



Matrimonial Causes Act 1973

1973 CHAPTER 18

PART I

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

Nullity

12 Grounds on which a marriage is voidable.

[^{F1}(1) A marriage celebrated after 31st July 1971 [^{F2}, other than a marriage to which section 12A applies,] shall be voidable on the following grounds only, that is to say—

- (a) that the marriage has not been consummated owing to the incapacity of either party to consummate it;
- (b) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it;
- (c) that either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise;
- (d) that at the time of the marriage either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder within the meaning of [^{F3}the Mental Health Act 1983] of such a kind or to such an extent as to be unfitted for marriage;
- (e) that at the time of the marriage the respondent was suffering from venereal disease in a communicable form;
- (f) that at the time of the marriage the respondent was pregnant by some person other than the petitioner.

[^{F4}(g) that an interim gender recognition certificate under the Gender Recognition Act 2004 has, after the time of the marriage, been issued to either party to the marriage;]

[^{F5}(h) that the respondent is a person whose gender at the time of the marriage had become the acquired gender under the Gender Recognition Act 2004.]]

[^{F6}(2) Paragraphs (a) and (b) of subsection (1) do not apply to the marriage of a same sex couple.]

Changes to legislation: There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 12. (See end of Document for details)

Textual Amendments

- F1** S. 12 renumbered as s. 12(1) (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 4 para. 4\(2\)](#); S.I. 2014/93, art. 3(j)(i)
- F2** Words in s. 12 inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\), art. 1\(2\)\(3\), Sch. para. 6\(3\)](#)
- F3** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\), ss. 146, 147, 148, Sch. 4 para. 34](#)
- F4** S. 12(g) inserted (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\), ss. 4\(4\), 26, Sch. 2 para. 2](#); S.I. 2005/54, art. 2
- F5** S. 12(h) inserted (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\), ss. 11, 26, Sch. 4 para. 5](#); S.I. 2005/54, art. 2
- F6** S. 12(2) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 4 para. 4\(3\)](#); S.I. 2014/93, art. 3(j)(i)

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There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 12.