

Did you know?

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MARRIAGE ANNULMENT

You can get an annulment if there were factors that prevented a marriage from being valid.

What are the factors for the lack of capacity to form a valid marriage?

The criteria for a valid marriage are:

- 1) Both parties must be unmarried. If one of the parties is already married, then the marriage is not valid.
- 2) Both parties must consent. If there is no consent to the marriage, then the marriage is not valid. If you are under 19, then you will need the permission of your parents or guardian before you can get married.
- 3) The parties must have the mental capacity to consent. If one of the parties getting married has a mental incapacity to understand the nature of the marriage ceremony, then the marriage is not valid, and one has grounds to ask for an annulment.
- 4) The federal *Marriage (Prohibited Degrees) Act* prevents marriage between anyone in your immediate family or near relation, including by adoption. For example, you cannot marry someone in your direct lineal line of descent (grandparent, parent, or child) or your sibling, half-brother or half-sister.
- 5) Age of marriage. If you are too young to marry, that is if you are under 16, you need a court order to get married, even if you have the consent of your parents or guardian.
- 6) A party must not be mistaken about the identity of the other party to the marriage.

Getting an annulment is a complex area of the law. You need to get legal advice from a lawyer in order to determine if you should get an annulment.

You can get the name of a family lawyer by calling the **lawyer referral service** in the Lower Mainland at **604-687-3221**. In greater BC you can call **1-800-663-1919**.