



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

2011 asp 15

PART 1

FORCED MARRIAGE PROTECTION ORDERS

Forced marriage protection orders

3 Applications for orders

- (1) The court may make a forced marriage protection order on an application being made to it by—
 - (a) the protected person, or
 - (b) a relevant third party.
- (2) An application may be made by any other person only with the leave of the court.
- (3) In deciding whether to grant such leave, 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.
- (4) 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.
- (5) An application made to the sheriff under this section is to be made by summary application.
- (6) An application made to the sheriff under this section is to be made—
 - (a) to the sheriff in whose sheriffdom the protected person is ordinarily resident, or
 - (b) where the protected person is not ordinarily resident in Scotland, to the sheriff of the sheriffdom of Lothian and Borders at Edinburgh.

Changes to legislation: There are currently no known outstanding effects for the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011, Section 3. (See end of Document for details)

(7) In this section, “a relevant third party” means—

- (a) a local authority,
- (b) the Lord Advocate,
- (c) a person specified, or falling within a description of persons specified, by order made by the Scottish Ministers.

Commencement Information

II S. 3 in force at 28.11.2011 by [S.S.I. 2011/352](#), **art. 2**

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