

Practice Direction 7C – Polygamous Marriages

This Practice Direction supplements FPR Part 3 (procedure for applications in matrimonial and civil partnership proceedings), Part 9 (applications for a financial remedy) and Part 18 (procedure for other applications in proceedings).

Scope of this Practice Direction

1.1 This practice direction applies where an application is made for –

- (a) a matrimonial order;
- (b) an order under section 27 of the 1973 Act;
- (c) an order under section 33 of the 1973 Act;
- (d) an order under the 1973 Act which is made in connection with, or with proceedings for any of the above orders; or
- (e) an order under Part 3 of the 1984 Act,

and either party to the marriage is, or has during the course of the marriage, been married to more than one person (a polygamous marriage).

Polygamous marriages

2.1 Where this practice direction applies the application must state—

- (a) that the marriage is polygamous;
- (b) whether, as far as the party to the marriage is aware, any other spouse (that is, a spouse other than the spouse to whom the application relates) of that party is still living (the “additional spouse”); and
- (c) if there is such an additional spouse –
 - (i) the additional spouse’s name and address;
 - (ii) the date and place of the marriage to the additional spouse.

2.2 A respondent who believes that the marriage is polygamous must include the details referred to in paragraph 2.1 above in the acknowledgment of service if they are not included in the application.

2.3 The applicant in any proceedings to which this practice direction applies must apply to the court for directions as soon as possible after the filing of the application or the receipt of an acknowledgment of service mentioning an additional spouse.

2.4 On such an application or of its own initiative the court may –

- (a) give the additional spouse notice of any of the proceedings to which this practice direction applies; and
- (b) make the additional spouse a party to such proceedings.

2.5 In any case where the application or acknowledgment of service states that the marriage is polygamous (whether or not there is an additional spouse) a court officer must clearly mark the

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Table of Contents Matrimonial Proceedings Practice Notes Series

1. Understanding the eBook Matrimonial Proceedings Practice Notes Series
 - The Rise of Digital Reading Matrimonial Proceedings Practice Notes Series
 - Advantages of eBooks Over Traditional Books
2. Identifying Matrimonial Proceedings Practice Notes Series
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Matrimonial Proceedings Practice Notes Series
 - User-Friendly Interface
4. Exploring eBook Recommendations from Matrimonial Proceedings Practice Notes Series
 - Personalized Recommendations
 - Matrimonial Proceedings Practice Notes Series User Reviews and Ratings
 - Matrimonial Proceedings Practice Notes Series and Bestseller Lists
5. Accessing Matrimonial Proceedings Practice Notes Series Free and Paid eBooks
 - Matrimonial Proceedings Practice Notes Series Public Domain eBooks
 - Matrimonial Proceedings Practice Notes Series eBook Subscription Services
 - Matrimonial Proceedings Practice Notes Series Budget-Friendly Options
6. Navigating Matrimonial Proceedings Practice Notes Series eBook Formats
 - ePub, PDF, MOBI, and More
 - Matrimonial Proceedings Practice Notes Series Compatibility with Devices
 - Matrimonial Proceedings Practice Notes Series Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Matrimonial Proceedings Practice Notes Series
 - Highlighting and Note-Taking Matrimonial Proceedings Practice Notes Series
 - Interactive Elements Matrimonial Proceedings Practice Notes Series
8. Staying Engaged with Matrimonial Proceedings Practice Notes Series

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Matrimonial Proceedings Practice Notes Series
- 9. Balancing eBooks and Physical Books Matrimonial Proceedings Practice Notes Series
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Matrimonial Proceedings Practice Notes Series
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Matrimonial Proceedings Practice Notes Series
 - Setting Reading Goals Matrimonial Proceedings Practice Notes Series
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Matrimonial Proceedings Practice Notes Series
 - Fact-Checking eBook Content of Matrimonial Proceedings Practice Notes Series
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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