



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 10

FORCED MARRIAGE

120 Offence of breaching forced marriage protection order

- (1) The Family Law Act 1996 is amended as follows.
- (2) After section 63C there is inserted—

“63CA Offence of breaching order

- (1) A person who without reasonable excuse does anything that the person is prohibited from doing by a forced marriage protection order is guilty of an offence.
- (2) In the case of a forced marriage protection order made by virtue of section 63D(1), a person can be guilty of an offence under this section only in respect of conduct engaged in at a time when the person was aware of the existence of the order.
- (3) Where a person is convicted of an offence under this section in respect of any conduct, that conduct is not punishable as a contempt of court.
- (4) A person cannot be convicted of an offence under this section in respect of any conduct which has been punished as a contempt of court.
- (5) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.

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- (6) A reference in any enactment to proceedings under this Part, or to an order under this Part, does not include a reference to proceedings for an offence under this section or to an order made in proceedings for such an offence.
- (7) “Enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978.”
- (3) For subsections (1) to (3) of section 63E there is substituted—
- “(1) In any case where the court has power to make a forced marriage protection order, the court may accept an undertaking from the respondent instead of making the order.
- (2) But a court may not accept an undertaking under subsection (1) if it appears to the court—
- (a) that the respondent has used or threatened violence against the person to be protected, and
- (b) that, for the person's protection, it is necessary to make a forced marriage protection order so that any breach of it by the respondent may be punishable under section 63CA.”
- (4) In section 63J(2), for “the order” there is substituted “ a forced marriage protection order ”.
- (5) The following are repealed—
- (a) section 63G(6) and (7);
- (b) section 63H;
- (c) section 63I;
- (d) section 63J(1);
- (e) in section 63K(1) the words “under section 63I(3) or”;
- (f) section 63L(4)(a).
- (6) This section applies only in relation to conduct occurring on or after the day on which it comes into force.
- (7) In relation to an offence committed before [F12 May 2022], the reference to 12 months in section 63CA(5)(b) of the Family Law Act 1996 (inserted by subsection (2) above) is to be read as a reference to six months.

Textual Amendments

- F1** Words in s. 120(7) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

Commencement Information

- I1** S. 120 in force at 16.6.2014 by [S.I. 2014/949](#), [art. 5\(a\)](#) (with [art. 10](#))

121 Offence of forced marriage: England and Wales

- (1) A person commits an offence under the law of England and Wales if he or she—

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- (a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and
 - (b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.
- (2) In relation to a victim who lacks capacity to consent to marriage, the offence under subsection (1) is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form coercion).
- (3) A person commits an offence under the law of England and Wales if he or she—
- (a) practises any form of deception with the intention of causing another person to leave the United Kingdom, and
 - (b) intends the other person to be subjected to conduct outside the United Kingdom that is an offence under subsection (1) or would be an offence under that subsection if the victim were in England or Wales.
- [^{F2}(3A) A person commits an offence under the law of England and Wales if he or she carries out any conduct for the purpose of causing a child to enter into a marriage before the child’s eighteenth birthday (whether or not the conduct amounts to violence, threats, any other form of coercion or deception, and whether or not it is carried out in England and Wales).]
- (4) “Marriage” means any religious or civil ceremony of marriage (whether or not legally binding).
- (5) “Lacks capacity” means lacks capacity within the meaning of the Mental Capacity Act 2005.
- [^{F3}(5A) “Child” means a person under the age of 18 years.]
- (6) It is irrelevant whether the conduct mentioned in paragraph (a) of subsection (1) [^{F4}or subsection (3A)] is directed at the victim of the offence under [^{F5}either of those subsections] or another person.
- (7) A person commits an offence under subsection (1) or (3) only if, at the time of the conduct or deception—
- (a) the person or the victim or both of them are in England or Wales,
 - (b) neither the person nor the victim is in England or Wales but at least one of them is habitually resident in England and Wales, or
 - (c) neither the person nor the victim is in the United Kingdom but at least one of them is a UK national.
- [^{F6}(7A) A person commits an offence under subsection (3A) only if—
- (a) the conduct is for the purpose of causing the child to enter into a marriage in England or Wales,
 - (b) at the time of the conduct, the person or child is habitually resident in England and Wales, or
 - (c) at the time of the conduct, the child is a United Kingdom national who—
 - (i) has been habitually resident in England and Wales, and
 - (ii) is not habitually resident or domiciled in Scotland or Northern Ireland.]
- (8) “UK national” means an individual who is—

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- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
 - (b) a person who under the British Nationality Act 1981 is a British subject; or
 - (c) a British protected person within the meaning of that Act.
- (9) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding [^{F7}the general limit in a magistrates' court] or to a fine or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.
- (10) In relation to an offence committed before [^{F8}2 May 2022], the reference to [^{F9}the general limit in a magistrates' court] in subsection (9)(a) is to be read as a reference to six months.

