



## About annulment

### What is annulment?

Annulment or nullity is the term used when an application is made to the court for an order to be made declaring a marriage or civil partnership to be 'null and void' for specific reasons.

### How do I get an annulment?

By filling in a D8N Nullity petition and sending it to your nearest court that deals with divorce/civil partnership matters.

You can find the full list of courts, and information about what type of work they do, online at [courttribunalfinder.service.gov.uk](http://courttribunalfinder.service.gov.uk)

### When can I get an annulment?

You can apply for an annulment at any time after the marriage/civil partnership, including within the first year. However, if a number of years have passed since the marriage or civil partnership, you may need to explain the delay for certain types of annulment.

### Can I apply for an annulment rather than a divorce/dissolution?

This will depend on the reasons known as 'facts'. When you make an application for an annulment or a divorce you will have to explain why. The facts for divorce/dissolution are set out in D8 Divorce/dissolution/separation petition and the facts for annulment are set out in D8N Nullity petition. The forms are both available from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk) and from any family court office that deals with divorce/civil partnership matters.

## **Must I explain why I want an annulment?**

Yes. An annulment is only granted if you can prove to the court that the marriage or civil partnership was either void or voidable.

A marriage or civil partnership is void if although the couple went through a ceremony of marriage or civil partnership there was an impediment in existence preventing them from gaining the status of spouse or civil partners.

A marriage or civil partnership is voidable in cases where there was no legal impediment preventing the marriage/civil partnership from taking place, but that there is another reason why the couple have not acquired the status of spouse or civil partner.

Full details of the possible reasons for annulments are shown on the D8N (Notes) – notes for guidance to the nullity petition.

## **Do I have to live in this country to get an annulment here?**

You and your spouse/civil partner must both have your permanent homes ('domicile') in England or Wales when the application is started, or

You and your spouse/civil partner must both be living in England or Wales when the petition is started, or

You and your spouse/civil partner must both have had your last home in England or Wales and one of you must still be living in either of these countries when the application is started, or

Your spouse/civil partner must be living in England or Wales when the application is started, or

You must have been living in England or Wales for at least a year on the day the application is started, or

You must have your permanent home in England or Wales and have been living in either of these countries for at least six months on the day the application is started.

You may also get an annulment in England and Wales in other specific circumstances. You should contact a solicitor, law centre or Citizens Advice Bureau if you need help deciding which statement applies to you.

## Will I need a solicitor?

Probably not. But you will find it useful to have some legal advice before starting your application if:

- you do not know whether you have grounds for an annulment
- your spouse/civil partner is not likely to agree to an annulment
- you have not agreed about any financial support for the children or yourself, or about any property.

The court will give you the forms you need and tell you what to do next. The forms are free.

If you do need help filling in the forms a Citizens Advice Bureau will help.

Court staff cannot give legal advice or answer questions like:

- Should I claim financial support?
- Do I have proper reasons for an annulment?
- What will happen to the house I own with my spouse/civil partner?

## Will I have to attend a court hearing?

If you and your spouse/civil partner both consent to the annulment and there is no dispute over any children or finances, it is likely that you will not need to attend a court hearing.

If you cannot agree with your spouse/civil partner about the arrangements for any children, you can apply to a family court for an order under the Children's Act 1989. Leaflet **CB7 – Guide for separated parents: children and the family courts** provides further information. You can get a copy from any family court office or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## Can I apply for a financial order as part of an annulment?

Yes. You can apply for a financial order following an application to annul both a void and voidable marriage/civil partnership. The application process is the same as the processes used in divorce/dissolution.

Please see leaflet **D190 – I want to apply for a financial order**.

## How much will the annulment cost?

You may have to pay a fee for the following:

- when you submit your application for annulment to the court
- if you submit any applications for financial support or about any children in the marriage/civil partnership.

Please note: If you applied for an annulment before the 1st of July 2013 you will have to pay a separate fee when you apply to the court for the final order. This shows that your marriage/civil partnership is no longer/has never been valid.

For more information about fees, please refer to booklet **EX50 – Civil and Family Court Fees**. This lists the most common family fees. You can get a copy from any family court office or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## **Methods of payment**

Courts accept payment by debit or credit cards, cash, postal orders or cheques, which should be made payable to 'HM Courts & Tribunals Service'. If you pay by cheque and it bounces, the court will take steps to recover the money. If you do not pay a court fee your case may be stayed (suspended) or even struck out. If your case is struck out it will be permanently removed from the court and you would need to apply again.

## **What if I cannot afford to pay a court fee?**

If you cannot afford the fee, you may be eligible for a fee remission in full or in part. The booklet **EX160A – Court and Tribunal fees – Do I have to pay them?** gives all the information you need. You can get a copy from any family court office or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## **Will I need a copy of my marriage/civil partnership certificate?**

Yes. You will have to give a copy to the court when you start your application. It will be kept on the court file. The copy must not be a photocopy.

## **Where can I get a copy of my marriage/civil partnership certificate if I do not have one?**

If you were married/entered into a civil partnership in England or Wales, you can get a copy from:

- the office of the Registrar of Births, Deaths, Marriages and Civil Partnerships for the district in which you were married/entered into a civil partnership. You will have to pay a fee, and they will tell you how much it is.
- You can also get a copy from:  
Certificate Services Section  
The General Register Office  
PO Box 2  
Southport  
PR8 2JD

You cannot attend in person at the General Register Office. You can apply for certificates online at [www.gro.gov.uk/gro/content/certificates](http://www.gro.gov.uk/gro/content/certificates), or by phone 0300 123 1837, lines are open Monday to Friday 8am to 8pm and Saturday 9am to 4pm. Alternatively, you can apply by post to the above address.

There will be a charge for your copy certificate. The office will tell you how much it is.

The office you go to will want to know:

- the date and place of your marriage/civil partnership;
- your full name; and
- the full name of your spouse/civil partner.

If you married/entered into a civil partnership abroad you will need to contact the relevant authorities for that country to discover how to obtain a certificate. However, if you married in a British Consul or in an Armed Forces marriage abroad, the certificate will have to be obtained from The General Register Office (address as above).

Most of the procedures involved in nullity proceedings are the same as the ones involved in divorce/dissolution.

If you decide to go ahead and start an application, read leaflet **D184 – I want to get a divorce/dissolution – what do I do?**

If you have children you should also read leaflet **CB7 – Guide for separated parents: children and the family court.**