



Matrimonial Causes Act 1965

1965 CHAPTER 72

PART I

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

Nullity

9 Additional grounds for decree of nullity

- (1) In addition to any other grounds on which a marriage is by law void or voidable, a marriage shall, subject to the next following subsection, be voidable on the ground—
 - (a) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it; or
 - (b) that at the time of the marriage either party to the marriage—
 - (i) was of unsound mind, or
 - (ii) was suffering from mental disorder within the meaning of the Mental Health Act 1959 of such a kind or to such an extent as to be unfitted for marriage and the procreation of children, or
 - (iii) was subject to recurrent attacks of insanity or epilepsy; or
 - (c) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form; or
 - (d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner.
- (2) The court shall not grant a decree of nullity in a case falling within paragraph (b), (c) or (d) of the foregoing subsection unless it is satisfied that—
 - (a) the petitioner was at the time of the marriage ignorant of the facts alleged ; and
 - (b) proceedings were instituted within a year from the date of the marriage ; and
 - (c) marital intercourse with the consent of the petitioner has not taken place since the petitioner discovered the existence of the grounds for a decree.
- (3) Nothing in this section shall be construed as validating a marriage which is by law void but with respect to which a decree of nullity has not been granted.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

10 Application of ss. 5(7), 6 and 7 to nullity proceedings

Sections 5(7), 6 and 7 of this Act shall apply in relation to proceedings for nullity of marriage as if for any reference in those provisions to divorce there were substituted a reference to nullity of marriage.

11 Legitimacy of children of annulled marriages

Where a decree of nullity is granted in respect of a voidable marriage, any child who would have been the legitimate child of the parties to the marriage if at the date of the decree it had been dissolved instead of being annulled shall be deemed to be their legitimate child.