

Getting a Divorce/ Dissolution of a Civil Partnership

A guide for people who want to bring
proceedings without involving a solicitor



serving the community through the administration of justice

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Introduction

You may petition for divorce/dissolution of civil partnership as a 'personal petitioner' without engaging a solicitor to act on your behalf. Some cases may not be suitable for a personal application, in such circumstances you will be advised to consult a solicitor.

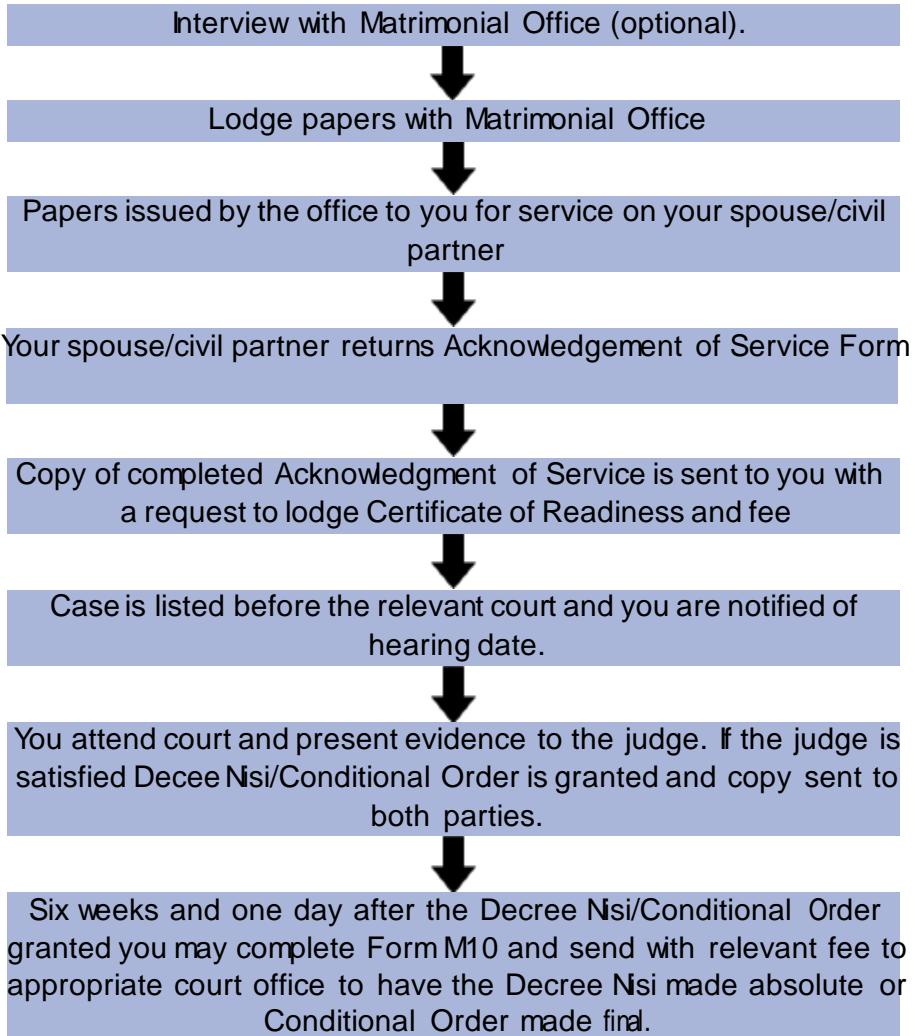
In Northern Ireland a divorce/dissolution of civil partnership may only be presented to the court after you have been married/in a civil partnership for a period of two years.

This booklet provides background information, and lists the relevant forms that you need to apply for a divorce. The forms and procedures must meet the requirements of The Matrimonial Causes Order (Northern Ireland) 1978, The Family Proceedings Rules (Northern Ireland) 1996, Civil Partnership Act 2004 and any relevant EC Council Regulations. The law concerning divorce procedures and forms is different in other parts of the United Kingdom.

Important

We will provide information and help you to comply with the Rules relating to the law which governs these proceedings. Our staff are not legally qualified and therefore are not in a position to give legal advice. You must take responsibility for getting any legal advice you may need in relation to the divorce/dissolution of civil partnership proceedings.

Divorce/Dissolution of Civil Partnership Procedure



Preparation

To gather and present the divorce/dissolution of civil partnership papers you need to follow the stages shown below

- Read through this information booklet;
- Gather the information and certificate(s) you require; (i.e. Marriage/Civil Partnership Certificate, Birth Certificate of any children under 18, any previous court orders and matrimonial agreement if applicable);
- Make an appointment for a personal petitioner interview at the Matrimonial Office, Royal Courts of Justice;
- For the interview have your draft petition and documents referred to above for the Court to check the petition. See also page 10 for further information on the petition;
- Following the interview, get the final version of the petition form typed; and
- Lodge the completed forms (signed and dated) and certificate(s) with the Matrimonial Office along with the appropriate fee. (See page 8 for fees).

