

*These notes refer to the Human Trafficking and Exploitation  
(Criminal Justice and Support for Victims) Act (Northern Ireland)  
2015 (c.2) which received Royal Assent on 13 January 2015*

# Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 16: Offence of forced marriage*

Section 16 makes provision for forced marriage to be a criminal offence in Northern Ireland.

Subsection (1) provides that it is an offence for a person to use violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage without his or her free and full consent.

Subsection (2) provides that the conduct which is prohibited under subsection (1) may be directed at the victim of the offence or another person. This ensures that threats against wider family members or loved ones are also covered.

Subsection (3) provides that, if, due to a mental disorder, the victim lacks the capacity to consent, the offence in subsection (1) is committed by any conduct which is intended to cause the victim to marry, whether or not it amounts to violence, threats or any other form of coercion.

In accordance with subsection (4) “marriage” includes any religious or civil ceremony of marriage recognised by the customs of the parties to it or the laws of any country in which it is carried out, whether or not it would be legally binding according to the law of Northern Ireland. Subsection (4) also provides that the term “mental disorder” is to be interpreted in accordance with the Mental Health (Northern Ireland) Order 1986.

Subsection (5) provides that it is an offence to practise any form of deception which is designed to cause another person to leave the United Kingdom (“UK”) to travel to another country and be subjected to conduct that is an offence under subsection (1) or would be such an offence if the victim were in Northern Ireland.

Subsection (6) establishes when the courts in Northern Ireland will have jurisdiction. If the acts which are prohibited by subsections (1) or (5) are carried

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out outside Northern Ireland by a UK national or a person who is habitually resident in Northern Ireland or against a UK national or person habitually resident in Northern Ireland, they constitute an offence under domestic law and are triable in Northern Ireland. “UK national” is defined in section 25.

Subsection (7) sets out the maximum penalties for the new offences in subsection (1) and (5). On summary conviction the maximum penalty is a fine not exceeding the statutory maximum and/or imprisonment for up to six months. On conviction on indictment the maximum penalty is imprisonment for seven years.