

Legal Aid may be able to help you make other arrangements

- If you need legal help, visit the Legal Aid office nearest you.

(Footnotes)

¹ To do this properly, see the pamphlet on *Service*

² See pamphlet on *Guide to Legal Aid*

³ For advice on how to do this properly, see the pamphlet on *Service*

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LEGAL AID
COMMISSION

NULLITY OF MARRIAGE

(Canceling your Marriage)

What is Nullity of Marriage?

- This is when you ask the court to cancel your marriage because it was not legal in the first place.
- This means you were never legally married.
- This application can only be heard in the High Court.
- This application is different from a divorce.
- You cannot apply for both (divorce & nullity) at the same time.

Who can apply?

Either party of the marriage can apply.

What you need to show the Court?

You must show one of the following:-

- Your spouse was legally married to someone else when he or she married you; or
- You are related to your spouse by blood or because of adoption;
- When you married, the wedding ceremony did not follow the legal requirements;
- You only agreed to marry because of force, trickery or fear;
- You made a mistake about whom you were marrying OR you did not know that it was a wedding ceremony;

- One of the parties to the marriage was mentally unable to understand what the marriage ceremony was about; or
- One of the parties to the marriage was under age (i.e. below 16 years for females and below 18 years for males).

How do I apply?

- Go to a Family Court Registry nearest you, and get an *Application for Order of Nullity Form* (FORM 2).
- Get a copy of your marriage certificate.
- Make 2 photocopies of each form you have filled. Take your copies of the form back to the Family Court Registry nearest you.
- You will have to pay filing fees to the Family Court Registry.
- If you cannot afford that filing fees, Legal Aid may be able to help you make other arrangements.
- The Family Court Registry staff will write a date on your form, which is when your case will be called in Court.
- **Before** that Court date, you have to give a copy of the *Application for Order of Nullity* (FORM 2) to your spouse.¹
- You **MUST** appear in Court on the date given by the Family Court Registry.
- Whether you have given a copy to your spouse or not you **MUST** still go to Court on the date given to you by the Family Court Registry.

- If you need help filling the form, take them to a Legal Aid office nearest you.²

What if I received an *Application for Order of Nullity* and do not agree with the details given?

You have to fill out a *Response Marital Status Proceedings* (FORM 4) if you want to;-

- Deny anything written in your spouses application;
- Ask the court to consider some additional information OR dismiss the application;
- File the form with the Family Court Registry and give it to the other party.³
- You will have to pay filing fees.
- If you cannot afford the filing fees, Legal Aid may be able to help you make other arrangements.

What if I do not agree with the decision of the Judge in the High Court?

- You can appeal within one month after the date of the decision of the High Court.
- You must fill out a *Notice of Appeal* (FORM 26) and file it in the Fiji Court of Appeal Registry in Suva.
- You will have to pay filing fees to the Family Court Registry.
- If you cannot afford the filing fees,