



A guide for people who want to bring proceedings without involving a solicitor

# Getting a Divorce

## What do I do?

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Northern Ireland Court Service  
[www.courtsni.gov.uk](http://www.courtsni.gov.uk)

We can provide this booklet in a wide range of alternative formats please contact the Information Centre at:

**Northern Ireland Court Service**

Information Centre

Windsor House

Bedford Street

Belfast BT2 7LT

Telephone 028 9032 8594

Facsimile 028 9041 2390

Email [informationcentre@courtsni.gov.uk](mailto:informationcentre@courtsni.gov.uk)

[www.courtsni.gov.uk](http://www.courtsni.gov.uk)



## Introduction

If you do not want a solicitor to bring divorce proceedings on your behalf, you may contact us in person or by phone, and say that you want to bring a petition for divorce (or judicial separation) as a 'personal petitioner'. Generally, if your husband or wife does not want to consent to the proceedings, the case is not suitable for a personal application. You should speak to a solicitor.

If you contact us, please mention that you are a personal petitioner. Also, if you call into the office, you may ask to have your petition business dealt with in an area away from the public counter.

We will help you with the information and procedures for the case. However, you will need to arrange for the petition form to be typed or wordprocessed.

## **Important**

We will provide information and help you to comply with the Rules relating to the law which governs these proceedings. Our staff are not qualified to act as solicitors and so cannot give you legal advice. You are responsible for getting any legal advice you need in the divorce proceedings.

You can only lodge a petition for divorce after you have been married for at least two years. You can lodge a petition for judicial separation at any time after the marriage as long as you meet the requirements of the specified ground or grounds.

This booklet provides background information, and lists the relevant forms that you need to apply for a divorce. The forms and procedures must meet the requirements of The Matrimonial Causes Order (Northern Ireland) 1978, The Family Proceedings Rules (Northern Ireland) 1996, and any relevant EC council regulations. The law concerning divorce, procedures and forms is different in other parts of the United Kingdom.

## Preparation

To gather and present the divorce papers you need to follow the stages shown below.

- Read through this information booklet;
- Gather the information and certificate(s) you need;
- Make an appointment for a personal petitioner interview at our office in Belfast;
- At the interview, get the certificates and papers checked by a member of staff, and prepare drafts of the various forms involved;
- Following the interview, get the final version of the petition form typed up; and
- Lodge the filled-in forms (signed and dated) and certificate(s) with us along with the appropriate fee.

Once we have formally issued the petition and associated forms and you have paid the initial fee we will send you a service set of papers for you to send to your husband or wife by first-class post. When your husband or wife has completed the acknowledgement of the service set and it has been received and accepted by the office, the next stage is to get a date for hearing before a judge so that the

case can start. We will let you know the date and ask you to pay the appropriate setting down fee.

We will let you know the requirements involved in your particular case.

## The court

The High Court can deal with petitions for divorce or judicial separation or, if the proceedings are not going to be defended, one of the county courts can deal with them. To help you decide which court to use, it may be useful to know that the High Court has more days set aside for divorce hearings than the county court. However, the High Court proceedings cost more.

You will have to go to the High Court or the county court on the day of the decree nisi hearing before the judge.

## The forms

The standard forms you need to lodge for a divorce are as follows:

- Petition form - we have included an example for information with this booklet;
- Statement of arrangement for children - form M4 (if this applies);
- Notice of proceedings - Form M5; and
- Acknowledgement of service of petition for divorce - Form M6.

You must type or word-process the petition form in accordance with the draft form provided at the interview. You are responsible for making sure that this stage is completed correctly. You need to sign and date in the appropriate places on the last page of the petition form.

## Contact information - High Court

The contact information for the Probate and Matrimonial Office (at the Royal Courts of Justice) is:

The Probate and Matrimonial Office

Royal Courts of Justice

PO Box 410

Chichester Street

Belfast

BT1 3JF.

Phone: 028 9072 4679

Fax: 028 9031 0568

The public counter of this office, on the 2nd Floor, Victoria Street Wing of the Royal Courts of Justice building, is open:

**10am to 4.30pm**

**Monday to Friday.**

**(We are not open on public and bank holidays).**

## Contact information - county court

There are seven county court divisions in Northern Ireland. If you want to lodge a county court petition and your husband or wife will consent to it, you will need to go to the county court you have chosen on the day of the decree nisi hearing. If your husband or wife is challenging the petition the case can only be heard in the high court.

Set out below is a list of all the county court offices and their addresses.

