STATUTORY INSTRUMENTS

1995 No. 3211 (N.I. 20)

The Polygamous Marriages (Northern Ireland) Order 1995

- - - - - - *13th December 1995*

Title and commencement

1. This Order may be cited as the Polygamous Marriages (Northern Ireland) Order 1995 and shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Annotations:
F1 1954 c.33 (N.I.).

Validity of potentially polygamous marriages

3.—(1) A marriage entered into outside Northern Ireland between parties neither of whom is already married is not void under the law of Northern Ireland on the ground that it is entered into under a law which permits polygamy and that either party is domiciled in Northern Ireland.

(2) This Article does not affect the determination of the validity of a marriage by reference to the law of another country to the extent that it falls to be so determined in accordance with the rules of private international law.

Application of Article 3 to prior marriages

4.—(1) Article 3 shall be deemed to apply, and always to have applied, to any marriage entered into before commencement which is not excluded by paragraph (2) or (3).

(2) That Article does not apply to a marriage a party to which has (before commencement) entered into a later marriage which either—

(a) is valid apart from this Article but would be void if Article 3 applied to the earlier marriage; or

(b) is valid by virtue of this Article.

(3) That Article does not apply to a marriage which has been annulled before commencement, whether by a decree granted in Northern Ireland or by an annulment obtained elsewhere and recognised in Northern Ireland at commencement.

(4) An annulment of a marriage resulting from legal proceedings begun before commencement shall be treated for the purposes of paragraph (3) as having taken effect before that time.

(5) For the purposes of paragraphs (3) and (4) a marriage which has been declared to be invalid by a court of competent jurisdiction in any proceedings concerning either the validity of the marriage or any right dependent on its validity shall be treated as having been annulled.

(6) Nothing in Article 3, in its application to marriages entered into before commencement—

(a) gives or affects any entitlement to an interest—

(i) under the will of, or on the intestacy of, a person who died before commencement; or

(ii) under a settlement or other disposition of property made before that time (otherwise than by will);

(b) gives or affects any entitlement to a benefit, allowance, pension or other payment—

(i) payable before, or in respect of a period before, commencement; or

(ii) payable in respect of the death of a person before that time;

(c) affects tax in respect of a period or event before commencement; or

(d) affects the succession to any dignity or title of honour.

(7) In this Article "commencement" means the coming into operation of this Order.

Supplemental

5.—(1) The statutory provisions specified in the Schedule (which contains consequential amendments and amendments removing unnecessary references to potentially polygamous marriages) are amended in accordance with the Schedule.

(2) Nothing in the Schedule affects either the generality of any statutory provision empowering the making of subordinate legislation or any such legislation made before the coming into operation of this Order.

Schedule — Amendments

Changes to legislation:
There are currently no known outstanding effects for the The Polygamous Marriages (Northern Ireland) Order 1995.