



# Family Law Act 1996

## 1996 CHAPTER 27

### [<sup>F1</sup>PART 4A

#### FORCED MARRIAGE

#### *[<sup>F1</sup>Further provision about 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](#)))

#### **63D Ex parte orders: Part 4A**

- (1) The court may, in any case where it considers that it is just and convenient to do so, make a forced marriage protection order even though the respondent has not been given such notice of the proceedings as would otherwise be required by rules of court.
- (2) In deciding whether to exercise its powers under subsection (1), the court must have regard to all the circumstances including—
  - (a) any risk of significant harm to the person to be protected or another person if the order is not made immediately;
  - (b) whether it is likely that an applicant will be deterred or prevented from pursuing an application if an order is not made immediately; and
  - (c) whether there is reason to believe that—
    - (i) the respondent is aware of the proceedings but is deliberately evading service; and
    - (ii) the delay involved in effecting substituted service will cause serious prejudice to the person to be protected or (if a different person) an applicant.

*Status: Point in time view as at 25/11/2008.*

*Changes to legislation: Family Law Act 1996, Cross Heading: Further provision about orders is up to date with all changes known to be in force on or before 12 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The court must give the respondent an opportunity to make representations about any order made by virtue of subsection (1).
- (4) The opportunity must be—
  - (a) as soon as just and convenient; and
  - (b) at a hearing of which notice has been given to all the parties in accordance with rules of court.

### **63E Undertakings instead of orders**

- (1) The court may, subject to subsection (3), accept an undertaking from the respondent to proceedings for a forced marriage protection order if it has power to make such an order.
- (2) No power of arrest may be attached to an undertaking given under subsection (1).
- (3) The court may not accept an undertaking under subsection (1) instead of making an order if a power of arrest would otherwise have been attached to the order.
- (4) An undertaking given to the court under subsection (1) is enforceable as if the court had made the order in terms corresponding to those of the undertaking.
- (5) This section is without prejudice to the powers of the court apart from this section.

### **63F Duration of orders**

A forced marriage protection order may be made for a specified period or until varied or discharged.

### **63G Variation of orders and their discharge**

- (1) The court may vary or discharge a forced marriage protection order on an application by—
  - (a) any party to the proceedings for the order;
  - (b) the person being protected by the order (if not a party to the proceedings for the order); or
  - (c) any person affected by the order.
- (2) In addition, the court may vary or discharge a forced marriage protection order made by virtue of section 63C(1)(b) even though no application under subsection (1) above has been made to the court.
- (3) Section 63D applies to a variation of a forced marriage protection order as it applies to the making of such an order.
- (4) Section 63E applies to proceedings for a variation of a forced marriage protection order as it applies to proceedings for the making of such an order.
- (5) Accordingly, references in sections 63D and 63E to making a forced marriage protection order are to be read for the purposes of subsections (3) and (4) above as references to varying such an order.
- (6) Subsection (7) applies if a power of arrest has been attached to provisions of a forced marriage protection order by virtue of section 63H.

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- (7) The court may vary or discharge the order under this section so far as it confers a power of arrest (whether or not there is a variation or discharge of any other provision of the order).]

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