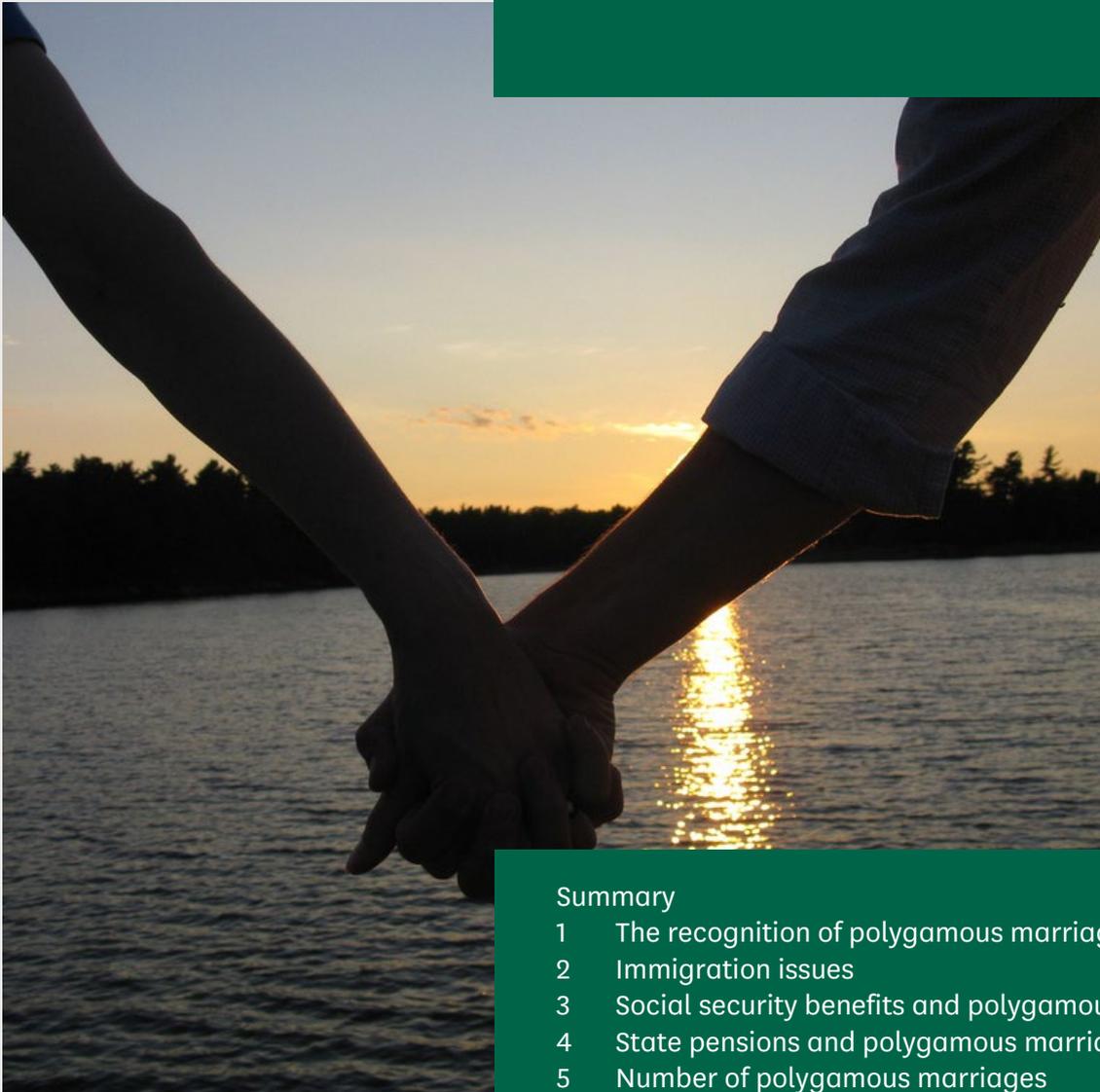


Research Briefing

1 February 2023

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Polygamy



Summary

- 1 The recognition of polygamous marriages
- 2 Immigration issues
- 3 Social security benefits and polygamous marriages
- 4 State pensions and polygamous marriages
- 5 Number of polygamous marriages

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Summary

[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.