Textual Amendments

- F2** S. 121(3A) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\), ss. 2\(2\), 7\(1\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F3** S. 121(5A) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\), ss. 2\(3\), 7\(1\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F4** Words in s. 121(6) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\), ss. 2\(4\)\(a\), 7\(1\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F5** Words in s. 121(6) substituted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\), ss. 2\(4\)\(b\), 7\(1\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F6** S. 121(7A) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\), ss. 2\(5\), 7\(1\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F7** Words in s. 121(9)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\), regs. 1\(2\), 2\(1\), Sch. Pt. 1](#)
- F8** Words in s. 121(10) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\), regs. 1\(2\), 5\(1\), Sch. Pt. 1](#)
- F9** Words in s. 121(10) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\), regs. 1\(2\), 2\(1\), Sch. Pt. 1](#)

Commencement Information

- I2** S. 121 in force at 16.6.2014 by [S.I. 2014/949, art. 5\(b\)](#)

122 [^{F10}Offence of forced marriage or forced civil partnership: Scotland]

- (1) A person commits an offence under the law of Scotland if he or she—
- (a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage [^{F11}or civil partnership], and
 - (b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage [^{F11}or civil partnership] without free and full consent.
- (2) In relation to a victim who is incapable of consenting to marriage [^{F12}or civil partnership] by reason of mental disorder, the offence under subsection (1) is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage [^{F12}or civil partnership] (whether or not the conduct amounts to violence, threats or any other form coercion).

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- (3) A person commits an offence under the law of Scotland if he or she—
- (a) practises any form of deception with the intention of causing another person to leave the United Kingdom, and
 - (b) intends the other person to be subjected to conduct outside the United Kingdom that is an offence under subsection (1) or would be an offence under that subsection if the victim were in Scotland.

- (4) “Marriage” means any religious or civil ceremony of marriage (whether or not legally binding).

[^{F13}(4A) “Civil partnership” includes—

- (a) a civil partnership which exists by virtue of the Civil Partnership Act 2004, and
- (b) a purported civil partnership.]

- (5) “Mental disorder” has the meaning given by section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

- (6) It is irrelevant whether the conduct mentioned in paragraph (a) of subsection (1) is directed at the victim of the offence under that subsection or another person.

- (7) A person commits an offence under subsection (1) or (3) only if, at the time of the conduct or deception—

- (a) the person or the victim or both of them are in Scotland,
- (b) neither the person nor the victim is in Scotland but at least one of them is habitually resident in Scotland, or
- (c) neither the person nor the victim is in the United Kingdom but at least one of them is a UK national.

- (8) “UK national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person within the meaning of that Act.

- (9) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine or both.

Textual Amendments

- F10** S. 122 heading substituted (30.11.2023) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\), ss. 13\(2\)\(d\), 16; S.S.I. 2023/146, reg. 2, sch.](#)
- F11** Words in s. 122(1) inserted (30.11.2023) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\), ss. 13\(2\)\(a\), 16; S.S.I. 2023/146, reg. 2, sch.](#)
- F12** Words in s. 122(2) inserted (30.11.2023) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\), ss. 13\(2\)\(b\), 16; S.S.I. 2023/146, reg. 2, sch.](#)
- F13** S. 122(4A) inserted (30.11.2023) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\), ss. 13\(2\)\(c\), 16; S.S.I. 2023/146, reg. 2, sch.](#)

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Commencement Information

I3 S. 122 in force at 30.9.2014 by [S.S.I. 2014/221](#), [art. 2](#)

[^{F14}**122A** Anonymity of victims of forced marriage: England and Wales

Schedule 6A (anonymity of victims of forced marriage) has effect.]

Textual Amendments

F14 [S. 122A](#) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 173\(1\)](#), [183\(5\)\(e\)](#), [\(6\)\(d\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)