
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART III

OTHER MATRIMONIAL ETC PROCEEDINGS

Proceedings in respect of polygamous marriage

3.11.—(1) The provisions of this rule shall have effect where a petition, originating application or originating summons asks for matrimonial relief within the meaning of section 47(2) of the Act of 1973⁽¹⁾ in respect of a marriage entered into under a law which permits polygamy (in this rule referred to as a polygamous marriage).

(2) The petition, originating application or originating summons—

- (a) shall state that the marriage in question is polygamous;
- (b) shall state whether or not there is, to the knowledge of the petitioner or applicant, any living spouse of his or hers additional to the respondent or, as the case may be, any living spouse of the respondent additional to the petitioner or applicant (in this rule referred to as an additional spouse); and
- (c) if there is any additional spouse, shall give his or her full name and address and the date and place of his or her marriage to the petitioner or applicant or, as the case may be, to the respondent, or state, so far as may be applicable, that such information is unknown to the petitioner or applicant.

(3) Without prejudice to its powers under RSC Order 15 (which deals with parties) or CCR Order 15 (which deals with amendment) the court may order that any additional spouse—

- (a) be added as a party to the proceedings; or
- (b) be given notice of—
 - (i) the proceedings; or
 - (ii) of any application in the proceedings for any such order as is mentioned in section 47(2)(d) of the Act of 1973.

(4) Any order under paragraph (3) may be made at any stage of the proceedings and either on the application of any party or by the court of its own motion and, where an additional spouse is mentioned in a petition or an acknowledgement of service of a petition, the petitioner shall, on making any application in the proceedings or, if no previous application has been made in the proceedings, on making a request for directions for trial, ask for directions as to whether an order should be made under paragraph (3).

(5) Any person to whom notice is given pursuant to an order under paragraph (3) shall be entitled, without filing an answer or affidavit, to be heard in the proceedings or on the application to which the notice relates.

(1) 1973 c. 18 section 47(2) was amended by the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), Schedule 2, paragraph 39 and the Family Law Act 1986 (c. 55), Schedule 1, paragraph 14.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
