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STATUTORY INSTRUMENTS

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**1978 No. 1045**

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

**PART II**

**DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS**

*Nullity*

**Bars to relief where marriage is voidable**

**16.**—(1) The court shall not, in proceedings instituted after the commencement of this Article, grant a decree of nullity on the ground that a marriage is voidable if the respondent satisfies the court—

- (a) that the petitioner, with knowledge that it was open to him to have the marriage avoided, so conducted himself in relation to the respondent as to lead the respondent reasonably to believe that he would not seek to do so; and
- (b) that it would be unjust to the respondent to grant the decree.

[<sup>F1</sup>(2) Without prejudice to paragraph (1), the court shall not grant a decree of nullity by virtue of Article 14 on the grounds mentioned in paragraph (c), (d), (e)[<sup>F2</sup>, (f) or (h)] of that Article unless—

- (a) it is satisfied that proceedings were instituted within the period of three years from the date of the marriage, or
- (b) leave for the institution of proceedings after the expiration of that period has been granted under paragraph (4).]

[<sup>F2</sup>(2A) Without prejudice to paragraph (1), the court shall not grant a decree of nullity by virtue of article 14 on the ground mentioned in paragraph (g) of that Article unless it is satisfied that proceedings were instituted within the period of six months from the date of issue of the interim gender recognition certificate.]

(3) Without prejudice to paragraphs (1) and (2), the court shall not grant a decree of nullity by virtue of Article 14 on the grounds mentioned in paragraph (e)[<sup>F2</sup>, (f) or (h)] of that Article unless it is satisfied that the petitioner was at the time of the marriage ignorant of the facts alleged.

[<sup>F1</sup>(4) In the case of proceedings for the grant of a decree of nullity by virtue of Article 14 on the grounds mentioned in paragraph (c), (d), (e)[<sup>F2</sup>, (f) or (h)] of that Article, a judge of the court may, on an application made to him, grant leave for the institution of proceedings after the expiration of the period of three years from the date of the marriage if—

- (a) he is satisfied that the petitioner has at some time during that period suffered from mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986; and
- (b) he considers that in all the circumstances of the case it would be just to grant leave for the institution of proceedings.

(5) An application for leave under paragraph (4) may be made after the expiration of the period of three years from the date of the marriage.]

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**Changes to legislation:** There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Section 16. (See end of Document for details)

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| <b>F1</b> | 1989 NI 4 |
| <b>F2</b> | 2004 c. 7 |

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Causes (Northern Ireland) Order 1978, Section 16.