1 The recognition of polygamous marriages

1.1 What is polygamy?

Home Office guidance for HM Passport Office staff includes the following definition:

A polygamous marriage is when a man legally has multiple spouses (a woman with multiple spouses is called a polyandrous marriage). Not every country allows polygamy, bigamy is where polygamy is not legal, and a person cannot have multiple spouses.¹

1.2 Polygamous marriages which take place in the UK: not legally valid

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 Marriage Act 1949 (as amended), the Marriage Act (Scotland) 1977 or the Marriage Order (Northern Ireland) 2003.²

Bigamy, rather than polygamy, is a criminal offence.³ This was confirmed in a written answer in October 2011 by the then Attorney-General.⁴ The crime of bigamy is committed by someone who, whilst still legally married to a surviving spouse, goes through a ceremony of marriage that purports to be legally binding. A person does not commit bigamy where, for example, they contract an unregistered religious marriage in England, without disclosing the existence of a subsisting marriage.⁵

¹ Home Office guidance, [Legitimacy and domicile](#), Version 3.0, updated 16 November 2022 (accessed 1 February 2023)

² Home Office, [Family Policy: Partners, divorce and dissolution, Version 4.0](#) (PDF) June 2022, pp 5-8

³ [Offences Against the Persons Act 1861, section 57](#)

⁴ [HC Deb 17 October 2011 c660W](#)

⁵ *Al-Mudaris v Al-Mudaris* [2001] 2 FLR 6, Blackstone's Criminal Practice 2023, para B2.151

1.3

Polygamous marriages which take place in another country: may be recognised

Polygamous marriages which take place in another country, and are valid there, may be recognised as being valid in the UK. [Home Office guidance](#) provides further information.⁶

In a written answer in April 2008, Lord Hunt of Kings Heath, then a junior Justice Minister, set out the conditions and reasons for recognition of a polygamous marriage:

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 that country. Provided the parties follow the necessary requirements under the law of the country in question, the marriage would be recognised in England and Wales. The law is drafted thus because the Government have no desire forcibly to sever relationships that have been lawfully contracted in other jurisdictions. This should not, however, be construed as government approval of polygamous marriage. The Government do not support polygamous marriage and support the law that prohibits parties from contracting polygamous marriages in this jurisdiction.⁷

In October 2011, the Coalition Government again confirmed that polygamous marriages may sometimes be recognised:

Polygamous marriages cannot be legally formed in the UK. Nor is it possible for anyone domiciled in the United Kingdom to enter into a polygamous marriage abroad. Where a polygamous marriage is contracted outside the United Kingdom between parties, neither of whom is domiciled in the United Kingdom, it will be recognised.⁸

[Section 11\(d\) of the Matrimonial Causes Act 1973](#) (as amended) provides that a polygamous marriage entered into outside England and Wales after 31 July 1971 is void if either party to the marriage was, at the time, domiciled in England and Wales.⁹

⁶ Home Office, [Family Policy: Partners, divorce and dissolution, Version 4.0](#) (PDF), June 2022, pp 29-35. The guidance is stated (at p4) to be for “decision-makers handling cases that involve a partner, to recognise a genuine and subsisting relationship, and identify a valid divorce from marriage or dissolution of a civil partnership”.

⁷ [HL Deb 23 April 2008 c306WA](#)

⁸ [HC Deb 12 October 2011 c402W](#)

⁹ The concept of “domicile” is complex and does not have the same meaning as being resident. Anyone seeking to establish where they are domiciled or whether any particular marriage is valid would need specific legal advice.

