

Chapter 5: Guidance on answering the self-test questions

Question 1: Explain the difference between void and voidable marriages.

A Void marriage is void and invalid from its very beginning and this is usually because there is a problem with the formalities of the marriage. A voidable marriage remains valid until it is challenged or set aside.

Question 2: A client was put under pressure by her family to enter into a marriage.

She tells you that she was locked in her bedroom and threatened with violence if she did not go through with the ceremony. Finally, your client's family told her that if she did not go through with the marriage, she would be ostracized from the family. Advise your client.

This marriage may be voidable due to duress (as there is a lack of consent to the marriage) and the client may pursue a decree of nullity.