

PRACTICE DIRECTION 7C

POLYGAMOUS MARRIAGES

This Practice Direction supplements FPR Part 7 (procedure for applications in matrimonial and civil partnership proceedings), Part 9 (applications for a financial remedy) and Part 18 (procedure for other applications in proceedings)

Scope of this Practice Direction

- 1.1** This practice direction applies where an application is made for –
- (a) a matrimonial order;
 - (b) an order under section 27 of the 1973 Act;
 - (c) an order under section 35 of the 1973 Act;
 - (d) an order under the 1973 Act which is made in connection with, or with proceedings for any of the above orders; or
 - (e) an order under Part 3 of the 1984 Act, and either party to the marriage is, or has during the course of the marriage, been married to more than one person (a polygamous marriage).

Polygamous marriages

- 2.1** Where this practice direction applies the application must state –
- (a) that the marriage is polygamous;
 - (b) whether, as far as the party to the marriage is aware, any other spouse (that is, a spouse other than the spouse to whom the application relates) of that party is still living (the ‘additional spouse’); and
 - (c) if there is such an additional spouse –
 - (i) the additional spouse’s name and address;
 - (ii) the date and place of the marriage to the additional spouse.
- 2.2** A respondent who believes that the marriage is polygamous must include the details referred to in paragraph 2.1 above in the acknowledgment of service if they are not included in the application.
- 2.3** The applicant in any proceedings to which this practice direction applies must apply to the court for directions as soon as possible after the filing of the application or the receipt of an acknowledgment of service mentioning an additional spouse.
- 2.4** On such an application or of its own initiative the court may –
- (a) give the additional spouse notice of any of the proceedings to which this practice direction applies; and
 - (b) make the additional spouse a party to such proceedings.

- 2.5** In any case where the application or acknowledgment of service states that the marriage is polygamous (whether or not there is an additional spouse) a court officer must clearly mark the file with the words "Polygamous Marriage". The court officer must also check whether an application under paragraph 2.4 has been made in the case and, where no application has been made, refer the file to the court for consideration.

References in decrees to section 47 of the 1973 Act

- 3.1** Every decree nisi and decree absolute which is made in respect of a polygamous marriage must refer to the fact that the order is made with reference to section 47 of the 1973 Act.