Once we have formally issued the petition and associated forms we will send you a set of papers which you will send to your spouse/civil partner by first-class post. When your spouse/civil partner has completed the acknowledgement of service and it has been received by the Matrimonial Office we will forward you a Certificate of Readiness. You must send the Certificate of Readiness and the appropriate fee (see page 8) to this office. Upon receipt of the Certificate of Readiness we will arrange a date for hearing before a Judge so that the proceedings may be dealt with. We will let you and your spouse/civil partner know the date for the hearing.

The office will advise you of the requirements involved in your particular case.

Important Notes

1. For marriages/civil partnerships formed outside the UK you must get evidence of an expert in the local law of the country in which the marriage/civil partnership took place to prove that the certificate of marriage/civil partnership certificate is likely to be accepted as evidence proving that a valid marriage/civil partnership had taken place.
2. **The issue of a Decree Nisi/Conditional Order does not mean you are divorced.** The Court allows a six week contemplation period before an application may be made by the petitioner for a Decree Absolute/Conditional Order to be made final.

The issue of a Decree Absolute/Conditional Order made final confirms that a marriage/civil partnership is dissolved.

The Fees

The following fees are payable at different stages in divorce/dissolution of civil partnership proceedings.

Personal Petitioner Interview	£55
Lodging Petition	£220
Setting Down – High Court	£330
Setting Down – County Court	£275
Application to make Decree Nisi Absolute/Make Conditional Order Final	£83

You may have to pay other fees if you require copy documents. Fees may be paid by cheque or postal order. Also, if you are paying in person you can pay by cash or credit card. All fees are payable to “Northern Ireland Courts and Tribunals Service”.

You may not have to pay a fee depending on your circumstances. For information regarding exemption and remission of fees please refer to leaflet “Court Fees - Do I have to pay them?” which is available on our website (www.courtsni.gov.uk) under Court Fees.

The Forms

The standard forms you need to lodge for a divorce/dissolution of civil partnership are as follows:

- Petition (Form M1)
- Statement of arrangement for children (Form M4) if applicable;
- Notice of proceedings (Form M5 or form M5A for civil partnership); and
- Acknowledgement of Service (Form M6 or form M6A for civil partnership).

The petition form must be typed before lodging in the Matrimonial Office.

All of the forms along with guidance notes for the completion of the forms are available on the Courts and Tribunals Service website (www.courtsni.gov.uk).

Grounds for Divorce

In preparing your petition you must identify the 'ground or grounds' you want the petition to proceed on. You can give one or more grounds in your petition.

Ground:	The legal wording you must use:-
Two years separation with consent	The parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to a decree being granted.
Five years separation	The parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.
Desertion	The respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition.
Unreasonable Behaviour	The respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent.
Adultery	a) Since the date of the marriage, The respondent has committed adultery with (name the person) (hereinafter called the co-respondent). or b) Since the date of the marriage, the respondent has committed adultery with a man/woman whose name is unknown to the petitioner.

Grounds for Dissolution of Civil Partnership

Ground:	The legal wording you must use is:-
Two years separation with consent	That the parties of the civil partnership have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to a conditional order being made.
Five years Separation	That the parties to the civil partnership have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.
Desertion	That the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition.
Unreasonable Behaviour	That the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent.

Information (known as particulars) which supports the ground(s) you have given in your petition will be required.

Jurisdiction

In your petition you must identify the jurisdiction of the Court which allows a court in Northern Ireland to hear your petition. You may give one or more grounds in your petition. You should identify which of the following statements are relevant to the circumstances of you and your spouse.

The wording required by the legislation:

Divorce

Jurisdiction Ground:

- | | |
|-----|--|
| (a) | The petitioner and respondent are both habitually resident in Northern Ireland. |
| (b) | The petitioner and respondent were last habitually resident in Northern Ireland and the * [petitioner] [respondent] still resides there. (*Delete as appropriate) |
| (c) | The respondent is habitually resident in Northern Ireland. |
| (d) | The petitioner is habitually resident in Northern Ireland and has resided there for at least one year immediately prior to the presentation of the petition. (You need to give the address(es) where you lived during that time and the period of time you lived at each address.) |
| (e) | The petitioner is domiciled and habitually resident in Northern Ireland and has resided there for at least six months immediately prior to the presentation of the petition. (You need to give the address(es) where you lived during that time and the length of time lived at each address). |
| (f) | The petitioner and the respondent are both domiciled in Northern Ireland. |

Dissolution of Civil Partnership

Jurisdiction Ground:

- (a) Both civil partners are habitually resident in Northern Ireland.
- (b) Both civil partners were habitually resident in Northern Ireland and one of the civil partners continues to reside there.
- (c) The respondent is habitually resident in Northern Ireland.
- (d) The petitioner is habitually resident in Northern Ireland and has resided there for at least one year immediately preceding the presentation of the petition. (You need to give the address(es) where you lived during that time and the period of time you lived at each address).
- (e) The petitioner is domiciled and habitually resident in Northern Ireland and has resided there for at least six months immediately preceding the presentation of the petition (You need to give the address(es) where you lived during that time and the length of time you lived at each address).