1.4

Unregistered religious marriages

Unregistered religious marriages are not recognised under marriage law in England and Wales and are generally regarded as “non-marriages”.¹⁰ The law generally treats parties to a marriage which is not legally recognised as cohabitants.

The consequences of being in an unregistered marriage, and treated as a cohabitant, may be felt particularly when the relationship ends, whether on death or because it breaks down. In October 2011, Jonathan Djanogly, then a junior Justice Minister, set out information about the consequences of entering into such a marriage in the UK:

There is some anecdotal evidence of people entering into polygamous marriage in the UK through religious ceremonies that are not registered by the state and are not recognised under UK law. Due to the fact that these marriages are not legally recognised there is no indication of how many such polygamous relationships exist. Any parties to such relationships do not share the same rights as a legally married couple, such as access to financial remedies available on divorce or inheritance rights on the death of one of the spouses, and are treated as cohabitants. The Government have carried out some work with the Muslim community to encourage mosques to undertake the civil aspects of marriage and to raise awareness of the need for marriages to be legally recognised.¹¹

The [Casey Review](#) into opportunity and integration, published in December 2016, found “the practice of ‘unregistered polygamy’ appears to be more commonplace than might be expected”, and that this gives rise to a power imbalance:

...The existence of matchmaking sites like “secondwife.com” and a number of accusations, anecdotes and assertions encountered throughout our engagement imply a common acceptance of polygamy – which impact negatively on women (and their children) who have not had a legal marriage, through denial of inheritance and maintenance rights – even if most people would not wish the situation upon themselves. In situations of polygamy, the power imbalance of an unregistered marriage is compounded by the power imbalance of being one of many spouses – something the United Nations has condemned as particularly “contraven[ing] a woman’s right to equality with men, and [having]... serious emotional and financial consequences for her and her dependents”.^[12]¹³

¹⁰ In *Her Majesty’s Attorney General v Akhter and Khan* [2020] EWCA Civ 122, the Court of Appeal held that a specific Nikah ceremony did not create a void marriage because it was a non-qualifying ceremony

¹¹ [HC Deb 12 October 2011 c402W](#)

¹² Footnote to text: “United Nations website: Convention on the elimination of all forms of discrimination against women: General recommendations made by the Committee on the Elimination of Discrimination against Women. Available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.html>”

¹³ Dame Louise Casey, [The Casey Review A review into opportunity and integration](#), December 2016, para 8.45

The Review found the prevalence of unregistered marriage to be concerning.¹⁴ It spoke of the complexity involved in challenging the practice of unregistered polygamy:

The practice highlights the complexity that we as a state, and as a society, face in challenging issues of cultural difference. In the eyes of the law – provided no bigamy, or encouragement or assistance of bigamy or any other crime is committed – there is nothing illegal with living with a wife and a girlfriend. Condemnation of the practice on the grounds of a spouse’s rights becomes more difficult without a clear legal framework; and falls into a realm of cultural sensitivity which many people are uncomfortable dealing with.¹⁵

Various calls have been made for all marriages taking place in England and Wales to be registered (it would not be possible to register a polygamous marriage) so that they are legally valid, including by way of:

- A Lords Committee stage debate in November 2016 in on the Policing and Crime Bill (now the Policing and Crime Act 2017);¹⁶
- [The Casey Review A review into opportunity and integration](#) (PDF), published in December 2016;¹⁷
- The [Independent Review into the application of Sharia Law in England and Wales](#) (PDF), published in February 2018;¹⁸
 - In its subsequent [Integrated Communities Strategy green paper](#) (PDF), published in March 2018, the Government said that it would “explore the legal and practical challenges of limited reform relating to the law on marriage and religious weddings”;¹⁹
 - In the [Integrated Communities Action Plan](#) (PDF) published in February 2019, the Government said:

