1975 No. 89

SOCIAL SECURITY

The Social Security and Family Allowances (Polygamous Marriages) Regulations (Northern Ireland) 1975

Made . . . . . *3rd April* 1975

Coming into operation . . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 152(*b*) of the Social Security (Northern Ireland) Act 1975(**a**) and section 11A of the Family Allowances Act (Northern Ireland) 1966(**b**) as inserted by paragraph 92 of Schedule 2 to the Social Security (Consequential Provisions) Act 1975(**c**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security and Family Allowances (Polygamous Marriages) Regulations (Northern Ireland) 1975 and shall come into operation on 6th April 1975.

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

"the Social Security Act" means the Social Security (Northern Ireland) Act 1975;

"the Family Allowances Act" means the Family Allowances Act (Northern Ireland) 1966;

"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 "in fact monogamous" is to be construed in accordance with regulation 2(2) below;

and other expressions shall, as appropriate, have the same meanings as in the Social Security Act and the Family Allowances Act.

(3) Any reference in this statutory rule to any provisions made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**d**) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

(a) 1975 c. 15
(b) 1966 c. 8 (N.I.)
(c) 1975 c. 18
(d) 1889 c. 63

General rule as to the consequences of a polygamous marriage for the purpose of the Social Security 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 Social Security 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 retirement pension for women

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 of any category under the Social Security Act 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;