

PENINSULAR MALAYSIA ECCLESIASTICAL TRIBUNAL

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NULLITY OF MARRIAGE

Notes for Applicants

PROCEDURE FOR SUBMISSION OF APPLICATION

1. Complete the Form for Nullity of Marriage, in BLOCK LETTERS (*either written or typed*).
2. Provide a **Statement** (*either written or typed*) on a separate sheet, **duly signed and dated**, covering the period when you first met your former spouse until the time the marriage broke down. The Statement should be no more than three (3) pages and should cover the following points:
 - a) When and where you first met and your impressions of the character and personality of your intended spouse at that time.
 - b) A brief account of the courtship; length, date of formal engagement, breaks which occurred, if any, difficulties, etc.
 - c) Any unusual circumstances surrounding the decision to marry, e.g. pressurized by kin, pregnancy, etc.
 - d) Date and place of marriage, ages of both parties at marriage. If there was a honeymoon, how was it?
 - e) If the marriage was consummated, state difficulties on your sexual activity, if any. If you had any children, give details of your children and their birth dates.
 - f) Where you lived after your marriage; length of time marriage was happy; when the problems in your marriage started, what the problems were, e.g. mental illness, excessive drinking, violence, failure to provide financially, involvement of third party, etc.....please provide details.
 - g) Date of final separation and events that led to the separation. Date divorce was granted; who petitioned the divorce and based on what grounds. Date of last contact with your former spouse; address at that time of your former spouse; and lastly state why, in your opinion, did the marriage break down.
3. Submit the duly completed **Form for Nullity of Marriage** and duly signed and dated **Statement**, together with copies of the following documents, by registered post to the office of the Peninsular Malaysia Ecclesiastical Tribunal, at the above address:
 - a) **Identification Card**
 - b) **Baptism Certificate of Petitioner/Respondent**
 - c) **Civil Marriage Certificate of previous marriage**
 - d) **Civil Marriage Certificate of attempted marriage**
 - e) **Certificate of Decree Nisi Absolute**

Note: Incomplete applications will not be processed.

PROCEDURE UPON ACCEPTANCE OF APPLICATION

1. You will be invited for an interview with an official of the Peninsular Malaysia Ecclesiastical Tribunal.
2. Your former spouse will be notified of your claim and will be called for an interview, if he/she is willing to be interviewed. *(You are advised to make an effort to find his/her present address and encourage him/her to co-operate.)*
3. Your witnesses, if any, will be interviewed individually, *(Before you submit their names, please obtain their consent to be interviewed. You are advised not to discuss with them, and also advise 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 quite independent. You can assure the witnesses that anything told to the Peninsular Malaysia Ecclesiastical Tribunal will be treated in its strictest confidence. At no time will there be any court appearance or cross examination as in the civil courts.)*
4. When all the evidence is collected, an official of the Peninsular Malaysia Ecclesiastical Tribunal will prepare the file on your behalf. A Defender of the bond will make his observations on the case. The Defender must uphold the marriage if, from his reading of the case, he considers that the nullity is not proven.
5. The case is then passed to the Judge and he is given some time *(probably weeks)* to study it and write down his conclusions and the reasons behind them. He will make his decision on the whole case.
6. If the decision of the Judge is in favour of nullity, the case must be referred to the Appeal Tribunal where a second panel of three Judges will either ratify the first decision or overturn it. Only when the two panels decide in favour of the nullity, can a decree of nullity be issued.

DURATION OF THE PROCESS

Two (2) years or more for the completion of the whole process.

FURTHER INFORMATION

Please remember that a marriage is presumed valid until proven and declared otherwise. No plans or dates concerning the possibility of marriage with another person would be appropriate. These could not be considered until the status of the marriage under investigation was determined.

If you require any further information or help, please do not hesitate to contact the office of the Peninsular Malaysia Ecclesiastical Tribunal.

We hope this process helps you find peace of mind and hope for the future.

Note: *Please do not return the notes with your application. Kindly retain it for future reference.*