



SCOTTISH CATHOLIC INTERDIOCESAN TRIBUNAL

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IMPORTANT NOTES

MARRIAGE NULLITY PETITION FORM

1. If you have downloaded this form, make sure also to download the **Explanatory Notes** [[click here](#)]. Otherwise contact the Tribunal. You must read through those Notes and this entire form before filling it in.
2. Only the items listed in *Appendix 1* may, if you wish, be kept reserved from the other party to the marriage. Everything else on this form, as well as any documentation you attach to it, **must by Law be shown to that party**. He/she has the right to participate in this process according to the norm of Law. Once your case has been admitted, the first page of your Petition will immediately be sent to the other party who will be invited to come to the Tribunal to read the rest of your submission.
3. On the next page you will be asked to express briefly, **in your own words**, the main reason or reasons for which you believe that, **at the time you and your spouse exchanged consent**, your marriage was null. If you wish to read what the formal grounds of nullity are, with a short explanation, [click here](#) or ask for them from the Tribunal. **NB: the reasons you give in your own words must be the whole and exclusive truth. Any deliberate falsehoods could possibly prejudice the outcome of the case.**
4. On subsequent pages you will be asked a number of specific questions which you must answer, even if it is to say "I don't know" or "N/A [not apply]". When it comes to the account of your courtship and marriage, the questions given are not obligatory: they are intended to help you to provide **as much detail as you can**, mindful of number 2 above.
5. If you had a civil marriage subsequently rectified canonically by the Catholic Church, please distinguish very clearly the timeline of your courtship [eg 2000-2002], your civil marriage [eg 2002-2008], your canonical, or Catholic Church, marriage [eg 2008-2014] and your divorce [e.g 2015]. All documentation relative to civil and canonical marriage as well as to civil divorce must be submitted as evidence.
6. If you have had two or more successive marriages, please write very clearly the timelines of each marriage and submit all marriage and divorce certificates and, if appropriate, death certificate(s).
7. When you complete the form please ensure that you sign and date it and have it witnessed by someone you know and trust.

P E T I T I O N

Most Reverend Philip Tartaglia, PhB, STD
Archbishop of Glasgow
Moderator of the Scottish Catholic Interdiocesan Tribunal

Your Grace

I, _____,

hereby exercise my right to petition a declaration of nullity against my marriage to

_____.

I will elaborate more fully on my reasons for this petition in answering q7 & 8. Briefly stated, however, problems in the courtship were:

1. _____

2. _____

3. _____

and problems in the marriage were:

4. _____

5. _____

6. _____

[I swear before God] **or** [I promise] that all that I write above, and below, is wholly and exclusively the truth.
Delete as necessary

Signed: _____

Date: _____

Witnessed by: _____
(someone who knows you well)

Date: _____

If applicable:

I, _____, the other party to the marriage, do not oppose this petition.

Signed: _____

Date: _____

Witnessed by: _____
(someone who knows you well)

Date: _____

**Please write or type your answers on this form,
except for questions 7 & 8**

NB: *If you wish to withhold from the Respondent the information contained under (c), (d) & (e) below, please omit it here and write it in the separate sheet provided [Appendix 1].*

*Give your present surname in **block capitals**. If applicable, your original family name should be added in brackets. Any other changes of name should also be indicated, giving the circumstances of the change.*

1. PETITIONER

(a) Your full name:

(b) Date and place of birth:

(c) Address:

(d) Telephone Number(s):

Email address:

(e) Occupation:

(f) Name of Parents:

(g) The religion of each at the time of your birth:

(h) What religion were you reared in; did you ever change it?

(i) Have you been baptised [christened]?
If not, how do you know this?

If not baptised, can your parents or other family members vouch for the fact of your non-baptism?

(j) What was your religion **on the day you married**?

(k) If you are not a Catholic are you interested in becoming one?

*It is essential where possible to have full details for this section. It is your legal responsibility to do everything you can to provide the address of your former spouse. Give his/her present surname in **block capitals**. If applicable, original family name should be in brackets. Any other changes of name should be indicated. If your efforts to locate your former spouse are fruitless, please provide instead [if you are able] the address of a close relative who could pass on correspondence.*

2. **YOUR FORMER SPOUSE**

(a) Name:

(b) Date and place of birth:

(c) Address:

(d) Telephone Number(s):

Email address:

(e) Occupation:

(f) Name of Parents:

(g) The religion of each parent at the time of former spouse's birth:

(h) What, if any, religion was your former spouse **reared in**?

