

2. The marriage is, however, to be regarded as valid from the beginning if subsequent exemption under the provision of Section 6 Subsection 50 is granted.

## II. Assertion of Nullity

### SECTION 23

No one can assert that a marriage is void so long as the marriage has not been declared void by a decision of the Court.

### SECTION 24

#### Right of Action

1. In cases of nullity the Public Prosecutor and each of the married parties, and, in the case specified in Section 20, also the partner of the former marriage, may bring a nullify action. If the marriage has been dissolved, then only the Public Prosecutor can bring the action for nullity.

2. If both partners have died, an action of nullity can no longer be brought.

## III. Consequences of Nullity

### SECTION 25

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#### Legal Status of the Children

1. A child born of a marriage which is void is regarded as legitimate to the extent to which it would have been legitimate if the marriage had been valid.

2. The right to the custody of the person of a child will be determined by applying the provisions which would be applicable in the case of divorce. The party who knew of its nullity at the time when the marriage was contracted is placed in the position of a party found guilty in divorce proceedings.

3. Any marriage partner who at the time of contracting the marriage had knowledge of its nullity is barred from the right of administration and usufruct of the child's property and from representing the child in legal matters pertaining to the child's property.

### SECTION 26

#### Relationship between the marriage partners in respect of property rights

1. Even if only one of the marriage partners had no knowledge of the nullity of the marriage at the time when it was contracted, the provisions governing divorce with respect to the property rights of the marital partners shall apply correspondingly. In such a case the partner who at the time that the marriage was contracted had knowledge of the nullity is to be considered as the guilty party.