We will support awareness campaigns to educate and inform couples and their children of the benefits of having a civilly registered marriage, including funding for voluntary organisations led by Register Our Marriage to roll out local targeted awareness campaigns in three areas.²⁰
- A short Lords debate on 4 July 2019, [Sharia Law: Marriages - Hansard - UK Parliament](#).²¹

¹⁴ Ibid, paragraph 8.43

¹⁵ Ibid, para 8.46

¹⁶ [HL Deb 16 November 2016 cc1475-82](#)

¹⁷ Dame Louise Casey, [The Casey Review A review into opportunity and integration](#) (PDF), December 2016, paragraph 8.50

¹⁸ [The independent review into the application of sharia law in England and Wales](#) (PDF), Cm 9560, February 2018

¹⁹ HM Government, [Integrated Communities Strategy green paper](#) (PDF), 14 March 2018, p58

²⁰ HM Government, [Integrated Communities Action Plan](#) (PDF), p19

²¹ [HL Deb 4 July 2019 cc1515-7](#)

Law Commission report

Following consultation,²² in July 2022, the Law Commission published a report which made recommendations to reform weddings law in England and Wales.²³ The Law Commission said it was recommending “comprehensive reform from the foundations up: an entirely new scheme to govern weddings law”:

Our recommendations will transform the law from a system based on regulation of buildings to one based on regulation of the officiant responsible for the ceremony.²⁴

Law Commission [FAQs](#) (PDF) address the issue of how the proposed reforms might affect unregistered/religious only marriages which are not legally recognised in England and Wales:

- (...)
- Our recommendations also aim to limit the circumstances in which a religious ceremony will be non-qualifying, particularly when one or both of the parties believed that it would result in a legally recognised marriage. We also recommend that it would be an offence for a person – an officiant or a person purporting to be an officiant or leading the ceremony – to dishonestly mislead a couple about the effect of the ceremony. It would also be an offence for an authorised officiant to not disclose to the couple if the ceremony will not give rise to a valid marriage.
- We feel that these reforms go as far as a project on weddings law can go to solve these complex issues, which need to be looked at alongside reforms to cohabitation law.²⁵

Information about the Law Commission’s recommendations and links to associated documents, are available on the Law Commission’s project webpage, [Weddings](#).

The Government has said it will publish a response to the Law Commission’s report in due course.²⁶

²² [Law Commission Consultation Paper No 247, Getting Married: A Consultation Paper on Weddings Law](#) (PDF), 3 September 2020

²³ Law Commission, [Celebrating Marriage: A New Weddings Law](#) (PDF), HC 557, 19 July 2022

²⁴ Law Commission, [Weddings](#) (accessed 1 February 2023)

²⁵ Law Commission, [FAQs, Celebrating Marriage: A New Weddings Law](#) (PDF)

²⁶ [HL PQ 4171 \[on Marriage: Ceremonies\], 20 December 2022](#)

2 Immigration issues

It has been the policy of successive governments to prevent the formation of polygamous households in the UK.²⁷

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.²⁸

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.

²⁷ Lords Written Question [HL3692](#) [on Entry clearances: married people], 17 December 2014

²⁸ Immigration Rules (HC 395 of 1993-4 as amended)

3 Social security benefits and polygamous marriages

Means-tested benefits (also known as “income-related” benefits) and tax credits are claimed and paid at the household level. For benefits purposes, “household” means a single person or couple (married or otherwise), plus any dependent children. For **some** means-tested benefits and tax credits, the rules also recognise polygamous marriages, and payments may include an additional amount in respect of a second wife. Universal Credit (UC) – which is replacing means-tested benefits and tax credits for people of working age – **does not** however recognise polygamous marriages.

The following written answer from the then DWP Minister Chris Grayling from October 2011 outlines the situation:

For income-replacement benefits such as income support, income-based jobseeker’s allowance and income-related employment and support allowance, the husband and first wife claim as a couple. Subsequent wives receive an additional sum which is less than the single person rate. These benefits are only payable for wives residing in Great Britain.

