

## **BRENTWOOD DIOCESAN TRIBUNAL**

Judicial Vicar  
The Rt Rev G F Read

Administrator  
Mrs K A Avery

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Contact Hours: 9.30 – 1.00pm  
2.00 -- 4.30pm

### **ANNULMENT PROCEDURE INFORMATION**

#### **ANNULMENTS**

The Tribunal will not begin formal nullity proceedings until a civil decree absolute has been granted. Marriage investigations by Church Tribunals are very different from civil divorce cases and grounds put forward for divorce are often irrelevant to our procedures. **The annulment process examines the consent exchanged by the couple on the day of the wedding, to see if it constitutes true and proper consent, according to the Law of the Catholic Church.**

It is not easy to predict how long a case will take, because there may be complications, but at present we hope to complete within two years. The evidence gathered is presented to the Brentwood Judges; if they reach moral certainty that the marriage was null, the papers are sent on to our Appeal Court in Westminster, and if their Judges agree, the marriage will be declared null. (Both parties would then be free to marry in the Catholic Church, although when grounds for nullity relate to lack of readiness or ability for marriage, or questionable intentions, a restriction may be placed on a further marriage, until it is shown that the grounds no longer exist). Should the two courts disagree, a third hearing is possible – this would normally be in Rome.

#### **PROCEDURE**

The first step is for you to attend an interview with a member of the Tribunal at which a detailed history of the courtship and marriage will be taken. If there is no indication of nullity, you will be advised accordingly. If however there is some indication that the marriage was possibly null, you will be notified and asked to confirm that you wish to go ahead.

If we accept your case, we have to warn you that despite indications of nullity, there is no guarantee that the annulment will be granted, as this depends on the strength of the supporting evidence obtained.

Throughout the process there will be periods when there will be limited activity on your case as we have a great many applications, which must be dealt with in turn.

## RIGHTS OF THE “OTHER PARTY”

Unless there are exceptional reasons, the Tribunal is obliged to contact your former spouse when formal proceedings begin. This is a matter of justice and courtesy and gives him/her an opportunity to take part in the proceedings. It may be helpful for you to make the first contact, **but there is no need for you to do so personally.**

Canon Law protects the rights of both parties to the marriage. The respondent may suggest witnesses, and although in practice most people choose not to do so, both parties have a right to see the evidence before the case is judged. For this reason, absolute confidentiality cannot be guaranteed **unless specifically requested in certain areas, for compelling reasons.**

## **THE FORMAL PROCEEDINGS:**

At this stage, a formal “Petition” will be prepared. This is a précis of the facts, and sets out the grounds in Canon Law on which the application for annulment is based. You will be asked for other documents/certificates, and to confirm your witnesses at that time.

## **WITNESSES:**

It is absolutely essential that your own evidence is supported by witnesses. These may be members of your family, or of your former spouse’s family, or they may be friends, neighbours – people who ideally knew both of you during the courtship, at the wedding and during the marriage. You will be asked to name 3 such people and arrangements will be made for them to be interviewed, by a member of the Tribunal. If they do not live within this diocese, we will ask the Tribunal Office in their local diocese to interview them on our behalf. More witnesses may be called if necessary.

**When you write or telephone the Tribunal please ALWAYS give your reference number**

We **guarantee** to deal with all petitions as quickly as we possibly can. Understandably, you will be anxious for news and there may be times when you hear nothing for a period of perhaps several months. If you do not hear from us for a longer period than 6 months, please contact the office – but otherwise, we ask you to bear in mind that time spent in answering enquiries reduces the time for working on cases.

## **COSTS :**

A contribution of £450.00 towards the costs of the proceedings is requested. This can either be paid by monthly direct debit, or by regular intervals requested at various stages of the proceedings.

**Please note – an inability to pay will not affect your application in any way.**