



# Nullity application

## Section 1 – Your application

**1.1** I apply for an annulment in respect of my

- marriage
- civil partnership

and give the following details in support of my application

**1.2** What documents are you supplying to support your application?

- Your marriage or civil partnership certificate or a certified copy of the certificate from where you got married or entered into a civil partnership (a photocopy will **not** be accepted).
- A translation that has been certified by a notary public or authenticated by a statement of truth by the person who did the translation. This should be provided if your marriage or civil partnership certificate (or a similar document issued under the law in the country you registered your marriage or civil partnership) is not in English.

You can find information on making child arrangements if you divorce or separate at: <https://www.gov.uk/looking-after-children-divorce>

**Note 1.1:** How you divide your money and property is dealt with separately. You may wish to consider taking legal advice.

Any application for costs in a standard (undisputed) case should be made using form D11 application notice. This is available on the gov.uk website.

For marriages/civil partnerships in England and Wales you can order a copy of the certificate at [www.gro.gov.uk/gro/content/certificates](http://www.gro.gov.uk/gro/content/certificates). You will need to pay for each copy.

## Section 2 – About you

### 2.1 Full name

First name(s)

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Middle name(s)

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Last name

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Is this either your married name or the name shown on your marriage or civil partnership certificate?

Yes

No. Please attach your change of name deed/statutory declaration or if this is not applicable, explain why your name has changed

**Note 2.1:** This can be different to the one on your marriage or civil partnership certificate. This can be your last name, your spouse/civil partner's last name or a double barrelled last name that combines the two. If you have changed your name, other than through your marriage, since you got married you must attach a copy of your change of name deed or otherwise explain why your name has changed.

### 2.2 What is your date of birth?

Day

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Month

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Year

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### 2.3 What is your gender?

Male

Female



**2.8** The solicitor's reference number (if applicable)

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**2.9** Name of the solicitor's firm

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**2.10** Address of solicitor's firm

Building and street

Second line of address

Town or city

County (optional)

Country

Postcode

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DX address (if applicable)

Phone number

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Email


## Section 3 – About the respondent

### 3.1 Full name

First name(s)

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Middle name(s)

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Last name

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### 3.2 Is this either the married name or the name shown on the marriage or civil partnership certificate?

Yes

No. Please attach the change of name deed/statutory declaration or if this is not applicable, explain why the name has changed

### 3.3 What is their date of birth?

Day

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Month

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Year

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### 3.4 What is their gender?

Male

Female

**3.5** What is the address of the respondent?

Building and street

Second line of address

Town or city

County (optional)

Country

Postcode

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Phone number (if there is one)

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Please insert the respondent's usual email address or an email address provided by the respondent for service (for example, their solicitor's email address). You should avoid using a work email address, as this may not be confidential.

Email (if there is one)

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I confirm that to the best of my knowledge only the respondent has access to the above email account

**Note 3.5:** Where the application is to be served by the court this will be served by email with a notice confirming service sent to the respondent's postal address.

**Note:** You should use the email address actively used by the respondent for personal emails. Where the respondent has a solicitor who is instructed to accept service of the application, please insert the solicitor's email address here instead.

The email address should not be the same as the one given for the applicant.

**3.6** Is the application to be served on the respondent outside England and Wales?

- Yes. You must arrange service of this application on the respondent. **Go to question 3.8.**
- No

**Note 3.6:** If the respondent is not in England and Wales the applicant must arrange to serve this application on the respondent. Special rules about service may apply and you may wish to seek legal advice.

**3.7** The court will serve the application on the respondent by email and a notice sent by post unless you tick the box below

- Please serve this application by post only
- I will arrange service on the respondent

**3.8** Has the respondent provided a different address for the court documents to be sent to?

- Yes, please complete the address details below
- No. **Go to Section 4**

**Note 3.8:** Alternative addresses or solicitor addresses should be provided at question 3.12.

**3.9** The solicitor's name for the respondent (if applicable and if known)

**3.10** The solicitor's reference number (if applicable and if known)

**3.11** Name of the solicitor's firm (if applicable and if known)

**3.12** The solicitor's or other address they have provided

**Note 3.12:** The court will send documents to this address.

Building and street

Second line of address

Town or city

County (optional)

Country

Postcode

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DX address (if applicable)

Phone number

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## Section 4 – Details of marriage/civil partnership

You should attach your marriage or civil partnership certificate to this application, together with a certified translation in English if necessary (the court will usually keep your documents and not return them). If you do not have the original certificate and cannot get a copy of it, you will have to make a separate application, alongside this application, to issue this form without it.

