



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

2011 asp 15

## PART 1

### FORCED MARRIAGE PROTECTION ORDERS

#### *Forced marriage protection orders*

#### **1 Forced marriage protection orders**

- (1) The court may make an order for the purposes of protecting a person (a “protected person”)—
  - (a) from being forced into a marriage [<sup>F1</sup>or civil partnership] or from any attempt to force the person into a marriage [<sup>F1</sup>or civil partnership], or
  - (b) who has been forced into a marriage [<sup>F1</sup>or civil partnership].
- (2) In deciding whether to make such an order and, if so, what order to make, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the protected person.
- (3) In ascertaining the protected person's well-being, the court must, in particular, have such regard to the person's wishes and feelings (so far as they are reasonably ascertainable) as the court considers appropriate on the basis of the person's age and understanding.
- (4) For the purposes of this Part, a person (“A”) is forced into a marriage [<sup>F2</sup>or civil partnership] if another person (“B”) forces A to enter into a marriage [<sup>F2</sup>or civil partnership] (whether with B or another person) without A's free and full consent.
- (5) For the purposes of subsection (4), it does not matter whether the conduct of B which forces A to enter into a marriage [<sup>F2</sup>or civil partnership] is directed against A, B or another person.
- (6) In this Part—

“force” includes—

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**Changes to legislation:** There are currently no known outstanding effects for the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011, Section 1. (See end of Document for details)

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- (a) coerce by physical, verbal or psychological means, threatening conduct, harassment or other means,
- (b) knowingly take advantage of a person's incapacity to consent to marriage [<sup>F3</sup>or civil partnership] or to understand the nature of the marriage [<sup>F3</sup>or civil partnership],

and related expressions are to be read accordingly,

“forced marriage protection order” means an order under subsection (1).

#### Textual Amendments

- F1** Words in s. 1(1) inserted (30.11.2023) by [The Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011 \(Application to Civil Partnerships and Consequential Provision\) Order 2023 \(S.S.I. 2023/194\)](#), arts. 1, [2\(2\)\(a\)](#)
- F2** Words in s. 1(4)(5) inserted (30.11.2023) by [The Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011 \(Application to Civil Partnerships and Consequential Provision\) Order 2023 \(S.S.I. 2023/194\)](#), arts. 1, [2\(2\)\(a\)](#)
- F3** Words in s. 1(6) inserted (30.11.2023) by [The Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011 \(Application to Civil Partnerships and Consequential Provision\) Order 2023 \(S.S.I. 2023/194\)](#), arts. 1, [2\(2\)\(b\)](#)

#### Commencement Information

- I1** [S. 1](#) in force at 28.11.2011 by [S.S.I. 2011/352](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011, Section 1.