



Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

2011 asp 15

PART 1

FORCED MARRIAGE PROTECTION ORDERS

Duration, variation, recall and extension

6 Duration of orders

A forced marriage protection order has effect—

- (a) where the order specifies a period for which it is to have effect, until the expiry of that period (unless the order is recalled under section 7 or extended under section 8),
- (b) where no such period is specified, until the order is recalled under section 7.

7 Variation and recall of orders

- (1) The court may vary or recall a forced marriage protection order on an application by—
 - (a) any person who was or, in the case of an order made by virtue of section 4(1) or 5(1), would have been a party to the proceedings for the order,
 - (b) the protected person (if not such a person),
 - (c) any other person affected by the order, or
 - (d) with the leave of the court only, any person not falling within paragraphs (a) to (c).
- (2) In deciding whether to grant leave under subsection (1)(d), the court must have regard to all the circumstances including—
 - (a) the applicant's connection with the protected person,
 - (b) the applicant's knowledge of the circumstances of the protected person, and
 - (c) the wishes and feelings of the protected person so far as they are reasonably ascertainable.

- (3) But the court need only have regard to those wishes and feelings so far as it considers it appropriate, on the basis of the protected person's age and understanding, to do so.
- (4) In addition, the court may vary or recall a forced marriage protection order made by virtue of section 4(1) even though no application under subsection (1) of this section has been made to the court.
- (5) Section 5 applies to the variation of a forced marriage protection order as it applies to the making of an interim forced marriage protection order; and accordingly the references in that section to the making of such an interim order are to be read for the purposes of this subsection as references to varying a forced marriage protection order.
- (6) In this Part, where a forced marriage protection order specifies a period for which it is to have effect, references to varying an order do not include extending any such period.

8 Extension of orders

- (1) This section applies where a forced marriage protection order specifies a period for which it is to have effect.
- (2) Before the expiry of the period, a person mentioned in subsection (3) may apply to the court for an extension of the order.
- (3) The persons are—
 - (a) any person who was or, in the case of an order made by virtue of section 4(1) or 5(1), would have been a party to the proceedings for the order,
 - (b) the protected person (if not such a person),
 - (c) any other person affected by the order, or
 - (d) with the leave of the court only, any person not falling within paragraphs (a) to (c).
- (4) In deciding whether to grant leave under subsection (3)(d), the court must have regard to all the circumstances including—
 - (a) the applicant's connection with the protected person,
 - (b) the applicant's knowledge of the circumstances of the protected person, and
 - (c) the wishes and feelings of the protected person so far as they are reasonably ascertainable.
- (5) But the court need only have regard to those wishes and feelings so far as it considers it appropriate, on the basis of the protected person's age and understanding, to do so.
- (6) In addition, where the order was made by virtue of section 4(1), the court may before the expiry of the period extend the order even though no application has been made to the court.
- (7) An order may be extended on more than one occasion.
- (8) Section 5 applies to the extension of a forced marriage protection order as it applies to the making of an interim forced marriage protection order; and accordingly the references in that section to the making of such an interim order are to be read for the purposes of this subsection as references to extending such an order.