

MATRIMONIAL CAUSES RULES 2023

APPENDIX

FORMS

Form 2

GENERAL FORM OF APPLICATION FOR DIVORCE [NULLITY OF MARRIAGE OR
JUDICIAL SEPARATION]

In the Supreme Court of Bermuda

[Divorce Jurisdiction]

No. of
Matter

THE APPLICATION FOR DIVORCE OF

SHOWS THAT—

(1) On the [blank] day of [blank] 20 [blank] the applicant [blank] was lawfully married to [blank] (hereinafter called the respondent) at [blank].

(2) The applicant and the respondent have cohabited at [state the last address at which they have cohabited in Bermuda] [or The applicant and the respondent have not cohabited in Bermuda].

(3) [In the case of an application for divorce, nullity of marriage, judicial separation or presumption of death and dissolution of marriage where it is alleged that the court has jurisdiction based on domicile] The applicant is domiciled in Bermuda [or The applicant is domiciled in and the respondent is domiciled in Bermuda] [or, where it is alleged that the court has jurisdiction based on ordinary residence] The applicant has [or The respondent has] [or The applicant and the respondent have] been ordinarily resident in Bermuda throughout the period of one year ending with the date of the presentation of the application [or as the case may be] [give details of the ordinary residence relied on including the addresses of places of residence during the one year period and the length of residence at each place]; the applicant is a [state occupation] [and resides at [blank]], and the respondent is a [state occupation] [and resides at [blank]].

(4) There is [are] [no [or state number] child[ren] of the family now living] [namely [state the full names (including surname) of each child and his date of birth or, if it be the case, that he is over 18 and in the case of each minor child over the age of 16, whether he is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation]].

(5) [In the case of a husband's application] No other child now living has been born to the respondent during the marriage so far as is known to the applicant [or in the case of a wife's application] No other child now living has been born to the applicant during the marriage [except [state the name of any such child and his date of birth, or if it be the case, that he is over 18]].

(6) [Where there is a dispute whether a child is a child of the family] The applicant alleges that [state the name of the child] is [not] a child of the family because [give full particulars of the facts relied on by the applicant in support of his or her allegation that the child is or, as the case may be, is not, a child of the family].

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(7) [*Where an application is made in the order for an order for the support of a child of whom the respondent is not a parent*] The respondent assumed responsibility for the maintenance of the said [blank] to the following extent and for the following time namely [*give details*]. There is no other person liable to maintain the said child [except [blank]] .

(8) There have been no previous proceedings in any court in Bermuda or elsewhere with reference to the marriage [or to any children of the family] [or between the applicant and the respondent with reference to any property of either or both of them] [except [*state the nature of the proceedings, the date and effect of any decree or order and, in the case of proceedings with reference to the marriage, whether there has been any resumption of cohabitation since the making of the final order*]].

(9) There are no proceedings continuing in any country outside Bermuda which are in respect of the marriage or are capable of affecting its validity or subsistence [except [*give particulars of the proceedings, including the court in or tribunal or authority before which they were begun, the date when they were begun, the names of the parties, the date or expected date of any trial in the proceedings and such other facts as may be relevant to the question whether the proceedings on the application should be stayed under Schedule 1 to the Matrimonial Causes Act 1974*]].

(10) The followi or No] agreement or arrangement has been made or is proposed to be made between the parties for the support of the respondent [or the applicant] [and the said children] [namely [*state details*]].

(11) The applicant proposes, if a conditional order is granted, to make the following financial provision for the respondent [*give details of any proposal not mentioned in paragraph (10)*] [or The applicant makes no proposals for financial provision for the respondent in the event of a conditional order being granted].

(12) The applicant proposes, if a divorce order is granted, to make the following financial provision for the respondent [give details of any proposal not mentioned in paragraph (11)] [or The applicant makes no proposals for financial provision for the respondent in the event of a divorce order being granted].

(13) [*In the case of an application for divorce*] The said marriage has broken down irretrievably as has been described in the particulars set out in paragraph (14) in support of this statement of irretrievable breakdown.

(14) [[*In an application for a divorce order or judicial separation*] *The said marriage has broken down irretrievably due to [give details with sufficient particularity of the reasons that the marriage has broken down] [or, where the application is not for a divorce order or judicial separation order, set out the ground on which relief is sought, and in any case state with sufficient particularity the facts relied on but not the evidence by which they are to be proved*].

(15) The following email address is a valid email address that can be used for the purposes of effecting service on the applicant [*state details*].

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The applicant therefore prays—

(1) That the said marriage may be dissolved [or declared void] [or annulled] [or as the case may be].

(2) That he [she] may be granted the custody of [state name[s] of the child[ren] and add any application for a declaration under section 46(3) of the Matrimonial Causes Act 1974].

(3) [Where appropriate] That _____ may be ordered to pay the costs of this suit.

(4) That he [she] may be granted the following ancillary relief, namely [state particulars of any application for ancillary relief which it is intended to claim].

The names and addresses of the persons who are to be served with this application for divorce are [give particulars, stating if any of them is a person under disability].

The applicant's address for service is [Where the applicant sues by an attorney, state the attorney's name or firm and address, or, where the applicant for divorce sues in person, state his place of residence as given in paragraph 3 of the application for divorce or, if no place of residence in Bermuda is given, the address of a place in Bermuda at or to which documents for him may be delivered or sent].

Dated this _____ day of _____ 20____
