# Private International Law (Miscellaneous Provisions) Act 1995

## 1995 CHAPTER 42

### PART II

#### VALIDITY OF MARRIAGES UNDER A LAW WHICH PERMITS POLYGAMY

**5      Validity in English law of potentially polygamous marriages**

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

(2) This section 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.

**6      Application of section 5 to prior marriages**

(1) Section 5 above shall be deemed to apply, and always to have applied, to any marriage entered into before commencement which is not excluded by subsection (2) or (3) below.

(2) That section 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 section but would be void if section 5 above applied to the earlier marriage; or

(b) is valid by virtue of this section.

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

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

(5) For the purposes of subsections (3) and (4) above 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 section 5 above, in its application to marriages entered into before commencement—
  (a) gives or affects any entitlement to an interest—
      (i) under the will or codicil 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 or codicil);
  (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 section "commencement" means the commencement of this Part.

**7      Validity and effect in Scots law of potentially polygamous marriages**

(1) A person domiciled in Scotland does not lack capacity to enter into a marriage by reason only that the marriage is entered into under a law which permits polygamy.

(2) For the avoidance of doubt, a marriage valid by the law of Scotland and entered into—
  (a) under a law which permits polygamy; and
  (b) at a time when neither party to the marriage is already married,

has, so long as neither party marries a second spouse during the subsistence of the marriage, the same effects for all purposes of the law of Scotland as a marriage entered into under a law which does not permit polygamy.

**8      Part II: supplemental**

(1) Nothing in this Part affects any law or custom relating to the marriage of members of the Royal Family.

(2) The enactments specified in the Schedule to this Act (which contains consequential amendments and amendments removing unnecessary references to potentially polygamous marriages) are amended in accordance with that Schedule.

(3) Nothing in that Schedule affects either the generality of any enactment empowering the making of subordinate legislation or any such legislation made before the commencement of this Part.