Housing benefit and council tax benefit entitlement for polygamous families is limited to those living in one property. There are no special rules for a husband to claim housing benefit for more than one property if his wives live separately.

The claimant may claim benefit/tax credits (depending on claim date) for any child or young person for whom he or a partner of his is responsible and who is a member of the same household.

Contributory benefits make no provision for polygamous marriages. Where a man dies leaving two widows, neither gets bereavement benefit. If at the time of his death he leaves a single widow, she could qualify for bereavement benefit.

A member of a polygamous marriage can claim a contributory or income-related benefit in their own right where they satisfy the relevant conditions of entitlement.

Information regarding the cost and number of polygamous households is not available.

However, the current Government have decided to no longer recognise polygamous marriages and there are measures in the Welfare Reform Bill which will bring this change in policy into effect under universal credit as from 2013.²⁹

²⁹ [HC Deb 12 October 2011 c435w](#)

The **means-tested benefits** which may include an amount for each additional spouse in a polygamous marriage are:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Housing Benefit³⁰
- Pension Credit

To be eligible for an additional amount of **means-tested benefit** for a second or subsequent wife, the polygamous marriage must have been solemnised by a marriage ceremony in a country where polygamous marriages are permitted, and the parties must have been domiciled there at the time.³¹ Before 1988, benefit could be paid to people who could establish they were in polygamous relationships. This was narrowed to polygamous marriage “following press interest in people in hippie communes living off the state”.³²

The amount of benefit payable will include personal allowances for the man and one wife at the appropriate couple rate. For each other partner, the additional amount payable will be the difference between the couple rate and the higher rate personal allowance for a single person. This will be **less** than the amount the individual could have received had they made a separate claim for benefit as a single person. As such, when responding to PQs, Ministers in the last Labour Government argued that the benefit rules ensured that “In general, therefore, there is no financial advantage to claiming for those in polygamous marriages.”³³

Following the roll-out of **Universal Credit** across the United Kingdom, it is now no longer possible to make new claims for Income Support, income-based JSA, income-related ESA, Housing Benefit (with limited exceptions), or tax credits. UC is the only option for working age families seeking means-tested support. The rules under UC are explained in section 3.2 below.

As stated in the above written answer, **contributory benefits** make no provision for polygamous marriages.

³⁰ The written answer above from 2011 also referred to Council Tax Benefit, which was subsequently abolished and replaced by local Council Tax Reductions schemes in England, and by separate schemes in Scotland and in Wales. See Commons Library briefing SN06672, [Council Tax Reduction Schemes](#)

³¹ See DWP, [DMG Chapter 10: Evidence of age, marriage and death \(PDF\)](#), paras 10310-10331

³² DWP, [Benefit entitlement for people in polygamous marriages: Submission to DWP Secretary of State – 9 November 2006 \(PDF\)](#), para 19

³³ [HL Deb 7 November 2006 cc103-104WA](#) ; see also [Benefit entitlement for people in polygamous marriages: Submission to DWP Secretary of State – 9 November 2006 \(PDF\)](#), para 20

Contributory benefits are those that can only be paid where the person satisfies National Insurance (NI) contribution conditions. They include:

- “New style” Employment and Support Allowance (ESA)
- “New style” Jobseeker’s Allowance (JSA)
- Bereavement Support Payment (BSP)
- State Pensions

New style ESA and JSA can only be claimed by a person based on their own NI record.

Bereavement Support Payment is payable to people whose late partner either paid National Insurance contributions for at least 25 weeks in one tax year since 1975, or died because of an accident at work or an industrial disease.

While polygamous marriages are not recognised for contributory benefits such as BSP, there may be circumstances where a marriage that **appears** polygamous **may in fact be monogamous**. This could be the case where, for example, only one polygamous partner is still living. In this situation, there could be an entitlement to BSP. The Department for Work and Pensions’ Decision Maker’s Guide gives further details.³⁴

The rules for State Pensions are covered in section 4 below.

