



# 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.

- (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- (5) The following are repealed—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 the commencement of section 154(1) of the Criminal Justice Act 2003, 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.