



Matrimonial Causes Act 1973

1973 CHAPTER 18

PART I

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

Nullity

13 Bars to relief where marriage is voidable.

- (1) The court shall [^{F1}not make a nullity of marriage order] on the ground that a marriage is voidable if the respondent satisfies the court—
- that the [^{F2}applicant], 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
 - that it would be unjust to the respondent to [^{F3}make the order].

- [^{F4}(2) Without prejudice to subsection (1) above, the court shall not [^{F5}make a nullity of marriage order] by virtue of section 12 above on the grounds mentioned in paragraph (c), (d), (e) [^{F6}, (f) or (h)] of that section unless—
- it is satisfied that proceedings were instituted within the period of three years from the date of the marriage, or
 - leave for the institution of proceedings after the expiration of that period has been granted under subsection (4) below.]

- [^{F7}(2A) Without prejudice to subsection (1) above, the court shall not [^{F8}make a nullity of marriage order] by virtue of section 12 above on the ground mentioned in paragraph (g) of that section 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 subsections (1) and (2) above, the court shall not [^{F9}make a nullity of marriage order] by virtue of section 12 above on the grounds mentioned in paragraph (e) [^{F6}, (f) or (h)] of that section unless it is satisfied that the [^{F10}applicant] was at the time of the marriage ignorant of the facts alleged.

Changes to legislation: There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 13. (See end of Document for details)

- [^{F11}(4) In the case of proceedings for the [^{F12}making of a nullity of marriage order] by virtue of section 12 above on the grounds mentioned in paragraph (c), (d), (e) [^{F6}, (f) or (h)] of that section, 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 [^{F13}applicant] has at some time during that period suffered from mental disorder within the meaning of the Mental Health Act 1983, 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 subsection (4) above may be made after the expiration of the period of three years from the date of the marriage.]

Textual Amendments

- F1** Words in s. 13(1) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(2\)\(a\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2
- F2** Word in s. 13(1)(a) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(2\)\(b\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2
- F3** Words in s. 13(1)(b) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(2\)\(c\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2
- F4** S. 13(2) substituted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), [ss. 2\(2\)](#), 48(2)
- F5** Words in s. 13(2) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(3\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2
- F6** Words in s. 13(2)(3)(4) substituted (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), [ss. 11](#), 26, [Sch. 4 para. 6](#); S.I. 2005/54, [art. 2](#)
- F7** S. 13(2A) inserted (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), [ss. 4\(4\)](#), 26, [Sch. 2 para. 3](#); S.I. 2005/54, [art. 2](#)
- F8** Words in s. 13(2A) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(4\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2
- F9** Words in s. 13(3) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(5\)\(a\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2
- F10** Word in s. 13(3) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(5\)\(b\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2
- F11** S. 13(4)(5) added by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), [ss. 2\(3\)](#), 48(2)
- F12** Words in s. 13(4) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(6\)\(a\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2
- F13** Word in s. 13(4)(a) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 13\(6\)\(b\)](#) (with s. 8(6)); S.I. 2022/283, reg. 2

Modifications etc. (not altering text)

- C1** S. 13(4) modified by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), [ss. 46\(2\)](#), 47(1), 48(2), [Sch. 2 para. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 13.