**Note:** If you are applying without your marriage/civil partnership certificate you will need to make a separate application on form **D11** (Application notice) and pay another court fee. It is recommended that you seek legal advice if you are unsure of how to do this.

**4.1** Did your marriage/civil partnership take place outside of the UK?

Yes

No

**4.2** Are you making a separate application to issue without your marriage/civil partnership certificate?

Yes

No

If you answered 'Yes', to either question 4.1 or 4.2 above, please give the place where the marriage/civil partnership was formed, as it appears on your marriage/civil partnership certificate (if any)

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**4.3** Date of marriage or civil partnership

Day

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Month

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Year

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**4.4** Your full name as shown on your certificate

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Your spouse/civil partner's full name as shown on your certificate

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**4.5** Are the details set out in your marriage or civil partnership certificate correct?

Yes

No. Please explain why

## Section 5 – Why this court can deal with your case (Jurisdiction)

The court needs to understand why you think it has the legal power (jurisdiction) to deal with your application.

Please complete section 5.1 or if that section does not apply to you then complete section 5.2.

**Important:** If you need help deciding which reasons apply to you then you should consider seeking legal advice, particularly if you live outside England and Wales.

**5.1** The usual basis for the court to have jurisdiction is where one or both parties are habitually resident in England and Wales.

### Habitual Residence

Your habitual residence is the place in which your life is mainly based. You must be settled there and intend to stay settled there. Some of the following may apply: you work there, own property, have your children in school there, and your main family life takes place there.

### Domicile

Your domicile is the place of your permanent home in which you live, or to which you intend to return.

When you were born you will have acquired your parents' domicile (for example, your father's if they were married, or your mother's if they weren't married or if your father died before you were born). If you have since moved to another country and made that your permanent home then your domicile may have moved there.

If you were born in England or Wales, lived your entire life here, and intend to stay here, then it is very likely that you'll be **both habitually resident and domiciled** here.

**As the court will need to know the reason(s) for why you think it has jurisdiction to deal with the application, please tick the reason(s) from the list over the page.**

**Please tick the reasons that apply:**

- both parties to the marriage/civil partners are habitually resident in England and Wales;
- both parties to the marriage/civil partners were last habitually resident in England and Wales and one of them continues to reside there;
- the respondent is habitually resident in England and Wales;
- the applicant is habitually resident in England and Wales and has resided there for at least one year immediately before the application was made;
- the applicant is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately before the application was made;
- both parties to the marriage/civil partners are domiciled in England and Wales; **or**
- either
  - the applicant; **or**
  - the respondent
    - is domiciled in England and Wales; **or**
    - died before the application was made and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of one year ending with the date of death.

**OR** for civil partners or same sex marriage only

**5.2** If the options in section 5.1 do not apply to you, please consider if below is applicable:

- the parties registered as civil partners of each other in England or Wales or, in the case of a same sex couple, married each other under the law of England and Wales and it would be in the interests of justice for the court to assume jurisdiction in this case.

## Section 6 – The fact(s)

I rely on the following fact(s) in support of my application:

### In relation to a marriage:

Either the marriage is void because:

- The applicant and respondent are within the prohibited degrees of relationship
- The applicant/respondent was under the age of eighteen at the time of the marriage
- The applicant and respondent have intermarried in disregard of certain requirements as to the formation of marriage
- At the time of the marriage the applicant/respondent was already lawfully married or a civil partner
- In the case of a polygamous marriage entered into outside England and Wales, one party was at the time of the marriage domiciled in England and Wales

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### Prohibited degrees of relationship within a marriage or civil partnership:

This is where you and your spouse/civil partner are closely related to each other. A full list of the relations you can not legally marry/form a civil partnership can be found in Part 1 of the First Schedule of the Marriage Act 1949 and in Schedule 1 of the Civil Partnership Act 2004 (see [www.legislation.gov.uk](http://www.legislation.gov.uk))

### Requirements for the formation of a marriage or civil partnership:

Marriages and civil partnerships that take place in England and Wales have to fulfil certain criteria to be legally valid. For a full list of the criteria please see sections 25 and 49 of the Marriage Act 1949 or Section 49(b) of the Civil Partnership Act 2004. (see [www.legislation.gov.uk](http://www.legislation.gov.uk))

### Polygamous marriages

If you are in a polygamous marriage, which was entered into outside of the United Kingdom, but at the time either you or your spouse was domiciled in England and Wales it is possible for either you or your spouse to apply for an annulment for this reason. A marriage is not polygamous if at the time of the marriage neither party is already married.