Did he/she ever change it **before you met**?

What was your former spouse's religion **on the day you married**?

Do you know if it has **changed since**? If so, give full details:

(i) Was he/she baptised [christened]?

If not, how do you know this?

If not baptised, can his/her parents or other family members vouch for the fact of the non-baptism?

(j) If baptised, date and place of former spouse's baptism [if known]:

(k) Prior to the marriage were you blood relatives or in-laws?

3. **MARRIAGE TO BE INVESTIGATED**

- (a) Place of marriage [town/city; name of registry office or parish church]:
- (b) Date of marriage:
- (c) **[For Catholic Petitioners]**
Give date and place of any ceremony *other than* a Church one.

What was the reason for this?

4. **PREVIOUS MARRIAGES**

Was this the first marriage for both of you?
If not, give details of any previous marriages.

I was previously married to:

My former spouse was previously married to:

Name:

Name:

Address:

Address:

Religion:

Religion:

Place of marriage:

Place of marriage:

Date of marriage:

Date of marriage:

Date of divorce:

Date of divorce:

It may be that a declaration of nullity will be required for your previous marriage(s).
[If there are any other previous marriages please indicate details on a separate page]

5. **CONJUGAL RELATIONS**

- (a) Was there consummation by normal sexual intercourse after marriage?
- (b) Was consummation delayed for any significant length of time? If so, why?

If not, when did it take place?
- (c) If there was no consummation, was either party impotent? Who?
- (d) How many children were born?
Give their names and dates of birth.
- (e) If there were no children, why was this the case?
- (f) If contraception was always used, by whom was it always used?

Did both spouses agree to this? If not, why not?

6. CIVIL DIVORCE

- (a) Has a civil divorce been granted?
- (b) If so, give date, place and the grounds if known?

7. ACCOUNT OF COURTSHIP

On **separate paper** write in your own words an account of your courtship. The “Guidelines” [Appendix 2] are only given to help you organise your account. They may make it easier for you to know what to write.

You are reminded that your former spouse has the right to see what you write.

8. ACCOUNT OF THE MARRIAGE

On separate paper, write in your own words an account of your marriage. The “Guidelines” [Appendix 3] are only given to help you organise your account. They may make it easier for you to know what to write. Only if the union for which you seek an annulment first took place in a Registry Office, and one or both of you was Catholic at the time, **and** if you later went through a ceremony in the Catholic Church, please begin at Roman numeral “I” in Appendix 3. For every other case please omit I.

9. WITNESSES

- (a) A witness is someone who can testify *directly, or indirectly*, to anything which contributes to the search for the *truth of the validity, or invalidity, of the marriage at the time of the exchange of consent*. Witnesses who have directly seen, heard or come to know facts or evidence before the nullity case was introduced are of particular value: “prime” witnesses.
- (b) However, useful testimony can often also be provided by witnesses who have simply known one or both parties to the marriage, either individually or as a couple, be it only for a short period of time within the span of the parties’ lives. For example, someone may never have known one party to the marriage, but knew the other party well as a child and/or as a teenage friend, etc. Such people have insights into personality and character and often also have knowledge of facts about a party’s background which can be helpful in building up a picture of that party. It is rarely evident on the wedding day that a marriage has been contracted invalidly. It will normally be things that have happened, or other decisions taken, **before and/or after the actual wedding day** which will combine to point to invalidity. It is important to indicate the scope of a witness’ knowledge.
- (c) While family members can offer very important testimony, too many family witnesses often keep the evidence within too restricted a framework. It is also good, therefore, to propose witnesses who are independent of the family dynamic and who can often give a different and helpful perspective [eg Best Man, Chief Bridesmaid, good friends, a trusted teacher, work colleagues, etc, can all be good witnesses].
- (d) While you may give as many names, addresses and telephone numbers of witnesses as possible, the Judge may restrict that number if he believes it to be suitable or necessary. You have the right to challenge the Judge’s decision.
- (e) Before submitting any name as a witness, you must obtain their permission and signature on the “witness consent” schedule attached to this form. You must add your signature to the schedule and return it to the Tribunal. A separate schedule is required for each witness. Once you have collected all of the schedules from all of your witnesses, you must send them to the Tribunal with your completed marriage nullity petition form.