3.1 Labour Government review of social security benefit rules

In November 2006, the then Secretary of State for Work and Pensions (John Hutton) asked DWP officials to undertake an urgent review of the treatment of polygamous marriages in the benefits system to establish whether the current treatment was appropriate. This was prompted by a question for written answer tabled by Baroness Cox³⁵ and “some media interest”.³⁶

In response to a PQ in February 2008, the then DWP Minister James Plaskitt said the Government had decided that the existing arrangements were “the best possible”. He explained:

The current rules for paying benefits to people in polygamous marriages have been in place since 1988. In November 2006 we asked officials to look at the social security benefit rules in place for the treatment of valid polygamous

³⁴ DWP, [DMG Chapter 10: Evidence of age, marriage and death \(PDF\)](#), paras 10310-10331

³⁵ [HL Deb 7 November 2006 cc103-104WA](#)

³⁶ DWP, [Polygamous marriages and the benefits system: Submission to DWP Minister – 13 November 2007 \(PDF\)](#)

marriages and consider whether any changes were needed. As part of that process the Department consulted other Departments with an interest, such as the Home Office, Treasury, HM Revenue and Customs and the then Department for Constitutional Affairs. The conclusion was that the current arrangements were the best possible.³⁷

The review itself was not published. In a written answer in March 2008 Mr Plaskitt said:

The internal review took the form of a number of submissions to Ministers. Advice to Ministers on the development and formulation of Government policy is not made public.³⁸

[Four of the submissions](#) were however released by the DWP in July 2010 in response to a Freedom of Information request:

- [Submission to DWP Secretary of State – 9 November 2006 \(PDF\)](#)
- [Submission to DWP Minister – 13 December 2006 \(PDF\)](#)
- [Submission to DWP Minister and DWP Secretary of State - 19 January 2007 \(PDF\)](#)
- [Submission to DWP Minister – 13 November 2007 \(PDF\)](#)

The documents show that:

- The initial recommendation by officials to Ministers was to maintain the status quo. This was because alternative options considered were more expensive (though not significantly), would have “a weak policy justification if subject to legal challenge”, and would mean the DWP was out of step with the treatment of polygamous marriages across Government. They also pointed out that numbers were diminishing because of changes to the immigration rules in 1988.³⁹
- The Secretary of State decided that the benefits system should not recognise polygamous marriages in any way and asked officials to develop an option which would treat the husband and first wife as a couple for means-tested benefits and require second and subsequent spouses to make separate claims. Officials then drew up a timetable to implement the change, which involved obtaining the agreement of other Government departments before proceeding.⁴⁰
- Treasury ministers replied in March 2007, advising against a change to the rules. This was for two reasons: a change would mean that the benefits system would be out of step with the tax credits system; and would create lone parent status for people who are not lone parents.

³⁷ [HC Deb 20 February 2008 c756w](#)

³⁸ [HC Deb 12 March 2008 c432w](#)

³⁹ See the submissions of 9 November and 13 December 2006

⁴⁰ See the submission of 19 January 2007

Special Advisers had been considering the way forward, but a final view had not been reached before ministerial changes at the DWP.⁴¹

- In the submission of 13 November 2007, officials recommended that, in light of the Treasury’s response, DWP Ministers confirm that there were no plans for changing the existing treatment of polygamous marriages in the benefits system. If accepted, they recommended that the Department wait until it received a further PQ or there was renewed press interest before making any public announcement.

3.2 Universal Credit

Universal Credit (UC) is replacing all existing means-tested social security benefits and tax credits for families of working age. UC was first introduced for a small subset of new claimants in certain areas in 2013, and the current version of the benefit has been available in all parts of the United Kingdom since December 2018. UC is not expected to be fully introduced until at least 2028, when all existing claimants of “legacy” means-tested benefits will have transferred to UC.

