amended petition, together with a copy of the order (if any) made under this rule shall be served on every respondent and co-respondent named in the original petition or in the supplemental or amended petition.

Certificate of Readiness

[Rule 2.28 FPR 1996](#) applies to lodging a certificate of readiness. An application to set down for hearing can be made when service on all respondents has been verified by a Masters order, affidavit of service or an acknowledgement of service and all-time limits for lodging answers and replies have expired.

In order for applications to be set down for hearing, a certificate of readiness must be lodged in the Matrimonial Office. In defended petitions an indexed and numbered booklet of pleadings must be lodged also, please refer to [Rule 2.28\(2\) FPR 1996](#) and [Practice Note 1-2025 The Submission and use of e-bundles when setting down and Hearing a Defended Cause | Judiciary NI](#). Applications may be set down for hearing by the petitioner, any party defending an application or in the case of an undefended application proceeding on the respondents answer, the respondent.

The certificate of readiness should also be entitled as per [Form M3 FPR 1996](#). One of the two options should be deleted. In the case of a petition to be set down before the county court the county court division should be inserted, i.e. the **County Court Division of Antrim**. In the case of a petition to be set down before the county court, the desired place of hearing should be inserted.

In the High Court of Justice in Northern Ireland

Family Division⁽¹⁾

In the County Court for the Division of⁽¹⁾

Between

Petitioner

and

Respondent

and

Co-Respondent⁽¹⁾

(1) Delete if inapplicable

Applying to make a Decree Nisi Absolute

An application for a decree nisi to be made absolute/ or for a conditional order to be made final, may be made by lodging an application in Form M10 as per [Rule 2.52\(1\) FPR 1996](#). A decree cannot be made absolute before the expiration of six weeks from the day that the order was granted unless the court fixes a shorter period by

order as per [Article 3\(6\) of the Matrimonial Causes \(NI\) Order 1978](#) or as per [section 162 of the Civil Partnership Act 2004](#). For administrative purposes the period between decree nisi and decree absolute is calculated as six weeks and one day, the one day being the day on which the order was granted.

A decree nisi/conditional order cannot be made absolute unless the court is satisfied that;

- no appeal against the decree (or the conditional order) and no application for withdrawal of the decree (or the conditional order) is pending;
- no order has been made by the Court of Appeal extending the time for appealing against the decree (or the conditional order) or, if any such order has been made, that the time so extended has expired;
- no application to the Court of Appeal for an extension of time for appealing against the decree is pending;
- no intervention by the Crown Solicitor as per [Rule 2.49 FPR 1996](#) or other person see [Rule 2.50 FPR 1996](#), is pending;
- the court has complied with [Article 44\(1\) of the Matrimonial Causes \(NI\) Order 1978](#) regarding restrictions on decrees for dissolution, annulment or separation affecting children and has not given any direction under [Article 44\(2\)](#) which is a direction that the decree will not be made absolute until the court has made provision for the children of the family under the [Children \(Northern Ireland\) Order 1995](#);
- if the cause is a civil partnership cause, that the court has complied with [section 186\(1\) of the Civil Partnership Act of 2004](#) and has not given any direction under [section 186\(2\) of that Act](#);
- where a certificate has been granted under [section 12 of the Administration of Justice Act 1969](#) (c.58) (Grant of Certificate by Trial Judge) in respect of the decree (or the conditional order);
 - that no application for leave to appeal directly to the House of Lords is pending;
 - that no extension of the time to apply for leave to appeal directly to the House of Lords has been granted or, if any such extension has been granted, that the time so extended has expired;
 - that the time for any appeal to the Court of Appeal has expired;
 - that the provisions of [Article 12\(2\) to \(4\) of the Matrimonial Causes \(NI\) Order 1978](#) (application for the consideration of the financial position of the respondent after the divorce) do not apply or have been complied with as per [Rule 2.52\(2\) FPR 1996](#).
- If the cause is a civil partnership cause, that the provisions of [section 172\(2\) to \(5\) of the Act of 2004](#) do not apply or have been complied with;

- that there is not pending a reference under [section 8\(5\) of the Gender Recognition Act 2004](#) in respect of the application in which the interim gender recognition certificate to which the petition relates was granted;
- that that interim certificate has not been revoked under [section 8\(6\)\(b\) of the Gender Recognition Act 2004](#), and;
- that no appeal is pending against an order under [section 8\(6\)\(a\) of the Gender Recognition Act 2004](#);

An application for a decree nisi to be made absolute/application to make a conditional order final, should be made to the court which made the decree nisi/conditional order. County court applications should be forwarded to the appropriate county court rather than the Matrimonial Office.

If a notice in Form 10 is lodged more than 12 months after the decree nisi/conditional order, the Master may require the applicant to file an affidavit accounting for the delay and may make the decree absolute or refer the application to the judge as he sees fit as per [Rule 2.52 FPR 1996](#).

Notice of an application for a decree nisi to be made absolute must be entitled as per [Form M3 of the FPR 1996](#). One of the two options should be deleted. In the case of a petition to be set down before the county court the county court division should be inserted, i.e. the **County Court Division of Antrim**.

In the High Court of Justice in Northern Ireland

Family Division⁽¹⁾

In the County Court for the Division of⁽¹⁾

Between

Petitioner

and

Respondent

and

Co-Respondent⁽¹⁾

(1) Delete if inapplicable

If a co-respondent was dismissed at the nisi hearing, references to them should be omitted from the Form 10.

A Form 10 must be lodged by the person in whose favour the decree nisi/conditional order was granted under [Rule 2.52\(1\) FPR 1996](#). If the Petitioner does not apply for the decree absolute within 3 months the respondent may make an application to the court for leave, by way of summons and affidavit, no earlier than 3 months from the date of the expiry of the period mentioned above as per Rule. [2.53\(2\)\(a\) or \(b\) FPR 1996](#) and [section 164\(2\)\(b\) of the Civil Partnership Act 2004](#) in respect of conditional orders.