

partnership it is likely that the marriage/civil partnership is void and you may be able to apply for an annulment for this reason.

Requirements for the formation of a marriage or civil partnership

Marriages and civil partnerships that take place in England and Wales have to fulfil certain criteria to be legally valid. For a full list of the criteria please see sections 25 and 49 of the Marriage Act 1949 or Section 49(b) of the Civil Partnership Act 2004. These Acts can be found on the Office of Public Sector Information website www.opsi.gov.uk or you may be able to locate them at your local reference library. If your marriage/civil partnership did not fulfil the relevant criteria you may be able to apply for an annulment for this reason.

Already married or in a civil partnership

If you or your spouse/civil partner were already in a legally recognised marriage or civil partnership at the time of your marriage/civil partnership, either of you can apply for an annulment of the later marriage or civil partnership.

Genders of the parties to a marriage or civil partnership

A marriage is void in England and Wales if both parties are of the same gender. A civil partnership is void in England and Wales if the parties are of opposite genders. You may be able to apply for an annulment for these reasons.

International cases

If the parties are a same sex couple who have entered into a legally recognised registered relationship outside the United Kingdom, their relationship may be recognised as an overseas relationship which can be treated as a civil partnership within the UK under the Civil Partnership Act 2004. At the time of registration the parties must have been of the same sex under the law of the country where the relationship was registered (known as the relevant law), and the parties will be treated as having a civil partnership if they were of the same sex under United Kingdom law at the time the relationship was registered or when the 2004 Act applied if later.

The civil partnership is void if the relationship is not an overseas relationship or if, although an overseas relationship, the parties are not treated as having formed a civil partnership. The civil partnership is voidable if the overseas relationship is voidable under the relevant law or in certain circumstances under the law of England and Wales. You may be able to apply for an annulment for these reasons.

Polygamous marriages

If you are in a polygamous marriage, which was entered into outside of the United Kingdom, but at the time either you or your spouse was domiciled in England and Wales it is possible for either you or your spouse to apply for an annulment for this reason. A marriage is not polygamous if at the time of the marriage neither party is already married.

Non consummation of a marriage

If your marriage has not been consummated (i.e. you have not had sexual intercourse with your spouse since your marriage) due to the wilful refusal of your spouse to consummate it, or if either you or your spouse has been unable to consummate the marriage due to a physical or mental reason you may be eligible to apply for an annulment for these reasons.

No valid consent to the marriage/civil partnership due to duress, mistake, unsoundness of mind or otherwise

If at the time of marriage or civil partnership you were placed under duress (i.e. you were forced or threatened) which caused you sufficient fear or pressure to override your true intent you may be eligible to apply for an annulment.