The Court

An undefended divorce/dissolution of civil partnership can be dealt with in either The High Court or the local county court. If you choose to present your petition in the county court please note that it will be dealt with in the High Court if your spouse/civil partner chooses to defend the matter.

You will have to attend the relevant Court on the day the Decree Nisi/Conditional Order hearing is listed before a judge.

If you have a particular need in relation to your attendance at court or if you have a disability, arrangements can be made to assist you. Please ask at reception for the Customer Service Officer, the Disability Liaison Officer or contact the court office in advance.

Court lists are available seven days in advance of hearing dates on our website www.courtsni.gov.uk. Lists will be displayed from 9.30am daily in the court building. You should note that cases are not always called in the order they appear on the list. (If you need any information about your case at any time please contact a court official who will help you).

Courts at which Divorce/Dissolution of Civil Partnership Petitions are heard:

Antrim Court Office
The Courthouse
30 Castle Way Antrim
BT41 4AQ Phone: 028 9446 2661

Armagh Court Office
The Mall
Armagh BT6 19DJ
Phone: 028 3752 2816

Ballymena Court Office
The Courthouse
Albert Place
Ballymena BT43 5BS
Phone: 028 2564 9416

Belfast County Court Office
Laganside Courts
45 Oxford Street
Belfast BT1 3LL
Phone: 028 9023 2721

Craigavon Court Office
The Courthouse
Central Way
Craigavon BT64 1AP
Phone: 028 3834 1324

Coleraine Court Office
The Courthouse
46A Mountsandel Road
Coleraine BT52 1NY
Phone: 028 7034 3437

Downpatrick Court Office
The Courthouse English
Street Downpatrick
BT30 6AB Phone: 028 4461 4621

Dungannon Court Office
46 Killyman Road
Dungannon BT71 6DE
Phone: 028 8772 2992

Enniskillen Court Office
East Bridge Street
Enniskillen BT74 7BP
Phone: 028 6632 2356

Larne Court Office
The Courthouse
Victoria Road
Larne BT40 1RN
Phone: 028 2827 2927

Limavady Court Office
The Courthouse
Main Street
Limavady BT49 0EY
Phone: 028 7772 2688

Lisburn Court Office
The Courthouse
Railway Street
Lisburn BT28 1XR
Phone: 028 9267 5336

Londonderry Court Office
The Courthouse Bishop
Street Londonderry
BT48 6PQ Phone: 028
7136 3448

Magherafelt Court Office
The Courthouse
Hospital Road
Magherafelt BT45 5DG
Phone: 028 7963 2121

Newry Court Office
The Courthouse
23 New Street Newry
BT35 6AD Phone: 028
3025 2040

Newtownards Court Office
The Courthouse Regent
Street Newtownards
BT23 4LP Phone: 028
9181 4343

Omagh Court Office
The Courthouse
High Street
Omagh BT78 1DU
Phone: 028 8224 2056

Royal Courts of Justice
Chichester Street
Belfast BT1 3JF
Phone: 028 9023 5111

Strabane Court Office
The Courthouse
Derry Road
Strabane BT82 8DT
Phone: 028 7138 2544

You can view information on location, transport, facilities and services available at our court venues on our website at www.courtsni.gov.uk.

Contact information for the Matrimonial Office

The Matrimonial Office
Royal Courts of Justice
Chichester Street
Belfast BT1 3JF

Phone: 028 9023 5111
Fax 028 90 322782
Email: matrimonial@courtsni.gov.uk

The public counter of this office, on the 2nd floor, Chichester Street Wing of the Royal Courts of Justice building, is open:

**9.30am to 4.30pm
Monday to Friday
(We are not open on public and bank holidays).**

Useful Contacts

General Register Office
Oxford House
Chichester Street
Belfast BT1 4HH
Telephone 028 90 252000

Relate
3rd & 4th Floors
3 Glengall Street Belfast
BT12 5AB Telephone 028
90 323454

Citizens Advice Bureau
Bradbury Centre
1-17 Lisburn Road Belfast
BT9 7AA Telephone 028
90 329133

Law Centre (NI)
124 Donegall Street
Belfast BT1 2GY
Telephone 028 90 244401

The Law Society of Northern
Ireland
Law Society House
96 Victoria Street Belfast
BT1 3GN Telephone 028
90 231614

If you are dissatisfied with the service you have received, ask a member of staff for a copy of our 'Making a Complaint' leaflet. Alternatively contact Communications Group or visit our website at www.courtsni.gov.uk.

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