

Polygamy

Research Briefing

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This briefing paper deals with when polygamous marriages might be legally recognised in England and Wales; immigration issues; social security benefits and pension entitlement.

Home Office guidance for HM Passport Office staff defines a polygamous marriage as when a man legally has multiple spouses (a woman with multiple spouses is called a polyandrous marriage).

This briefing paper deals with when polygamous marriages might be legally recognised in England and Wales; immigration issues; social security benefits and state pension entitlement.

Legal recognition

To be recognised as legally valid, all marriages which take place in the United Kingdom must be monogamous and must be carried out in accordance with the requirements of the relevant legislation.

For a polygamous marriage to be considered valid in the UK, the parties must be domiciled in a country where polygamous marriage is permitted and must have entered into the marriage in a country which permits polygamy.

There is some anecdotal evidence of people entering into a form of polygamous marriage in the UK through religious ceremonies that are not registered by the state and are not recognised under UK law. Parties to these relationships do not have the same rights as legally married couples, such as access to financial remedies on divorce or automatic

inheritance rights on the death of one of the parties. Calls have been made for all marriages taking place in England and Wales to be registered as a way of addressing this issue – it would not be possible to register a polygamous marriage.

In 2022, the Law Commission recommended comprehensive reform of weddings law in England and Wales. The reformed system would be based on regulation of the officiant responsible for the ceremony. Among other things, the Law Commission recommended it would be an offence for a person – an officiant or a person purporting to be an officiant or leading the ceremony – dishonestly to mislead a couple about the effect of a ceremony. It would also be an offence for an authorised officiant not to disclose to the couple if the ceremony will not give rise to a valid marriage.

The Government has said it will publish a response to the Law Commission's report in due course.

No formal assessment is made of the number of polygamous households.

Immigration issues

It has been the policy of successive governments to prevent the formation of polygamous households in the UK.

In short, a UK resident cannot sponsor a non-British/Irish national for permission to enter or remain in the UK as their spouse if another person has already been granted such permission, and the marriage has not been dissolved. These restrictions are set out in section 2 of the Immigration Act 1988 and paragraphs 278 – 280 of the Immigration Rules.

However, it is possible for all parties to a polygamous marriage to be legally present in the UK. For example, a second spouse may qualify for entry to the UK in a different immigration category, in their own right.

Social security benefits

For polygamous marriages considered valid in the UK, an award of certain means-tested benefits and tax credits can be for more than one spouse. Any additional amount payable for the second spouse is however likely to be less than the amount they could get were they to make a separate claim as a single person.

Universal Credit (UC) is replacing means-tested benefits and tax credits for working age people. Polygamous marriages are not recognised in the UC rules. This means that some polygamous households will receive more under UC than they would have under the legacy benefits and tax credits system.

State pensions

A wife in a polygamous marriage cannot receive a State Pension or an increase in her State Pension based on her husband's National Insurance (NI) contributions, unless the marriage is now in fact monogamous (for example, because she is the only surviving wife).

A new State Pension system applies to people reaching State Pension age on or after April 2016. People qualify for the new State Pension on their own NI record. While people cannot inherit or derive rights to the new State Pension from a spouse or civil partner, there is some limited transitional protection which recognises contributions made before April 2016.

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- <https://www.lawcom.gov.uk/project/weddings/>
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