

FORM M5A

*Family Proceedings Rules (Northern Ireland) 1996 Rule 2.6(4)*

NOTICE OF PROCEEDINGS: Civil Partnership Act 2004



\*In the High Court of Justice in Northern Ireland

Family Division

\*In the County Court for the Division of

Between

Petitioner

and

Respondent

and

\*Co-Respondent

\* *Delete as appropriate*

TAKE NOTICE that a petition for a [dissolution order][nullity order] [presumption of death order][separation order] or (originating summons) <sup>(1)</sup> has been presented to the court. A sealed copy of it [and a copy of the petitioner's statement of arrangements regarding the children] [is] [are] delivered with this notice.

1. You must complete and detach the acknowledgment of service in Form M6A and send it so as to reach the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, within 14 days after you receive this notice, inclusive of the day of receipt. Delay in returning the form may add to the costs.
2. If you intend to instruct a solicitor to act for you, you should at once give him all documents which have been served on you, so that he may send the acknowledgement to the Matrimonial Office on your behalf. If you do not intend to instruct a solicitor, you should nevertheless give an address for service in the acknowledgement so that any documents affecting your interests which are sent to you will in fact reach you. Any change of address should be notified to the Matrimonial Office.

NOTES ON QUESTIONS IN FORM M6A

3.
  - (a) If you answer "Yes" to Question 2 please attach a copy of any relevant order or court documents to the acknowledgement of service.
  - (b) Before answering "Yes" to Question 2 or "No" to Question 5 you should understand that the court will need to decide whether it has

jurisdiction to entertain the proceedings. In these circumstances, the proceedings may be stayed whilst the court reaches its decision.

4. If you answer Yes to Question 8 or 10<sup>(1)</sup> you must within 35 days after you receive this notice, inclusive of the day of receipt, file in the Matrimonial Office, Royal Courts of Justice, Chichester Street, Belfast, an answer to the petition, and deliver a copy to every other party to the proceedings. The case will then be transferred to the High Court<sup>(2)</sup>.
- 5.<sup>(1)</sup> Before you answer Yes to Question 9 you should understand that
  - (a) if the petitioner satisfies the court that the petitioner and you have lived apart for 2 years immediately before the presentation of the petition and that you consent to a Conditional Order, the court will grant one unless it considers that the civil partnership has not broken down irretrievably;
  - (b) a Dissolution Order, Presumption of Death Order or Nullity Order which has been made final will end your civil partnership so that
    - (i) any right you may have to a pension which depends on the civil partnership continuing will be affected;
    - (ii) you will not be able to claim a State surviving civil partner's pension when the the petitioner dies;
  - (c) once the court makes a final dissolution order or a final nullity order or a final presumption of death order or a separation order, you will lose your right to inherit from the petitioner if he or she dies without having made a will;
  - (d) a civil partnership order may have other consequences in your case depending on your particular circumstances and if you are in any doubt about these you would be well advised to consult a solicitor.
- 6.<sup>(1)</sup> If after consenting you wish to withdraw your consent you must immediately inform the Matrimonial Office and give notice to the petitioner.
- 7.<sup>(1)</sup> The petitioner relies in support of the petition on the fact that the parties to the civil partnership have lived apart for at least 5 years. Section 172 of the Civil Partnership Act 2004 provides that if in such a case the respondent applies to the court for it to consider the respondent's financial position after the dissolution of the civil partnership, a Conditional Order for Dissolution based on 5 years' separation only cannot be made final unless the court is satisfied that the petitioner has made or will make proper financial provision for the respondent, or else that the petitioner should not be required to make any financial provision for the respondent. The petition will tell you whether the petitioner proposes to make any financial provision for you. It is important that you should consider this information carefully before answering Question 10 in the acknowledgement.
- 8.<sup>(1)</sup> If you answer Yes to Question 11 you must, before the Conditional Order is made final, make application to the court by filing and serving on the petitioner a notice in Form M14.
- 9.<sup>(1)(a)</sup> If you do not wish to defend the case but object to the claim for costs, you should answer Yes to Question 12 in the acknowledgement. You must state the grounds on which you object. An objection cannot be entertained unless grounds are given which, if established, would form a valid reason for not paying the costs. If such grounds are given, you

will be notified of a date on which you must attend before the judge if you wish to pursue your objection.

- (b) If you do not object to the claim for costs but simply wish to be heard on the amount to be allowed, you should answer No to Question 12.
- (c) If you are ordered to pay costs, the amount will, unless agreed between the petitioner and yourself, be fixed by the court, or will be taxed by the taxing master, after lodgment of the petitioner's bill of costs. In the latter event, you will be sent a copy of the bill and will have the right to be heard about the amount before it is finally settled.

**10.** Please answer Question 13. If your answer to Question 13(b) is Yes make sure you sign the form at the end.

**11.** If you wish to make an application for

- a residence order
- a contact order
- a specific issue order
- a prohibited steps order

in respect of a child you will have to make a separate application in Form C1.

Before you apply for any of these orders or any other order which may be available to you under the Children (Northern Ireland) Order 1995 you are advised to see a solicitor.

**12.** If you wish to contest the petitioner's financial or property claim you will have an opportunity of doing so when you receive a notice stating that the petitioner intends to proceed with the claim. You will then be required to file an affidavit giving particulars of your property and income and be notified of the date when the claim is to be heard.

**13.** If you wish to make some financial or property claim on your own account, you will have to make a separate application. If you are in doubt as to the consequences of dissolution of civil partnership on your financial position, you should obtain legal advice from a solicitor.

Dated this                      day of    20                      .

To

<sup>(1)</sup> *Delete if inapplicable*

<sup>(2)</sup> *Delete if petition has been presented to the High Court or if the case has already been transferred to the High Court*

Master