

## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART I

##### AMENDMENTS CONNECTED WITH PART II

##### *The Matrimonial Causes Act 1973 (c. 18)*

- 6 For section 15 (application of provisions relating to divorce to nullity proceedings) substitute—

##### **“15 Decrees of nullity to be decrees nisi**

Every decree of nullity of marriage shall in the first instance be a decree nisi and shall not be made absolute before the end of six weeks from its grant unless—

- (a) the High Court by general order from time to time fixes a shorter period; or
- (b) in any particular case, the court in which the proceedings are for the time being pending from time to time by special order fixes a shorter period than the period otherwise applicable for the time being by virtue of this section.

##### **15A Intervention of Queen’s Proctor**

- (1) In the case of a petition for nullity of marriage—
  - (a) the court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Queen’s Proctor, who shall under the directions of the Attorney-General instruct counsel to argue before the court any question in relation to the matter which the court considers it necessary or expedient to have fully argued;
  - (b) any person may at any time during the progress of the proceedings or before the decree nisi is made absolute give information to the Queen’s Proctor on any matter material to the due decision of the case, and the Queen’s Proctor may thereupon take such steps as the Attorney-General considers necessary or expedient.
- (2) If the Queen’s Proctor intervenes or shows cause against a decree nisi in any proceedings for nullity of marriage, the court may make such order as may be just as to the payment by other parties to the proceedings of the costs incurred by him in so doing or as to the payment by him of any costs incurred by any of those parties by reason of his so doing.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Subsection (3) of section 8 above applies in relation to this section as it applies in relation to that section.

**15B Proceedings after decree nisi: general powers of court**

- (1) Where a decree of nullity of marriage has been granted under this Act but not made absolute, then, without prejudice to section 15A above, any person (excluding a party to the proceedings other than the Queen's Proctor) may show cause why the decree should not be made absolute by reason of material facts not having been brought before the court; and in such a case the court may—
- (a) notwithstanding anything in section 15 above (but subject to section 41 below) make the decree absolute; or
  - (b) rescind the decree; or
  - (c) require further inquiry; or
  - (d) otherwise deal with the case as it thinks fit.
- (2) Where a decree of nullity of marriage has been granted under this Act and no application for it to be made absolute has been made by the party to whom it was granted, then, at any time after the expiration of three months from the earliest date on which that party could have made such an application, the party against whom it was granted may make an application to the court, and on that application the court may exercise any of the powers mentioned in paragraphs (a) to (d) of subsection (1) above.”