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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 322**

**The Family Proceedings Rules (Northern Ireland) 1996**

**Part II**

**Matrimonial causes**

**Petition, pleadings and amendment**

**Application for leave to present a petition for nullity**

**2.1.—(1)** An application under Article 16(4) of the Order of 1978 for leave to institute proceedings for a decree of nullity after the expiration of 3 years from the date of the marriage shall be made to the court in which the applicant wishes to present the petition, by originating summons in Form M1.

(2) There shall be filed in support of the summons an affidavit by the applicant exhibiting a copy of the proposed petition and (unless otherwise directed by the court on an application made *ex parte*) a certificate of the marriage and stating—

- (a) the grounds of the application;
- (b) whether there has been any previous application under Article 16(4) of the Order of 1978;
- (c) the date of birth of each of the parties.

(3) When the summons is issued it shall be made returnable for a fixed date before the judge in chambers.

(4) Unless the court otherwise directs, the summons shall be served on the respondent at least 14 clear days before the return date.

(5) The respondent may be heard without filing an affidavit.

(6) This Part of these Rules shall, so far as applicable, apply with the necessary modifications, to the application as if the originating summons were a petition and the applicant a petitioner.