



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

2011 asp 15

PART 1

FORCED MARRIAGE PROTECTION ORDERS

Supplementary

11 Guidance

- (1) The Scottish Ministers must, no later than the day on which section 1 comes into force, give guidance to such persons or descriptions of persons as Ministers consider appropriate about the effect of this Part or any provision of it.
- (2) The Scottish Ministers may give guidance to such persons or descriptions of persons as Ministers consider appropriate about matters (other than that mentioned in subsection (1)) relating to forced marriages.
- (3) A person exercising public functions to whom guidance is given under this section must have regard to it in the exercise of those functions.
- (4) The Scottish Ministers may not give guidance under this section to any court or tribunal.

12 Other protection or assistance against forced marriage

- (1) This Part does not affect any other protection or assistance available to a person who—
 - (a) is being, or may be, forced into a marriage,
 - (b) is being, or may be, subjected to an attempt to force the person into a marriage, or
 - (c) has been forced into a marriage.
- (2) In particular, it does not affect—
 - (a) the equitable jurisdiction of the High Court or the Court of Session,
 - (b) any criminal liability,

- (c) any civil remedies under the Protection from Harassment Act 1997 (c.40),
- (d) any right to—
 - (i) an order under the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59) relating to occupancy rights,
 - (ii) an exclusion order under that Act,
- (e) any protection or assistance under the Children (Scotland) Act 1995 (c.36) or the Children’s Hearings (Scotland) Act 2011 (asp 1),
- (f) any claim in delict, or
- (g) the law of marriage.

13 Amendment of Children’s Hearings (Scotland) Act 2011

- (1) The Children’s Hearings (Scotland) Act 2011 (asp 1) is amended as follows.
- (2) In section 62(5) (provision of information by court)—
 - (a) the word “or” immediately following paragraph (l) is repealed,
 - (b) after paragraph (m) insert—
 - “(n) an application for the making, variation, recall or extension of—
 - (i) a forced marriage protection order (as defined in section 1(6) of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (asp 15)), or
 - (ii) an interim forced marriage protection order (as defined in section 5(2) of that Act),
 - (o) civil proceedings in which a court makes an order such as is mentioned in sub-paragraph (i) or (ii) of paragraph (n) by virtue of section 4(1) of that Act (power to make order without application), or
 - (p) proceedings relating to an offence under section 9(1) of that Act (offence of breaching order).”.
- (3) In section 67(2) (meaning of “section 67 ground”)—
 - (a) in paragraph (p)(i) the words “marriage or” are repealed,
 - (b) after paragraph (p) insert—
 - “(q) the child—
 - (i) has been, is being or is likely to be forced into a marriage (that expression being construed in accordance with section 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (asp 15)) or,
 - (ii) is, or is likely to become, a member of the same household as such a child.”.

14 Interpretation of Part

In this Part (except where the context otherwise requires)—

- “court” means the Court of Session or the sheriff,
- “force” and related expressions have the meanings given by section 1(6),
- “forced marriage protection order” has the meaning given by section 1(6),

“interim forced marriage protection order” has the meaning given by section 5(2),
“marriage” means any religious or civil ceremony of marriage (wherever carried out and whether or not legally binding under the law of Scotland or any other place),

“protected person” has the meaning given by section 1(1).