REMINDER: If you intend to (re-)marry in the Catholic Church, no arrangements should be made for the church ceremony until you have in your hand not only the notification of the declaration of nullity of your earlier union but also the letter of the Tribunal stating that a new marriage can actually be celebrated. Any advice to the contrary from anyone is not to be heeded. It is not possible or advisable to predict with any certainty the length of time the process takes, and even less so whether the outcome of that process will be favourable or not.

10. FUTURE MARRIAGE

Do you intend to remarry in the Church? YES/NO [delete as appropriate]

(i) Have you anyone specific in mind?

Name:

Address:

Telephone No(s):

Religion:

Has this person been married before?

To whom? [What was their religion?]

Where?

When?

How was it dissolved?

Is a declaration of nullity being sought?

(ii) Have you already entered a new union with this person? YES/NO [delete as appropriate]

Place of new union:

Date of new union:

NB: If you have entered any other marriages not covered in this form, please indicate the details on a separate page.

DECLARATION

**THIS PAGE MUST BE COMPLETED IN FULL
OR THE APPLICATION WILL BE RETURNED**

Data Protection Statement

By submitting this petition to the Tribunal, I consent to the holding of [both electronic and printed] personal data concerning me and the marriage under investigation. I accept and expect that all information will be treated with strict confidentiality and in compliance with both the Code of Canon Law [1983] and the Data Protection Act [1998]. I understand and accept that access to information is limited to the judicial and administrative staff of the Scottish Catholic Interdiocesan Tribunal and to any higher Court at which an appeal may be pursued. I accept that the data will be held for a period of ten years from the date of the final decision regarding the nullity petition. It will then be destroyed. By signing below, I consent to the holding by the Scottish Catholic Interdiocesan Tribunal of the data as described

Child Protection

I understand and accept that Tribunal personnel are required to report any incidents of child or vulnerable adult abuse disclosed in the interview process.

I testify that all the information I have given in this petition is complete and true and I freely submit my case to the Scottish Catholic Interdiocesan Tribunal for judgement. I also grant the same Tribunal my unconditional permission to make enquiries as it deems necessary to establish the truth of my petition.

I enclose a certificate of marriage

YES/NO

[If no, it can be obtained from the Registration Office where the marriage was registered]

I enclose a certificate of divorce

YES/NO

[If no, it can be obtained from the Court that issued the Decree]

I enclose other relevant certificates [*please itemise*]

I have read the explanatory notes that accompany this form

YES/NO

[If no, these can be obtained either by [clicking here](#) or directly from the Tribunal]

Signature:

Witnessed by:
(someone who knows you well)

Place:

Address:

Date:

.....

APPENDIX 1

INFORMATION TO BE WITHHELD FROM THE RESPONDENT

Petitioner's Address: _____

Telephone Numbers: _____

Email Address: _____

Occupation: _____

APPENDIX 2

GUIDELINES

A. *The earlier part of the courtship*

1. When approximately did you meet and start courting? If possible, give the month and year.
2. How old were you? What were the circumstances in which you met?
3. Describe the initial attraction and how this developed positively and/or negatively up to the engagement [if there was one; otherwise, up to the marriage itself].
4. How frequently did you meet during the courtship?
5. Was it ever broken off? If so, how often, for how long and for what reasons? Please be as detailed as possible.
6. Did you both share your backgrounds with one another, eg your respective family backgrounds, where you came in your families, whether you both had both parents, how they got on with each other, with you and with any siblings; any major problems or good things in your upbringing; adolescence, school life, life of faith, etc? Please be as detailed as you can.
7. Was there any major illness in your respective families: physical, psychological, emotional, etc? If so, please give details.
8. Did you share more deeply: eg your dreams, ideals, fears, anxieties, hopes, etc? Please give details.
9. Describe one another's personalities at this time. What were your respective strengths and weaknesses?
10. Were you able to socialise with others as well as with each other? Explain.

