



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

JANUARY – APRIL 2019 TRIMESTER

INSTITUTE OF CANON LAW

REGULAR PROGRAMME

JC-L 214: DISSOLUTION OF MARRIAGE

Date: APRIL 2019

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any other ONE Question

Q1. Explain the substantive norms in the dissolution of marriage *in favorem fidei*:

- a) Ambit of the procedure and the competent authority (art. 1)
- b) Competent authority to examine individual cases (art. 2)
- c) Competent authority to instruct the case (art. 3)
- d) Essential conditions (art. 4)
- e) Declaration regarding faith (art. 5)
- f) Negation of a second favour of dissolution (art. 6)
- g) Marriage contracted with dispensation from the impediment of disparity of cult (art. 7)
- h) Marriage of a catechumen (art. 8)
- i) Cases of special difficulties (art. 9)
- j) Doubt on the validity of marriage (art. 10)
- k) Constitution of the commission (art. 11)
- l) Gathering proofs (art. 12)
- m) Authentication of the documents (art. 13)
- n) The examination of the parties and witnesses (art. 14)
- o) Refusal or inability to appear before the instructor and absence from the process (art. 15)
- p) Absence of Baptism (art. 16)
- q) Absence of consummation after the other party is baptised (art. 17)
- r) State of the other party and the cause of marriage breakdown (art. 18)
- s) Divorce decree and canonical nullity sentence (art. 19)
- t) Obligation toward the previous spouse and children (art. 20)
- u) Intention regarding baptism (art. 21)

- v) Religious practice of the petitioner and the intended spouse (art. 22)
- w) Intervention of the defender of the bond (art. 23)
- y) *Votum* of the Bishop (art. 24)
- z) Transmission of the acts to the Congregation

Q2. Explain

The procedure of the dissolution of non-consummated marriage:

- a) Petition (can. 1697)
- b) Competent authority (can. 1698)
- c) The competent Bishop (can. 1699)
- d) The responsibilities of the Bishop
- e) Constitution of a commission (cann. 1700-1701 §1)
- f) Advocates (can. 1701 § 2)
- g) Ascertaining of the fact of non-consummation (arguments)
- h) Conclusion of the instruction (can. 1703)
- i) Report of the instructor (can. 1704)
- j) Observations of the defender of the bond
- k) Bishop's *votum* (can. 1704)
- l) Request of supplementary instruction by Apostolic See
- m) Negative reply
- n) Affirmative reply

Q3. Explain the dissolution of marriage by Pauline privilege:

- A)
 - a) The requisites necessary for the application of Pauline privilege (can. 1143)
 - b) Conditions for the valid application of Pauline privilege
 - c) Who is to interpellate? (can. 1145)
 - d) The new partner (cann. 1146-1147)

- B) The procedure to be used in the dissolution of marriage by Pauline privilege:
 - a) The petition
 - b) The documents to be attached to the petition
 - c) Competent local Ordinary
 - d) Admission of the petition
 - e) Oath of the ministers
 - f) Citation of the parties and instruction of the case
 - g) Summary of the instructor
 - h) Intervention of the Defender of the Bond
 - i) Duty of the notary
 - j) Decree of the local Ordinary

Q4. a) Explain the current discipline on polygamy:
 a) Simultaneous wives

- b) Unbaptized wives
- c) Inability to remain with the legitimate wife
- d) Dismissal of other wives
- e) Marriage form
- f) The provisions of mixed marriage
- g) Provision for the dismissed wives
- h) Some doubts

b) Explain

- a) Origin of the discipline on captivity or persecution
- b) The substantive law and its application in cases regarding captivity or persecution.
- c) Limitations of the norm
- d) In the case of doubt (can. 1150)

END