STATUTORY INSTRUMENTS

1972 No. 1150

SOCIAL SECURITY

The National Insurance, Industrial Injuries and Family Allowances (Polygamous Marriages) Regulations 1972

Made - - - -	31*st July* 1972
Laid before Parliament	8*th August* 1972
Coming into Operation	28*th August* 1972

The Secretary of State for Social Services, in exercise of his powers under section 12 of the National Insurance Act 1971(**a**), hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance, Industrial Injuries and Family Allowances (Polygamous Marriages) Regulations 1972 and shall come into operation on 28th August 1972.

(2) In these regulations, unless the context otherwise requires—

" the Insurance Act " means the National Insurance Act 1965(**b**);

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act 1965(**c**);

" the Family Allowances Act " means the Family Allowances Act 1965(**d**);

" polygamous marriage " means a marriage celebrated under a law which, as it applies to the particular ceremony and to the parties thereto, permits polygamy;

" monogamous marriage " means a marriage celebrated under a law which does not permit polygamy;

and other expressions shall, as appropriate, have the same meanings as in the Insurance Act, the Industrial Injuries Act and the Family Allowances Act.

(3) References in these regulations to any enactment or regulation shall, except in so far as the context otherwise requires, be construed as references to that enactment or regulation as amended or extended by or under any other enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**e**) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

(**a**) 1971 c. 50. (**b**) 1965 c. 51. (**c**) 1965 c. 52. (**d**) 1965 c. 53. (**e**) 1889 c. 63.

General rule as to the consequences of a polygamous marriage for the purpose of the Insurance Act, the Industrial Injuries Act and the Family Allowances Act

2.—(1) Subject to the following provisions of these regulations, a polygamous marriage shall, for the purpose of the Insurance Act, the Industrial Injuries Act and the Family Allowances Act and any enactment construed as one with those Acts, be treated as having the same consequences as a monogamous marriage for any day, but only for any day, throughout which the polygamous marriage is in fact monogamous.

(2) In this and the next following regulation—

(*a*) a polygamous marriage is referred to as being in fact monogamous when neither party to it has any spouse additional to the other ; and

(*b*) the day on which a polygamous marriage is contracted, or on which it terminates for any reason, shall be treated as a day throughout which that marriage was in fact monogamous if at all times on that day after it was contracted, or, as the case may be, before it terminated, it was in fact monogamous.

Special rules for particular purposes and circumstances of the Insurance Act

3.—(1) Subject to the provisions of paragraphs (2) and (3) of this regulation, where on or after the date on which she attained pensionable age a woman was a married woman by virtue of a polygamous marriage and either—

(*a*) throughout a day, falling on or after the date on which both she and her spouse have attained pensionable age and retired from regular employment, that marriage was in fact monogamous, or

(*b*) throughout the day on which her spouse died that marriage was in fact monogamous,

that marriage, whether or not it has at all times been or continues to be in fact monogamous, shall, for the purposes of determining her right to and the rate of a retirement pension under the Insurance Act or under section 1 of the National Insurance Act 1970(**a**) be treated as having the same consequences as a monogamous marriage from and including the date on which she attained pensionable age or, if the marriage was contracted after that date, from and including the date of the marriage.

(2) Paragraph (1) of this regulation shall not operate so as to entitle a woman to a retirement pension for any period before the first such day as is referred to in sub-paragraph (*a*) of that paragraph or, in a case where that sub-paragraph does not apply, the day referred to in sub-paragraph (*b*) of that paragraph.

(3) Where the marriage of a woman is a polygamous marriage which was contracted—

(*a*) before she attained pensionable age and—

(i) was not in fact monogamous when she attained that age, but

(ii) became in fact monogamous on a date after she attained that age ; or

(*b*) on or after the day on which she attained pensionable age and—

(i) was not in fact monogamous when it was contracted, but

(ii) became in fact monogamous on a date after it was contracted ;

(**a**) 1970 c. 51.

that marriage shall be treated as having the same consequences as a monogamous marriage for the purposes of section 34(1)(*a*) of the Insurance Act (increase in woman's retirement pension in certain circumstances) only with effect from the date referred to in sub-paragraph (*a*)(ii) or, as the case may be, sub-paragraph (*b*)(ii) of this paragraph.

(4) In a case where section 33(3) of the Insurance Act (retirement pensions for certain widows who were widowed before attaining pensionable age) or regulation 8C of the National Insurance (Married Women) Regulations 1948(**a**) as amended(**b**) (retirement pensions for certain women whose marriages were dissolved before attaining pensionable age), applies and the relevant marriage for the purposes of that section or regulation was a polygamous marriage, for the purposes of paragraph (*b*) of the said section 33(3) and of paragraph (1)(*b*) of the said regulation 8C the polygamous marriage shall, notwithstanding that it has not at all times been in fact monogamous, be treated as having the same consequences as if it had been a monogamous marriage.

(5) Where a woman is a married woman by virtue of a polygamous marriage which is in fact monogamous on the date as from which she becomes entitled to a retirement pension under section 5 of the National Insurance Act 1971(**c**) (retirement pensions for persons over age 80), that marriage, notwithstanding that it ceases to be in fact monogamous, shall, for the purpose of determining the rate of retirement pension payable to her under the said section 5, thereafter be treated as having the same consequences as a monogamous marriage.

Transitory provision

4. Nothing in these regulations shall entitle a person—

(*a*) to benefit under the Insurance Act or the Industrial Injuries Act, or to an allowance under the Family Allowances Act, for any period before the date on which the regulations come into operation, or

(*b*) to a maternity or death grant under the Insurance Act payable in respect of a confinement or death which occurred before that date.

Keith Joseph,

Secretary of State for Social Services.

31st July 1972.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations, made under the power conferred by section 12 of the National Insurance Act 1971, apply in place of the provisions of section 113(1) of the National Insurance Act 1965, section 86(5) of the National Insurance (Industrial Injuries) Act 1965 and section 17(9) of the Family Allowances Act 1965. Those provisions, under which a marriage celebrated

(**a**) S.I. 1948/1470 (Rev. XVI, p. 123: 1948 I, p. 2795).

(**b**) The relevant amending instrument is S.I. 1971/906 (1971 II, p. 2626). (**c**) 1971 c. 50.

under a law which permits polygamy was only valid for the purposes of those Acts if and so long as it had at all times been in fact monogamous, are repealed by the said Act of 1971.

Regulation 1 relates to the citation, commencement and interpretation of these Regulations; regulation 2 lays down the general rule for National Insurance, Industrial Injuries and Family Allowances purposes, namely, that a polygamous marriage shall have the same consequences as a monogamous marriage for any period during which it is in fact monogamous; regulation 3 contains additional rules for particular purposes and circumstances of the National Insurance legislation; and regulation 4 contains a transitory provision making benefit under the National Insurance and Industrial Injuries legislation and allowances under the Family Allowances legislation not payable by virtue of the provisions of the Regulations for any period before they come into operation.

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