B. *The engagement [if there was none, skip to section C]*

11. Give the date.
12. Who proposed and in what circumstances?
13. Was the engagement announced to family and friends?
14. Was there an engagement celebration? If so, please recount.
15. Did the engagement change your relationship in any way? Explain.
16. Did either of you consider the engagement as a pledge to get married?

C. *The later part of the courtship [whether engaged or not]*

17. As the relationship deepened did either or both parties become doubtful about the marriage? If so, why?
18. Describe any difficulties which emerged in the following areas: (a) fidelity; (b) plans to have children; (c) talk of Divorce if the future marriage did not work.
19. Did you treat one another as equals in the courtship? If not, explain.
20. Did your relationship become sexual during the courtship? If so, when, and were there problems?
21. What role, if any, did religion play in your relationship?
22. Were there any problems relating to money, alcohol, etc? If so, what were they?
23. Did either of you get married mainly because you just wanted to be married, almost as if it did not matter to whom? If so, explain.
24. Did either of you deliberately hide from one another before marriage something which could well have ended the courtship [eg a criminal past, an addiction, etc]?

D. *The decision to marry and the marriage day*

25. Describe, if possible, the attitude of both sets of parents to your decision to get married.
26. Did anyone force you to marry, eg by threatening you in some way, by blackmail, etc? If so, who was it and in what did the force or pressure consist?
27. Did the pressure make you feel there was no alternative to getting married?
28. Did either of you go ahead with the marriage *exclusively* because you did not want to disappoint someone for whatever reason? Explain.
29. Did either of you drift into marriage? Explain.
30. As you entered into marriage, were there any important aspects of it either of you did not want [eg fidelity until death; children; etc]?
31. Did either of you have an ulterior motivation for marrying which had little or nothing to do with marriage [eg to get a passport or visa; to get a job; only for money; etc]?
32. Did you mean what you said in exchanging your vows?
33. Did either of you marry simply to treat the other as a means to a selfish end: eg as a housekeeper, as a breadwinner, as a guarantee of regular sex, etc?
34. Did either of you lay down a serious condition before proceeding with the marriage: eg I will stay only if I still love you; or only if you cut all ties with your family, etc?

APPENDIX 3

GUIDELINES

I. Civil Marriage Period [preceding a Catholic Church ceremony]

1. Why was a civil marriage preferred to a Church marriage, given that a Catholic is obliged to marry according to the law of the Catholic Church?
2. Was either of you drunk or on drugs or seriously mentally impaired as you made your vows?
3. Were there any serious incidents at the wedding reception? Explain.
4. If there was a honeymoon, describe any major problems that may have occurred.
5. Where did you live after marriage? Give details.
6. Describe any major problems which emerged, and when they emerged.
7. Were there any separations? How many and how long?
8. Was there talk of divorce?
9. Why was the decision later taken to have a ceremony in the Catholic Church?
10. Where did the Church ceremony take place?
11. Were there two witnesses?
12. Did you exchange vows ["I take you to be my lawful wedded wife/husband" etc]?
13. Did the Catholic party/parties receive the sacrament of Confession beforehand?
14. Did you and your spouse, as well as the witnesses, sign a register?
15. Were you given a certificate of marriage by the priest?
16. Did either of you consider your registry office marriage as the only "real" marriage, the Church ceremony just being an added extra?

II. Marriage [either Catholic Church marriage or any other legitimate marriage between two non-Catholics]

A. Early Marriage

17. Was either of you drunk or on drugs or seriously mentally impaired as you made your vows?
18. Were there any serious incidents at the wedding reception? Explain.
19. If there was a honeymoon, describe any major problems that may have occurred.
20. Where did you live after marriage? Give details.
21. Were there any problematic behaviours in the marriage which had already shown themselves during the courtship?
22. Indicate any major negative change in you or in your former spouse in the early years of the marriage [first five years].

B. Marriage Breakdown

23. When did the marriage begin to break down? Give approximate month and year.
24. Why did it begin to break down?
25. Was advice sought from anyone at this stage? If so, give details?
26. Were there any temporary separations during the marriage? If so, how often, for how long and for what reasons? Please be as detailed as possible
27. Indicate any changes that came late into the marriage, right up until the final separation.
28. What and who caused the final separation?
29. When did this occur? Give approximate month and year.
30. Were there circumstances from your respective backgrounds which contributed in any serious way to the marriage breakdown?
31. Do you accept any responsibility for the marriage breakdown?



