



**Synnott  
Lawline**  
Family Law Advice & Services



# Nullity of Marriage & Civil Partnerships Factsheet

In certain circumstances a Court may make a declaration that a Civil Partnership or marriage is null and void. At Synnott Lawline Solicitors we have particular expertise in successfully representing clients in the context of nullity proceedings.

The legal consequences which flow from of a declaration of Nullity in respect of a marriage or civil partnership can have very serious implications for the couple involved. It is therefore of crucial importance that you consult an experienced Solicitor with particular expertise in this niche area of the law.

## Nullity Applications for Civil Partnerships and Marriage

Nullity applications are far less common than for example applications for Judicial Separation or Divorce. At Synnott Lawline Solicitors we have particular expertise in successfully representing clients in the context of nullity proceedings. Civil Nullity should not be confused with applications for Church Annulment which is an entirely separate and distinct matter. A civil nullity decree is a declaration by the Court that although two people went through a marriage ceremony, for very specific legal reasons, their marriage never actually existed in the eyes of the State.

There are two types of marriages that may be annulled by the Court – Void Marriages and Voidable Marriages. A Void Marriage is considered never to have existed at all. A Voidable Marriage is considered to have existed until the Nullity has been declared.

### Court makes a Declaration of Nullity

The Court can make a declaration of Nullity in respect of a marriage where for example:

- The couple were not free to marry because one or both parties to the purported marriage was already married to or in a civil partnership with another person;
- One or both parties was under the age of 18 (and had not been granted an exemption by the Court);
- The couple did not comply with the formal requirements of the State prior to the ceremony (failure to give adequate notice to the Registrar of Marriages);
- One party did not give full, free and informed consent to the marriage (duress or intoxication);
- One party was unable to consummate the marriage;
- There is an inability on the part of one or both parties to enter into and sustain a normal marriage relationship (psychiatric illness or disorder).

### Nullity of Civil Partnerships

In certain circumstances a Court may make a declaration that a Civil Partnership is null and void. Nullity of a Civil Partnership means that although a couple went through a ceremony of Civil Partnership, no valid civil partnership exists.

#### **The Court may grant Nullity of a Civil Partnership where for example:**

- Lack of capacity eg. either or both parties was already married or registered in a relationship with another person which was entitled to be recognised as a civil partnership in the State or either or both persons were under the age of eighteen;
- The couple did not comply with the formal requirements of the State in relation to the registration of civil partnerships (failure to give adequate notice to the Registrar of Marriages);
- One party did not give full, free and informed consent;
- The parties were not of the same sex.

# Contact our Family Law Department. We are here to Help

If either you or your spouse is contemplating an application for divorce please contact our family law department. One of our family law specialists will be happy to discuss your case with you in absolute confidence and will provide guidance and expertise on how best to represent your interests in the context of divorce.

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