



# Matrimonial Proceedings (Polygamous Marriages) Act 1972

## 1972 CHAPTER 38

### 2 Matrimonial relief and declarations as to validity in respect of polygamous marriages: Scotland.

(1) A court in Scotland shall not be precluded from entertaining proceedings for, or granting, any such decree as is mentioned in subsection (2) below by reason only that [<sup>F1</sup>either party to the marriage is, or has during the subsistence of the marriage been, married to more than one person].

(2) The decrees referred to in subsection (1) above are—

- (a) a decree of divorce;
- (b) a decree of nullity of marriage;
- (c) ..... <sup>F2</sup>

[<sup>F3</sup>(d) a decree of separation;

(e) a decree of aliment;]

(f) a decree of declarator that a marriage is valid or invalid;

(g) any other decree involving a determination as to the validity of a marriage;

and the reference in subsection (1) above to granting such a decree as aforesaid includes a reference to making any ancillary [<sup>F4</sup>or incidental]order which the court has power to make in proceedings for such a decree.

[<sup>F5</sup>(3) Provision may be made by rules of court—

- (a) for requiring notice of proceedings brought by virtue of this section to be served on any additional spouse of a party to the marriage in question; and
- (b) for conferring on any such additional spouse the right to be heard in the proceedings,

in such cases as may be specified in the rules.]

#### Textual Amendments

**F1** Words in s. 2(1) substituted (8.1.1996) by 1995 c. 42, ss. 8, 16(2), **Sch. para. 1(2)** (with s. 8(1)(3))

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**Changes to legislation:** There are currently no known outstanding effects for the Matrimonial Proceedings (Polygamous Marriages) Act 1972, Section 2. (See end of Document for details)

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- F2** S. 2(2)(c) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. I**
- F3** S. 2(2)(d) and (e) substituted by virtue of Family Law (Scotland) Act 1985 (c. 37, SIF 49:3), ss. 28(1), 29, **Sch. 1 para. 8(a)**
- F4** Words inserted by Family Law (Scotland) Act 1985 (c. 37, SIF 49:3), ss. 28(1), 29, **Sch. 1 para. 8(b)**
- F5** S. 2(3) substituted (8.1.1996) by 1995 c. 42, ss. 8, 16(2), **Sch. para. 1(3)** (with s. 8(1)(3))

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Proceedings (Polygamous Marriages) Act 1972, Section 2.