

New Reported Case: P v P (Transgender Applicant for Decree of Nullity: Human Rights)

21st May 2024

Charles Hale KC led Michael Edwards and Tom Tabori (of 39 Essex), instructed by Penningtons Manches Cooper LLP (Tammy Knox and Laura Hunter), all acting on a pro bono basis for the Applicant.

An important case concerning whether the introduction of the Marriage (Same Sex Couples) Act 2013, which repealed s.11(c) MCA 1973, left a lacuna in the law for transgender individuals who married a person of the opposite sex, prior to the legalising same sex marriage.

Those affected now find themselves in a position where there is no longer a recourse in nullity, post-2013, but their marriage will nonetheless be void in law.

The Applicant sought either a declaration of incompatibility with the ECHR or for s.11 MCA to be “read down” to include recourse to nullity for transgender individuals in this unusual situation.”

The full judgment can be read [here](#)