



Family Law Act 1996

1996 CHAPTER 27

[^{F1}PART 4A

FORCED MARRIAGE

[^{F1}Arrest for breach of orders

Textual Amendments

- F1** Pt. 4A inserted (25.11.2008 except in regard to the insertion of s. 63N) by [Forced Marriage \(Civil Protection\) Act 2007 \(c. 20\)](#), [ss. 1, 4\(2\)](#); [S.I. 2008/2779](#), [art. 2\(a\)](#) (as amended (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 11 para. 210](#) Table; [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#)))

63H Attachment of powers of arrest to orders

- (1) Subsection (2) applies if the court—
 - (a) intends to make a forced marriage protection order otherwise than by virtue of section 63D; and
 - (b) considers that the respondent has used or threatened violence against the person being protected or otherwise in connection with the matters being dealt with by the order.
- (2) The court must attach a power of arrest to one or more provisions of the order unless it considers that, in all the circumstances of the case, there will be adequate protection without such a power.
- (3) Subsection (4) applies if the court—
 - (a) intends to make a forced marriage protection order by virtue of section 63D; and
 - (b) considers that the respondent has used or threatened violence against the person being protected or otherwise in connection with the matters being dealt with by the order.

Status: Point in time view as at 25/11/2008.

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- (4) The court may attach a power of arrest to one or more provisions of the order if it considers that there is a risk of significant harm to a person, attributable to conduct of the respondent, if the power of arrest is not attached to the provisions immediately.
- (5) The court may provide for a power of arrest attached to any provisions of an order under subsection (4) to have effect for a shorter period than the other provisions of the order.
- (6) Any period specified for the purposes of subsection (5) may be extended by the court (on one or more occasions) on an application to vary or discharge the order.
- (7) In this section “respondent” includes any person who is not a respondent but to whom an order is directed.

63I Arrest under attached powers

- (1) Subsection (2) applies if a power of arrest is attached to provisions of a forced marriage protection order under section 63H.
- (2) A constable may arrest without warrant a person whom the constable has reasonable cause for suspecting to be in breach of any such provision or otherwise in contempt of court in relation to the order.
- (3) A person arrested under subsection (2) must be brought before the relevant judge within the period of 24 hours beginning at the time of the person's arrest.
- (4) In calculating any period of 24 hours for the purposes of subsection (3), Christmas Day, Good Friday and any Sunday are to be ignored.

63J Arrest under warrant

- (1) Subsection (2) applies if the court has made a forced marriage protection order but—
 - (a) no power of arrest is attached to any provision of the order under section 63H;
 - (b) such a power is attached only to certain provisions of the order; or
 - (c) such a power was attached for a shorter period than other provisions of the order and that period has expired.
- (2) An interested party may apply to the relevant judge for the issue of a warrant for the arrest of a person if the interested party considers that the person has failed to comply with the order or is otherwise in contempt of court in relation to the order.
- (3) The relevant judge must not issue a warrant on an application under subsection (2) unless—
 - (a) the application is substantiated on oath; and
 - (b) the relevant judge has reasonable grounds for believing that the person to be arrested has failed to comply with the order or is otherwise in contempt of court in relation to the order.
- (4) In this section “interested party”, in relation to a forced marriage protection order, means—
 - (a) the person being protected by the order;
 - (b) (if a different person) the person who applied for the order; or
 - (c) any other person;

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but no application may be made under subsection (2) by a person falling within paragraph (c) without the leave of the relevant judge.

63K Remand: general

- (1) The court before which an arrested person is brought under section 63I(3) or by virtue of a warrant issued under section 63J may, if the matter is not then disposed of immediately, remand the person concerned.
- (2) Schedule 5 has effect in relation to the powers of the court to remand a person by virtue of this section but as if the following modifications were made to the Schedule.
- (3) The modifications are that—
 - (a) in paragraph 2(1) of Schedule 5, the reference to section 47 is to be read as a reference to this section; and
 - (b) in paragraph 2(5)(b) of the Schedule, the reference to section 48(1) is to be read as a reference to section 63L(1).
- (4) Subsection (5) applies if a person remanded under this section is granted bail under Schedule 5 as modified above.
- (5) The person may be required by the relevant judge to comply, before release on bail or later, with such requirements as appear to the relevant judge to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.

63L Remand: medical examination and report

- (1) Any power to remand a person under section 63K(1) may be exercised for the purpose of enabling a medical examination and report to be made if the relevant judge has reason to consider that a medical report will be required.
- (2) If such a power is so exercised, the adjournment must not be for more than 4 weeks at a time unless the relevant judge remands the accused in custody.
- (3) If the relevant judge remands the accused in custody, the adjournment must not be for more than 3 weeks at a time.
- (4) Subsection (5) applies if there is reason to suspect that a person who has been arrested—
 - (a) under section 63I(2); or
 - (b) under a warrant issued on an application made under section 63J(2);is suffering from [^{F2}mental disorder within the meaning of the Mental Health Act 1983].
- (5) The relevant judge has the same power to make an order under section 35 of the Mental Health Act 1983 (c. 20) (remand for report on accused's mental condition) as the Crown Court has under section 35 of that Act in the case of an accused person within the meaning of that section.]

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Textual Amendments

- F2** Words in s. 63L(4) substituted (3.11.2008) by [The Mental Health Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/2828\)](#), arts. 1(2), **5** (subject to art. 1(3))

Status:

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