



Domestic Violence and Matrimonial Proceedings Act 1976

1976 CHAPTER 50

2 Arrest for breach of injunction.

- (1) Where, on an application by a party to a marriage, a judge grants an injunction containing a provision (in whatever terms)—
 - (a) restraining the other party to the marriage from using violence against the applicant, or
 - (b) restraining the other party from using violence against a child living with the applicant, or
 - (c) excluding the other party from the matrimonial home or from a specified area in which the matrimonial home is included,the judge may, if he is satisfied that the other party has caused actual bodily harm to the applicant or, as the case may be, to the child concerned and considers that he is likely to do so again, attach a power of arrest to the injunction.
- (2) References in subsection (1) above to the parties to a marriage include references to a man and a woman who are living with each other in the same household as husband and wife and any reference in that subsection to the matrimonial home shall be construed accordingly.
- (3) If, by virtue of subsection (1) above, a power of arrest is attached to an injunction, a constable may arrest without warrant a person whom he has reasonable cause for suspecting of being in breach of such a provision of that injunction as falls within paragraphs (a) to (c) of subsection (1) above by reason of that person's use of violence or, as the case may be, of his entry into any premises or area.
- (4) Where a power of arrest is attached to an injunction and a person to whom the injunction is addressed is arrested under subsection (3) above,—
 - (a) he shall be brought before a judge within the period of 24 hours beginning at the time of his arrest, and
 - (b) he shall not be released within that period except on the direction of the judge,

Status: This is the original version (as it was originally enacted).

but nothing in this section shall authorise his detention at any time after the expiry of that period.

- (5) Where, by virtue of a power of arrest attached to an injunction, a constable arrests any person under subsection (3) above, the constable shall forthwith seek the directions—
- (a) in a case where the injunction was granted by the High Court, of that court, and
 - (b) in any other case, of a county court,
- as to the time, and place at which that person is to be brought before a judge.