**or, the marriage is voidable because:**

- The marriage was not consummated owing to the incapacity of the applicant/respondent to consummate it (this will not apply to marriages of same sex couples)
- The marriage was not consummated owing to the wilful refusal of the respondent to consummate it (this will not apply to marriages of same sex couples)
- The applicant/respondent did not validly consent to its formation, whether in consequence of duress, mistake, unsoundness of mind or otherwise
- 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 1983 of such a kind or to such an extent as to be unfitted for marriage
- At the time of the marriage the respondent was suffering from venereal (sexually transmitted) disease in a communicable form
- At the time of the marriage the respondent was pregnant by some person other than the applicant
- An interim gender recognition certificate under the Gender Recognition Act 2004 has, after the time of the marriage, been issued to either party to the marriage
- The respondent is a person whose gender at the time of the marriage has become the acquired gender under the Gender Recognition Act 2004.

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**Non consummation of a marriage**

If your marriage has not been consummated (i.e. you have not had sexual intercourse with your spouse since your marriage) due to the wilful refusal of your spouse to consummate it, or if either you or your spouse has been unable to consummate the marriage due to a physical or mental reason you may be eligible to apply for an annulment for these reasons.

**Interim Gender Recognition**

**Certificate:** If either party to the marriage/civil partnership has been granted an interim gender recognition certificate since the date of marriage/civil partnership you may be eligible to apply for an annulment for this reason. For more information, please contact the Gender Recognition Panel on 0845 355 5155 or [www.grp.gov.uk](http://www.grp.gov.uk).

## In relation to a civil partnership:

Either the civil partnership is void because:

- At the time when they entered the civil partnership the parties were not eligible to register as civil partners of each other under Chapter one (Section 3) of the Civil Partnership Act 2004
- At the time of the civil partnership the parties both knew that:
  - due notice of proposed civil partnership had not been given
  - the civil partnership certificate had not been duly issued
  - the civil partnership document was void under section 17(3) or 27(2) (registration after end of time allowed for registering)
  - the place of registration was a place other than specified in the notices (or notice) of proposed civil partnership and the civil partnership document
  - a civil partnership registrar was not present
  - that the place of registration was on premises that are not approved premises although the registration was purportedly in accordance with section 6(3A)

or, the civil partnership is voidable because:

- The applicant or respondent did not validly consent to the formation of the civil partnership (whether as a result of duress, mistake, unsoundness of mind or otherwise)
- At the time of the formation of the civil partnership either party, 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 the formation of the civil partnership the respondent was pregnant by some person other than the applicant
- An interim gender recognition certificate under the Gender Recognition Act 2004 has, after the time of the formation of the civil partnership, been issued to either civil partner
- The respondent is a person whose gender at the time of the civil partnership had become the acquired gender under the Gender Recognition Act 2004 at the time of the formation of the civil partnership.

## International cases:

If the parties are a same sex couple who have entered into a legally recognised registered relationship outside the United Kingdom, their relationship may be recognised as an overseas relationship which can be treated as a civil partnership within the UK under the Civil Partnership Act 2004. At the time of registration the parties must have been of the same sex under the law of the country where the relationship was registered (known as the relevant law), and the parties will be treated as having a civil partnership if they were of the same sex under United Kingdom law at the time the relationship was registered or when the 2004 Act applied if later.

The civil partnership is void if the relationship is not an overseas relationship or if, although an overseas relationship, the parties are not treated as having formed a civil partnership. The civil partnership is voidable if the overseas relationship is voidable under the relevant law or in certain circumstances under the law of England and Wales. You may be able to apply for an annulment for these reasons.

## Section 7 – Statement of case

(in all cases, please state briefly any relevant details about the fact(s) on which you rely)



## Section 8 – Special assistance or facilities if you attend court

**8.1** If you are required to attend court during these proceedings will you need any special assistance or facilities?

Yes, please give details below

No

## Section 9 – Existing or previous court cases

**9.1** Are there any existing or previous court proceedings relating to your marriage/civil partnership or affecting its validity (including any existing or concluded court proceedings overseas)?

Yes, please give details below

No

Case number(s)

Summary of the existing or previous court proceedings

## Section 10 – Dividing your money and property – Orders which are sought

You can apply to the court about how your money, property, pensions and other assets are to be split. These are called financial orders and may include

- an order for maintenance pending suit/outcome
- periodical payments order
- secured provision order
- lump sum order
- property adjustment order
- Pension sharing/compensation sharing/attachment order

You can apply for orders for yourself, and/or, if appropriate for your children.