Armagh Court Office

The Mall

Armagh

BT6 19DJ

Phone: 028 3752 2816

Dungannon Court Office

46 Killyman Road

Dungannon

BT7 16FG

Phone: 028 8772 2992

Belfast County Court Office

Laganside Courts

45 Oxford Street

Belfast

BT1 3LL

Phone: 028 9023 2721

Enniskillen Court Office

East Bridge Street

Enniskillen

BT74 7BP

Phone: 028 6632 2356

Ballymena Court Office  
Albert Place  
Ballymena  
BT43 5BS  
Phone: 028 2564 9416

Londonderry Court Office  
Bishop Street  
Londonderry  
BT48 6PQ  
Phone: 028 7136 3448

Coleraine Court Office  
46A Mountsandel Road  
Coleraine  
BT52 1NY  
Phone: 028 7034 3437

Newry Court Office  
New Street  
Newry  
BT35 6JD  
Phone: 028 3025 2040

Craigavon Court Office  
Central Way  
Craigavon  
BT64 1AP  
Phone: 028 3834 1324

Newtownards Court Office  
3 Regent Street  
Newtownards  
BT23 4LP  
Phone: 028 9181 4343

Downpatrick Court Office  
English Street  
Downpatrick  
BT30 6AD  
Phone: 028 4461 4621

Omagh Court Office  
High Street  
Omagh  
BT78 1UD  
Phone: 028 8224 2056

Lisburn Court Office  
Railway Street  
Lisburn  
BT28 1XG  
Phone: 028 9267 5336



## Grounds for divorce

In preparing your divorce proceedings you must identify the 'ground or grounds' you want the petition to proceed on. You can give one or more grounds in your petition.

Ground:	The wording you need to use by law.
Adultery	a) Since the date of the marriage, the Respondent has committed adultery with (name the person) (hereinafter called the Co-Respondent). or b) Since the date of the marriage, the Respondent has committed adultery with a man/woman whose name is unknown to the Petitioner.
Unreasonable Behaviour	The Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent.
Desertion	The Respondent has deserted the Petitioner for a continuous period of at least two years immediately

	preceding the presentation of the Petition.
Two years' separation with consent	The parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the Petition and the Respondent consents to a decree being granted.
Five years' separation	The parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the Petition.

You will have to provide information known as particulars which support the ground you have given in your petition.

## Grounds of jurisdiction

In preparing your divorce proceedings you must identify the 'grounds of jurisdiction' which allows a court in Northern Ireland to hear your petition. You can give one or more grounds in your petition. You should identify which of the following statements cover the past and present residence circumstances of you and your husband or wife.

Jurisdiction Ground:	The wording required by the legislation:
(a)	The petitioner and respondent are both habitually resident in Northern Ireland.
(b)	The petitioner and respondent were last habitually resident in Northern Ireland and the * [petitioner] [respondent] still resides there. (*Delete as appropriate)
(c)	The respondent is habitually resident in Northern Ireland.
(d)	The petitioner is habitually resident in Northern Ireland and has resided there for at least one year

	<p>immediately prior to the presentation of the petition.          (You need to give the address(es) where you lived during that time and the length of time you lived at each address.)</p>
(e)	<p>The petitioner is domiciled and habitually resident in Northern Ireland and has resided there for at least six months immediately prior to the presentation of the petition.          (You need to give the address(es) where you lived during that time and the length of time lived at each address.)</p>
(f)	<p>The petitioner and the respondent are both domiciled in Northern Ireland.</p>

## The interview

The family judge has directed that as a personal petitioner you must attend an interview at the Probate and Matrimonial Office where a member of staff will examine certificates and documents, and give you information about the forms, procedures and going to court.

Before you contact us for an appointment, please make sure that you have:

- the grounds on which you want to file for divorce;
- information to support these grounds;
- full details about the places where you and your husband or wife have been living during the marriage;
- your long-form certified marriage certificate;
- any long-form certified birth certificate if you have any children; and
- any court orders relating to your marriage.

For marriages and births registered in Northern Ireland, you can get copy certificates by paying an appropriate fee, from

General Register Office  
Oxford House  
49-55 Chichester Street  
Belfast  
BT1 4HL.  
Phone: 028 9025 2000.

You must have the above items with you for the interview, which normally lasts about one hour. When you have all the documents you need, you may make an appointment for the interview. Our aim is to give you an appointment within three weeks of your request.

If you need help on any of these items, you may contact us. We cannot give legal advice on any matters arising in your proceedings.

**Important note about a marriage  
in a foreign country**

You must get evidence of an expert in the local law of the country in which the marriage took place to prove that the certificate of marriage would be accepted as evidence proving that a valid marriage had taken place.

## Important Note

You are not divorced until the decree absolute certificate is issued, following application for dissolution of the marriage and payment of the statutory fee to the appropriate court office.



