

**FORM M5**

**RULE 2.6(4)**

**NOTICE OF PROCEEDINGS**

**IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND  
FAMILY DIVISION**

Between

Petitioner

and

Respondent

and

Co-Respondent

TAKE NOTICE that a petition (for divorce) (originating summons) has been presented to the Court. A sealed copy of it (and a copy of the petitioner's Statement of Arrangements regarding the children) (is) (are) delivered with this notice.

1. You must complete and detach the acknowledgement of service in Form M6 and send it so as to reach the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, within 14 days after you receive this notice, inclusive of the day of receipt. Delay in returning the form may add to the costs.
2. If you intend to instruct a solicitor to act for you, you should at once give him all documents which have been served on you, so that he may send the acknowledgement to the Matrimonial Office on your behalf. If you do not intend to instruct a solicitor, you should nevertheless give an address for service in the acknowledgement so that any documents affecting your interests which are sent to you will in fact reach you. Change of address should be notified to the Matrimonial Office.

**NOTES ON QUESTIONS IN FORM M6**

2A

- (a) If you answer "Yes" to Question 1A please attach a copy of any relevant order or court documents to the acknowledgement of service.
  - (b) Before answering "Yes" to Question 1A or "No" to Question 1D you should understand that the court will need to decide whether it has jurisdiction to entertain the proceedings. In these circumstances, the proceedings may be stayed whilst the court reaches its decision
3. If you answer Yes to Question (4 or 7) you must within 35 days after you receive this notice, inclusive of the day of receipt, file in the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, an answer to the petition, and deliver a copy to every other party to the proceedings. The case will then be transferred to the High Court.

4. Before you answer Yes to Question 5 you should understand that –
  - a) you are under no obligation to answer this question but you may do so if you wish;
  - b) the answer Yes will be treated by the Court as an admission on which the petitioner is entitled to rely and may result in an order for costs being made against you.
  - c) if you are in any doubt about the answer to give you should consult a solicitor
5. Before you answer Yes to Question 6 you should understand that –
  - (a) if the petitioner satisfies the Court that the petitioner and you have lived apart for 2 years immediately before the presentation of the petition and that you consent to decree, the Court will grant one unless it considers that the marriage has not broken down irretrievably;
  - (b) a decree absolute of divorce will end your marriage so that –
    - i. any right you may have to a pension which depends on the marriage continuing will be affected;
    - ii. you will not be able to claim a State widow's pension when the petitioner dies;
  - (c) once the Court grants a decree absolute of divorce or a decree of judicial separation, you will lose your right to inherit from the petitioner if he or she dies without having made a will;
  - (d) a decree may have other consequences in your case depending on your particular circumstances and if you are in any doubt about these you would be well advised to consult a solicitor.
6. If after consenting you wish to withdraw your consent you must immediately inform the Matrimonial Office and give notice to the petitioner.
7. The petitioner relies in support of the petition on the fact that the parties to the marriage have lived apart for at least 5 years. Article 12 of the Matrimonial Causes (Northern Ireland) Order 1978 provides that if in such a case the respondent applies to the Court for it to consider the respondent's financial position after the divorce a decree nisi based on 5 years' separation only cannot be made absolute unless the Court is satisfied that the petitioner has made or will make proper financial provision for the respondent, or else that the petitioner proposes to make any financial provision for you. It is important that you should consider this information carefully before answering Question 7 in the acknowledgement.
8. If you answer Yes to Question 8 you must, before the decree is made absolute, make application to the Court by filing and serving on the petitioner a notice in Form M14.
9.
  - (a) If you do not wish to defend the case but object to the claim for costs, you should answer Yes to Question 9 in the acknowledgement. You must state the grounds on which you object. An objection cannot be entertained unless grounds are given which, if established, would form a valid reason for not paying the costs. If such grounds are given, you will be notified of a date on which you must attend before the Judge if you wish to pursue your objection.
  - (b) If you do not object to the claim for costs but simply wish to be heard on the amount to be allowed, you should answer No to Question 9
  - (c) If you are ordered to pay costs, that amount will, unless agreed between the petitioner and yourself, be fixed by the Court, or will be taxed by the taxing master, after lodgment of

the petitioner's bill of costs. In the latter event, you will be sent a copy of the bill and will have the right to be heard about the amount before it is finally settled.

10. Please answer Question 10 If your answer to Question 10(b) is Yes make sure you sign the Form M6 at the end.

11. If you wish to make an application for

- a residence order
- a contact order
- a specific issue order
- a prohibited steps order

in respect of a child you will have to make a separate application on Form C1. Before you apply for any of these orders or any other order which may be available to you under the Children (Northern Ireland) Order 1995 you are advised to see a solicitor.

12. If you wish to contest the petitioner's financial or property claim, you will have an opportunity of doing so when you receive a notice stating that the petitioner intends to proceed with the claim. You will then be required to file an affidavit giving particulars of your property and income and be notified of the date when the claim is to be heard.

13. If you wish to make some financial or property claim on your own account, you will have to make a separate application. If you are in doubt as to the consequences of divorce on your financial position, you should obtain legal advice from a solicitor.

14. If the petition is brought on the ground that an interim gender recognition certificate has been issued to a party to the marriage (under Article 14(g) of, or paragraph 18(1)(e) of the Matrimonial Causes (Northern Ireland) Order 1978) and such a certificate has been issued to you, you shall, when returning the acknowledgement of service, attach to it a copy of your interim certificate.

15. If the petition is brought on the ground that your gender was the acquired gender at the time of the marriage under the Gender Recognition Act 2004 (under Article 14(h) of the Matrimonial Causes (Northern Ireland) Order 1978) and a full gender recognition certificate has been issued to you, you shall, when returning the acknowledgement of service, attach to it a copy of your full certificate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

Master \_\_\_\_\_

To