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INDIVIDUAL WITNESS CONSENT SCHEDULE

[To be returned completed by the witness for the party to the marriage under examination]

I, _____, hereby give my consent to be a witness for

_____, who has asked me to be interviewed in the context of the marriage nullity petition being investigated

My relationship is: _____
[eg: mother of John, cousin of Mary, friend of John and Mary]

To arrange the interview, I may be contacted at: _____ *[Landline]*
_____ *[Mobile]*
_____ *[Email]*

My full mailing address is: Name: _____
Address: _____

Postcode: _____

I have read and accept the indications on the reverse side of this form. I understand that a representative of the Tribunal will contact me to arrange for my one-to-one interview. In terms of Canon Law and of the Data Protection Act, I expect my interview to remain confidential.

Date: _____

Witness Signature: _____

Date: _____

Party Signature: _____

INDICATIONS FOR WITNESSES

These indications are intended to put witnesses at their ease and to explain their role in the marriage nullity process.

1. The examination of the validity of a marriage is carried out only by Church-appointed personnel. It concerns solely the status of a marriage in the eyes of the Catholic Church. It seeks to establish whether or not, at the time the marriage took place, there could have been some reason why the exchange of consent was inadequate. It has nothing to do with any civil legal procedure and has no effect upon it as regards either the couple's civil status or the civil legitimacy of any children.
2. As a witness, you are one of several persons giving information in this case. The case has been introduced before the Tribunal by one party to a marriage. That person is known as the Petitioner since he/she is petitioning the Tribunal for a declaration of nullity. The other party, however, has the right to respond to the petition, and is therefore known as the Respondent.
3. A marriage will only be declared null if the information provided by all who participate in the case actually proves that nullity. The Tribunal therefore seeks pertinent information about various areas of interest: a party's family background; their childhood, adolescence and early adulthood; their personality and character; their ability to enter into sound relationships; behavioural traits and attitudes; life of faith; the courtship period; the immediate period around the wedding; how the marriage unfolded; etc. A witness may be able to speak only to one or two of these categories, but that is often sufficient if the evidence is reliable.
4. In a marriage nullity trial, it is not the parties who are being judged, but the validity or invalidity of the marriage consent. There are Church Laws which govern such consent and which indicate the criteria to be used in establishing its validity or invalidity. For example: a person may in good faith enter marriage but exclude deliberately the possibility of children; another may enter marriage for money, or to get a passport, etc; another may have had a serious psychological problem preventing them from being able to form a true marriage etc.
5. Thus, when you are interviewed, we already know that something is "wrong with" the marriage, otherwise no nullity would be being sought. We probably already have an idea of the unfortunate circumstances which caused the marriage to break down. So do not be afraid to tell us what you know of the marriage or parties, even if it is unpleasant. The fact that you have been asked to be a witness probably means that a party expects you to say what you know.
6. Your testimony will be taken in a one-to-one interview with a representative of the Tribunal, usually a "Lay Auditor". In view of the numbers of cases being processed, it can take some months from the time you agree to be a witness until you are contacted to arrange the interview. After you have finished the interview – it can take a short time or a longer time depending on the questions and on your association with a party – you will be given the chance to review the testimony. You can add, change, remove or correct anything you wish. Once you have approved the final draft of your testimony, and the auditor has also signed, the interview is complete and the signed record becomes an official document of the Church.
7. Your interview will be read by Tribunal staff, who are bound to the secret of office, and by the two parties involved. You are asked to keep both the questions asked and the answers you gave in strictest confidence. Please tell us only what you know, but tell us all of it and how you came to know it [eg first-hand knowledge, commonly held opinion, a rumour etc].
8. Be assured that by giving testimony you are not breaking up a marriage. An annulment process only moves forward to judgment if a civil divorce has already taken place. You are only being asked to give facts as you know them. Your testimony will help the Judges of the Tribunal to decide about the validity of the marriage. Your evidence is important.