

STATUTORY INSTRUMENTS

**1978 No. 1045**

**Matrimonial Causes (Northern Ireland) Order 1978**

**PART II**

**DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS**

*Nullity*

**Grounds on which a marriage is void**

**13.**—(1) A marriage celebrated after the commencement of this Article shall be void on the following grounds only, that is to say—

- (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 (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<sup>[F1]</sup> or a civil partner];
- <sup>F2</sup>(e) .....
- (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.

(2) For the purposes of paragraph (1)(f) a marriage<sup>[F3]</sup> is not polygamous if] at its inception neither party has any spouse additional to the other.

<sup>[F4]</sup>(3) Paragraph (4) applies in the case of a marriage which results from the conversion, or purported conversion, of a civil partnership into a marriage—

- (a) under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
- (b) under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.

(4) The marriage is void if (but only if) the civil partnership was void.]

**F1** 2004 c. 33

**F2** Art. 13(1)(e) omitted (13.1.2020) by virtue of [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **5(1)** (with regs. 6-9)

**F3** 1995 NI 20

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**Changes to legislation:** There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Section 13. (See end of Document for details)

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**F4** Art. 13(3)(4) inserted (7.12.2020) by The Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/1143), regs. 1(2), **37(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Section 13.