



THE CATHOLIC DIOCESE OF  
ARUNDEL & BRIGHTON

# NULLITY OF MARRIAGE PRELIMINARY ENQUIRY FORM

## Notes for Applicants - please read carefully

- 1 You should understand that a Marriage Tribunal can issue a Decree of Nullity only when it is satisfied that a marriage was not a true marriage from the very beginning because of some substantial defect.
- 2 If you wish this Diocesan Tribunal to investigate your former marriage please fully complete pages the enclosed Preliminary Enquiry Form (PEF) using BLOCK LETTERS. It is **essential** that all sections are completed and the required certificates are sent with the Preliminary Enquiry Form. To comply with the General Data Protection Regulations, you should return all documents **by 'signed for' delivery**.

## Statement

- 3 You should write out a Statement which covers the period from when you first met your former spouse until the time the marriage broke down. It should be as full as possible, but without going into all the minor details. The Tribunal usually finds that two or three pages are needed. It should certainly include the following points:
  - a) When and where you first met and your impressions of the character and personality of your fiancé(e) at that time.
  - b) A brief account of the courtship: length, date of formal engagement, any breaks which occurred, difficulties, etc.
  - c) Any unusual circumstances surrounding the decision to marry, eg because of pressure, pregnancy, etc.
  - d) When and where you married, the age of both parties at marriage, if there was a honeymoon and how it went, if the marriage was consummated, any difficulties on the sexual side, any children born and, if so, when.
  - e) Where you lived after the wedding; for how long the marriage was happy; when things began to go wrong and what went wrong (include here details of mental

illness, excessive drinking, gambling, violence, failure to provide financially, involvement of a third party, etc).

- f) When the final separation took place; what led up to it; when the divorce was granted, who petitioned and on what grounds; when you last had contact with your former spouse, and what his/her address was at that time; and finally, why, in your opinion, the marriage broke down.
- 4 When you have finished your Statement, please sign and date the data protection statement on page 8.

## Witnesses and evidence

- 5 If your case is accepted for investigation, you will be invited for an interview with a member of the Diocesan Tribunal staff.
- 6 You are required to notify your former spouse of your annulment application, and it will be a great help if he/she is willing to be interviewed. For this reason, you should make every effort to obtain his/her present address and encourage him/her to co-operate **before** submitting this application. Complete the Declaration Form and return with the PEF.
- 7 Witnesses are people who can confirm the events which took place before and/or during the marriage. Anyone can be a witness, eg parents, relatives, friends, neighbours, and people who may have been consulted professionally, such as GPs, consultants, psychiatrists, counsellors. Your witnesses will be interviewed individually - at no time is there any court appearance or cross examination as in the civil courts. **Before you give their names, please make sure that they are willing to be interviewed**, but do not discuss with them, and ask them not to discuss with others, anything to do with your marriage until the case is concluded. In this way, all the evidence will be independent. You can assure your witnesses that their evidence will be treated with confidence, but you should point out to them that both you and your former spouse will have the right to see all of the evidence in the case once it has been gathered. If any of the witnesses wish to make statements or observations which they do not want you or your former spouse to see, they are at liberty to point these out to the person who interviews them. However, although the Presiding Judge will take any such request into account, and will usually comply with the request, he reserves the right to make the final decision concerning what may or may not be withdrawn from evidence which is to be inspected by the parties. When you submit your witness list, please provide all the requested contact details including postal address and phone number; please indicate the period of your courtship and marriage about which each witness will be able to talk knowledgeably.

## Procedure

- 8 When all the evidence is collected, an official of the Diocesan Tribunal will prepare the file on your behalf. The Defender of the Bond will make his/her Observations on the case. The Defender of the Bond must uphold the marriage if he/she considers that the nullity is not proven by the evidence presented.
- 9 The case is then passed to three Judges, and they are allowed time to study it and write down their conclusions and the reasons behind them. On the appointed day, the Judges meet as a panel to discuss the whole case and give their decision.
- 10 In most cases the Tribunal's decision is final. However, any party can lodge a formal appeal, if they have substantive new evidence not withheld during the course of the case or believe that the Tribunal has not followed the Church's procedural laws, in which case a panel of Judges will review the case. (Please note: the withholding of such evidence will substantially undermine any appeal.)

## How long does it take?

- 11 Obviously, a lot of work is involved in each case, and our Tribunal is dealing with many cases at any one time. Delays are caused by many things: Plaintiffs do not always remember to tell us when they or their witnesses change address; appointments are not always confirmed or always kept; letters are not answered or get lost in the post; essential information or documents are not readily available; interviewers often have family and/or business commitments in addition to their Tribunal work. Although we try to handle each case as quickly as we can, we find that most cases take around eighteen months to complete to the point of the first decision. However, the length of time taken to process a given case cannot be predicted.
- 12 Under no circumstances whatsoever should you make any arrangements for a future marriage until you have received notification that you are free to marry in the Catholic Church, as a successful outcome cannot be guaranteed and remains uncertain until you receive a Decree of Nullity.

## What is the cost likely to be?

- 13 The Judges, Defenders of the Bond, Advocates and interviewers give their services free of charge. You will be asked to meet part of the costs incurred for travel, postage, typing, photocopying, administration and office expenses. The contribution we ask is £400, payable in two instalments (see 14). However, where there is genuine hardship, the Diocesan Tribunal can waive all or part of this contribution (see 15).
- 14 If the case is accepted for a hearing before the Tribunal, you will be asked for a deposit of £250 which is not refundable, no matter what the final decision of the Tribunal. When the case is ready for judgement, you will be asked for £150.

- 15 No one should be deterred from making an application because they are genuinely unable to afford the costs.

### Further information

- 16 If you require any further information or help, please do not hesitate to contact the Tribunal Administrator: T: 01273 859703; E: [tribunaladministrator@abdiocese.org.uk](mailto:tribunaladministrator@abdiocese.org.uk). The Tribunal's postal address is: Bishop's House, The Upper Drive, Hove, East Sussex, BN3 6NB.  
Office hours are Monday to Thursday, 8.30 am to 4.00 pm.
- 17 You should keep these Notes for reference, but please return the completed Preliminary Enquiry Form, Statement, Declaration Form and all requested documents to the Tribunal Administrator **by 'signed for'** delivery. You will then be given a registration number which we ask you to quote in any future correspondence or query as it will help us to find your case quickly. You should make a note of this number for reference.