The 2010 Coalition Government decided that the Universal Credit rules would not recognise additional partners in polygamous relationships. The following written answer from January 2014 set out the then Government’s position:

Andrew Stephenson: To ask the Secretary of State for Work and Pensions what progress he has made in preventing payments of benefits to people in polygamous relationships. [182601]

Esther McVey: The Government has decided that universal credit, which replaces means-tested benefits and tax credits for working-age people, will not recognise polygamous marriages. Instead, the husband and wife who are party to the earliest marriage that still subsists can make a joint claim for universal credit in the same way as any other couple. Any other adults living in the household would each have to claim as a single person on the basis of their own circumstances. This process already happens where a polygamous marriage is not recognised in UK law.⁴²

The Government said this would be “a simpler approach that is easier to administer and avoids complexity within the structure of the benefit.”⁴³

Treating second and subsequent spouses in polygamous marriages as separate claimants could in some situations mean that polygamous households receive **more** under Universal Credit than they would under legacy benefits and tax credits. This is because, as explained above, in the legacy

⁴¹ See the submission of 13 November 2007. Peter Hain replaced John Hutton as Secretary of State for Work and Pensions from 28 June 2007

⁴² [HC Deb 16 January 2014 c640w](#)

⁴³ [PQ 118475 \[on Universal Credit: Polygamy\]](#), 14 December 2017

system the amounts which may be paid in respect of additional spouses are lower than those which generally apply to single claimants.

The DWP states that information on the number of polygamous households estimated to be affected by the move to Universal Credit, and on the number of polygamous households receiving means-tested state benefits, is “not readily available and to provide it would incur disproportionate cost”.⁴⁴

⁴⁴ [PQ HL17953 \[on Social Security Benefits: Polygamy\]](#), 8 October 2019

4

State pensions and polygamous marriages

Under the Pensions Act 2014, a [new single-tier State Pension](#) was introduced for people reaching State Pension age (SPA) from 6 April 2016. People who had already reached SPA before that date continued to receive their State Pension in line with existing rules.

A key difference is that the [old State Pension](#) system included provision for people who were (or have been) married to claim a State Pension based on the National Insurance (NI) record of their spouse or former spouse, whereas the new system does not (although there is some limited transitional protection).

The old State Pension

Under the old system, it was possible to derive entitlement to the State Pension based on the contributions of a spouse or civil partner. For example, a married woman could qualify for a Category B basic State Pension (BSP), or an “uplift” to her own BSP, based on the National Insurance (NI) record of her husband, when he reached State Pension age. This could provide a married woman with her own State Pension worth up to 60% of the full BSP rate.

Under the old State Pension it was also possible for widows (and widowers), who were not entitled to a full BSP on the basis of their own NI contributions, to inherit a BSP from their late spouse or civil partner, worth up to the full rate of the BSP. Widows and widowers could also inherit Additional State Pension – such as the State Earnings Related Pension (SERPS) – from the late spouse. If their spouse died before 6 October 2002, they could inherit up to 100% of their SERPS pension.

Further information can be found on GOV.UK:

- [The basic State Pension: Increasing or inheriting State Pension from your spouse or civil partner](#)
- [Additional State Pension: Inheriting Additional State Pension](#)

Contributory benefits – including State Pensions – do not make provision for polygamous marriages. The DWP’s Decision Maker’s Guide explains:

The words marriage, husband, wife and widow describe a matrimonial relationship of a monogamous character and do not include polygamous relationships. For example “wife” cannot be extended to include “wives” and

therefore an increase of [State Pension] cannot be paid in respect of the wives of a polygamous marriage.⁴⁵

Therefore, a wife in a polygamous marriage did not generally have the right to a State Pension based her spouse's contributions. However, as previously noted in section 3, there are circumstances where a marriage that **appears** polygamous is **in fact monogamous** – for example, where only one polygamous partner is still living. The DWP's Decision Maker's Guide gives further details.⁴⁶

This means that, for example, under the old system, if a woman's polygamous marriage was in fact monogamous on the day both she and her husband had reached State Pension Age, she would be entitled to a Category B State Pension on her husband's contributions from that date.

