

ANNULMENT OF MARRIAGE

Asking the court to annul your marriage is a lot like asking it for a divorce. However, there are some very important differences between annulment and divorce:

- You can ask for an annulment at any time. You have to be married for at least 1 year if you want a divorce.
- You can ask for an annulment only in very particular circumstances. If none of those apply in your case, you cannot ask for an annulment. It is much easier to show that you are entitled to a divorce than an annulment.
- An annulment means the law treats you as if you were never married to your husband/wife. A divorce means that the law treats you as having been legally married to your husband/wife up to the time when the court ends your marriage.

You can ask the court for an annulment only if:

- Your marriage was never legally valid (you had a 'void marriage').
- Your marriage was valid but was legally defective (you had a 'voidable marriage').

A marriage will never have been legally valid if:

- You are too closely related either by blood or by marriage to your husband/wife.
- You and your husband/wife have the same gender.
- Either you or your husband/wife was under 16 years of age at the date of your marriage.
- One or both of you was already married or in a civil partnership at the date of your marriage.

A marriage will have been valid but legally defective if:

- You have not had sex with your husband/wife since you were married either because your husband/wife was incapable of having sex or because your husband/wife has refused to have sex with you.
- You or your husband/wife did not properly consent to the marriage (for example, someone forced you into it against your will).
- You or your husband/wife was suffering from a mental illness that meant you or your husband/wife was unfitted for marriage.
- Your husband/wife was suffering from a sexually transmitted disease when you got married.
- Your wife was pregnant by someone else when you got married.
- You or your husband/wife has undergone gender reassignment.

If you are asking the court to annul a legally defective marriage, it may refuse to do so if you have not applied to the court within a certain time. Different time limits apply to different grounds so it is important that you take advice sooner rather than later if you are thinking about asking for an annulment.

Remember: if the court annuls your marriage, the law treats you as if you were never married in the first place. This might have important implications for you so it would be sensible to ask a lawyer about annulment before applying to the court.

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FACT 2

Applying for an annulment is very similar to applying for a divorce. You must submit the correct paperwork to the court and pay the relevant fee. Once the court has heard from your husband/wife, a judge will consider whether or not to grant you a decree nisi. You can apply for decree absolute 6 weeks and 1 day after the court has granted you a decree nisi.

Applications for an annulment are very rare and the law is complex. If you think that you might be entitled to apply for an annulment, you should certainly consider seeking legal advice first otherwise you might end up spending a lot of time and money unnecessarily.

Members of the family team at 12 College Place understand how difficult it can be for someone without legal training to navigate their way round the legal system. We all specialise in family law and have lots of experience of helping our clients make the right decisions about these complex issues. We can discuss your case with you, talk through the options, and guide you through your court case. Remember: we are here to help.