If you agree with your spouse or civil partner about how your property, money, pensions and other assets will be split, and want it to be legally binding, you can apply for a financial order to be made by consent.

If you disagree with your spouse or civil partner about how your property, money, pensions and other assets will be split, then you can ask the court to decide for you.

### 10.1 Do you want to apply for a financial order?

- Yes, I want to apply for a financial order for  
(select all that apply)
- myself
- the children
- No

**If you answer 'Yes' to question 10.1** the court will take no action at this stage. To formally start financial proceedings, you will also need to complete a separate application Form A or Form A1 and pay another court fee.

You can find more guidance on financial orders and how to get help agreeing on any issues at [www.gov.uk/money-property-when-relationship-ends/apply-for-a-financial-order](http://www.gov.uk/money-property-when-relationship-ends/apply-for-a-financial-order)

**If you answer 'No' to question 10.1** you can still apply for a financial order in the future, but only **until you remarry or form another civil partnership**. This restriction does not apply to pension sharing or pension compensation sharing orders.

If you are unsure what to do here it is recommended you seek legal advice.

Please note that decisions regarding child maintenance are usually made by agreement or by the Child Maintenance Service and the court can only make these orders under certain circumstances.

## Section 11 – Summary of what is being applied for (the prayer)

The applicant applies for the following:

### 11.1 The application

That the

- marriage be annulled
- civil partnership be annulled

### 11.2 Financial Order (if you ticked 'Yes' to the question at 10.1 and wish to make an application for a Financial Order)

That a financial order may be granted for:

- the applicant
- the children

### Money and property when you divorce or separate

You may be able to solve your financial and other arrangements outside of court, for example through mediation. You can find more information on mediation at <https://www.gov.uk/money-property-when-relationship-ends/mediation>

## Section 12 – Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I **believe** that the facts stated in this form and any continuation sheets are true.

**The applicant** believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the applicant to sign this statement.

### Signature

Applicant

Applicant's legal representative (as defined by FPR 2.3(1))

### Date

Day            Month            Year

Full name

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

## Court fee

### What you need to pay

the court fee is

### How to pay the court fee

**I have not included payment because**

- I have applied for Help with Fees online and my reference number is

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- I am applying for Help with Fees, see attached form **EX160**
- Other – please explain why

**A debit or credit card payment**

- I will pay over the phone.
- please email me details on how to pay, my email address is


- I attach a **cheque or postal order**, made payable to 'HMCTS'

### Court fee

You can find the current fee in leaflet EX50 Civil and Family Court Fees which can be downloaded from: [www.gov.uk/government/collections/court-and-tribunal-forms](http://www.gov.uk/government/collections/court-and-tribunal-forms)

### If you cannot afford the court fee

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income.

You can apply for help with court and tribunal fees online at [www.gov.uk/help-with-court-fees](http://www.gov.uk/help-with-court-fees) or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

**A debit or credit card payment.** The court will contact you within **28 days after** you submit the application. If you have not heard from the court within this time, call 0300 303 0642 (Monday to Friday: 8am to 6pm).

## When returning your form, you must include:

- **One original or certified** copy of your marriage/civil partnership certificate or a similar document issued under the law in force in the country where the marriage or civil partnership registration took place (photocopies will not be accepted). If your certificate is not in English then a certified translation must also be provided. The court will keep the documents you send. If you want them back you will need to apply for their return.

- **The court fee**

You can find the current fee in leaflet **EX50** Civil and Family Court Fees which can be downloaded from: <https://www.gov.uk/government/collections/court-and-tribunal-forms>

If you cannot afford to pay a court fee, you may be eligible for a fee remission or a reduced fee. The form **EX160** Apply for help with fees and the **EX160A** guidance booklet gives you further information – <https://www.gov.uk/get-help-with-court-fees>

If you are paying by cheque please remember to include it with your application and make it payable to 'HM Courts & Tribunals Service'.

## Please send your application and the items listed above to

Bury St Edmunds Regional Divorce Unit

Triton House

St Andrew's Street North

Bury St Edmunds

IP33 1TR

Phone: 0300 303 0642

Monday to Friday: 8am to 6pm

email: [divorceunitbse@justice.gov.uk](mailto:divorceunitbse@justice.gov.uk)

## Cheque payments

If you are paying by cheque, remember to include it with your application and make it payable to 'HMCTS'.