Other such situations are outlined in the Decision Maker's Guide.⁴⁷

The new State Pension

Rules allowing people to derive or inherit entitlements based on the contribution record of their late spouse or civil partner are not part of the [new State Pension](#) system for people reaching State Pension age from 6 April 2016. The reason is that the new State Pension is "...designed to ensure the large majority of individuals will be able to get the full rate in their own right".⁴⁸

There is however some limited transitional protection to cover certain situations where the Government considered it "right to recognise contributions made prior to the implementation of the single tier pension."⁴⁹ This includes:⁵⁰

- Married women who had in the past elected to pay reduced-rate NI contributions may in some circumstances be able to get a higher rate of pension from their spouse or civil partner's NI record
- Widows/widowers whose late spouse reached or was due to reach State Pension age after 6 April 2016 may be entitled to inherit half of their [protected payment](#), if they had one. A "protected payment" is an entitlement a person had built up by April 2016 under the old system more than the amount they would have got had the new State Pension been in place throughout.

⁴⁵ DWP, [DMG Chapter 10: Evidence of age, marriage and death \(PDE\)](#), paras 10340

⁴⁶ DWP, [DMG Chapter 10: Evidence of age, marriage and death \(PDE\)](#), paras 10310-10331

⁴⁷ DWP, [DMG Chapter 10: Evidence of age, marriage and death \(PDE\)](#), paras 10341-10362

⁴⁸ DWP, [The single-tier pension: a simple foundation for saving](#) (PDF), Cm 8528, January 2013, Annex 3D, para 26. See also Commons Library briefing CBP-8635, [Inheriting pension rights](#)

⁴⁹ DWP, [The single-tier pension: a simple foundation for saving](#) (PDF), Cm 8528, January 2013, Annex 3D

⁵⁰ For further details see Commons Library briefing CBP-8635, [Inheriting pension rights](#); and Lane Clark & Peacock, [The new state pension and the position of widows and widowers](#) [accessed 6 December 2022]

- A widow/widower may also be able to inherit some of their late spouse's earnings-related [additional State Pension](#).

In any of the above situations, a woman who was formerly in a polygamous marriage which was, at the relevant date, in fact monogamous, may be able to derive an entitlement or additional entitlement to the new State Pension based on their husband's or late husband's record.

Overall, the scope to derive entitlement from another person is however narrower than under the old State Pension, and will disappear over time as fewer people become entitled to transitional protection.

5

Number of polygamous marriages

On 26 September 2014, Barry Sheerman (Labour) tabled a Parliamentary question asking for an estimate of the number of polygamous marriages in England and in Wales. The response, in the form of a letter from the then Director General for the Office for National Statistics, indicated this information was not available:

I have been asked to reply to your Parliamentary Question asking the Secretary of State for the Home Department, what estimate has been made of i) the number of couples who have polygamous marriages where at least one partner is simultaneously also married to a third party in an unregistered religious ceremony and ii) the number of polygamous marriages in (a) England and (b) Wales. [209506, 209680]

Marriage statistics for England and Wales are based on the details collected in the marriage register when marriages are solemnised. The marriage register only contains details of legally registered marriages and does not contain information to identify polygamous couples or marriages. The information requested is also not available from survey data. Consequently it is not possible for ONS to provide the figures requested.⁵¹

In October 2019, the Government confirmed there is no estimate of the number of legally recognised polygamous marriages in the United Kingdom, adding, “The Government believe the numbers of legally recognised polygamous marriages to be very low and declining”.⁵²

⁵¹ [PQ 209680 \[on Polygamy\], 14 October 2014](#)

⁵² [HL PQ 17953 \[on Social Security Benefits: Polygamy\], 8 October 2019](#)

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