

Nullity Petition Checklist

- Correct fee is paid
- Long form Marriage Certificate Lodged (If certificate not in English translation certified by a notary public or authenticated by affidavit also lodged)
- Void and Voidable - Grounds A & B – Parties may apply for a Nullity at any time after the marriage
- Voidable (Grounds C, D, E & F) Parties MUST apply within 3 years of the marriage – if not within 3 years leave must be granted
- Original Petition, M5 & M6 lodged with sufficient copies for all parties lodged
- Correct heading stated on petition
- Check details of marriage - If void then it should read that there was a celebration of marriage
- If voidable then it should read that the parties were lawfully married
- Names of parties are correct (if deed poll referred to copy required)
- Court Jurisdiction paragraph correct – one of the following should be stated:
- a. The Petitioner and Respondent are both habitually resident in Northern Ireland.
 - b. The Petitioner and Respondent were last habitually resident in Northern Ireland and the (Petitioner) (Respondent) still resides there (Delete as appropriate)
 - c. The Respondent is habitually resident in Northern Ireland.
 - d. 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. (You should give the address(es) where you lived during that time and the length of time you lived at each address)
 - e. 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. (You should give the address(es) where you lived during that time and the length of time lived at each address)
 - f. The Petitioner and the Respondent are both domiciled in Northern Ireland.
 - g. Either the Petitioner or the Respondent is domiciled in Northern Ireland.

Correct wording for grounds of divorce used – Article 13 or 14 Of Matrimonial Causes Order 1978

Article 13 – Grounds on which a marriage is Void

- a. That the parties are within the prohibited degrees of relationship;
- b. That it is not a valid marriage under the provisions of the Age of Marriage Act (Northern Ireland) 1951 (a) (persons under 16);
- c. 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;
- d. That at the time of the marriage either party was already lawfully married;
- e. That the parties are not respectively male and female
- f. 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 - Grounds on which a marriage is voidable

- a. that the marriage has not been consummated owing to the incapacity of either party to consummate it;
- b. that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it;
- c. that either party to the marriage did not validly consent to it, whether in consequence of duress, mistake or unsoundness of mind or otherwise;
- d. 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;
- e. that at the time of the marriage the respondent was suffering from venereal disease in a communicable form;
- f. that at the time of the marriage the respondent was pregnant by some person other than the petitioner.

Particulars of petition are completed

Prayer of petition has been completed – it states either The said marriage be null and void or The said marriage be annulled/voidable

Petition is signed (by Counsel or Solicitor (in his own name or the name of the firm) or by the Petitioner if he sues in person)

Petition is dated

Petitioner's address of service is completed

Respondent's address for service is completed

M5

Paragraph 1 refers to Nullity Petition

Details are relevant to petition grounds

M6

Q1 refers to Nullity Petition

Q1 - 4 must be available

Q1a(v) refers to Article 19

All other questions comply with grounds of petition

Q9 matches petition re costs

This Petition has been drafted and checked and complies with the above checklist and Notes for Guidance.

Signed

(Solicitor for the Petitioner)