

SCHEDULES

SCHEDULE 1

PROTECTION AGAINST FORCED MARRIAGE: NORTHERN IRELAND

PART 1

FORCED MARRIAGE PROTECTION ORDERS

Forced marriage protection orders

- 1 (1) The court may make an order for the purposes of protecting—
 - (a) a person from being forced into a marriage or from any attempt to be forced into a marriage; or
 - (b) a person who has been forced into a marriage.
- (2) In deciding whether to exercise its powers under this paragraph and, if so, in what manner, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the person to be protected.
- (3) In ascertaining that person's well-being, the court must, in particular, have such regard to the person's wishes and feelings (so far as they are reasonably ascertainable) as the court considers appropriate in the light of the person's age and understanding.
- (4) For the purposes of this Schedule a person ("A") is forced into a marriage if another person ("B") forces A to enter into a marriage (whether with B or another person) without A's free and full consent.
- (5) For the purposes of sub-paragraph (4) it does not matter whether the conduct of B which forces A to enter into a marriage is directed against A, B or another person.
- (6) In this Schedule—
 - "force" includes coerce by threats or other psychological means (and related expressions are to be read accordingly); and
 - "forced marriage protection order" means an order under this paragraph.

Contents of orders

- 2 (1) A forced marriage protection order may contain—
 - (a) such prohibitions, restrictions or requirements; and
 - (b) such other terms;as the court considers appropriate for the purposes of the order.
- (2) The terms of such orders may, in particular, relate to—
 - (a) conduct outside Northern Ireland as well as (or instead of) conduct within Northern Ireland;

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- (b) respondents who are, or may become, involved in other respects as well as (or instead of) respondents who force or attempt to force, or may force or attempt to force, a person to enter into a marriage;
 - (c) other persons who are, or may become, involved in other respects as well as respondents of any kind.
- (3) For the purposes of sub-paragraph (2) examples of involvement in other respects are—
- (a) aiding, abetting, counselling, procuring, encouraging or assisting another person to force, or to attempt to force, a person to enter into a marriage; or
 - (b) conspiring to force, or to attempt to force, a person to enter into a marriage.

Applications and other occasions for making orders

- 3 (1) The court may make a forced marriage protection order—
- (a) on an application being made to it; or
 - (b) without an application being made to it but in the circumstances mentioned in sub-paragraph (6).
- (2) An application may be made by—
- (a) the person who is to be protected by the order; or
 - (b) a relevant third party.
- (3) An application may be made by any other person with the leave of the court.
- (4) In deciding whether to grant leave, the court must have regard to all the circumstances including—
- (a) the applicant’s connection with the person to be protected;
 - (b) the applicant’s knowledge of the circumstances of the person to be protected; and
 - (c) the wishes and feelings of the person to be protected so far as they are reasonably ascertainable and so far as the court considers it appropriate, in the light of the person’s age and understanding, to have regard to them.
- (5) An application under this paragraph may be made in other family proceedings or without any other family proceedings being instituted.
- (6) The circumstances in which the court may make an order without an application being made are where—
- (a) any other family proceedings are before the court (“the current proceedings”);
 - (b) the court considers that a forced marriage protection order should be made to protect a person (whether or not a party to the current proceedings); and
 - (c) a person who would be a respondent to any such proceedings for a forced marriage protection order is a party to the current proceedings.
- (7) In this paragraph—
- “family proceedings” has the same meaning as in the Family Homes and Domestic Violence (Northern Ireland) Order 1998 ([S.I. 1998/1071 \(N.I.6\)](#)) (see Article 2(2) and (3)) but also includes—
- (a) proceedings under the inherent jurisdiction of the High Court in relation to adults;

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- (b) proceedings in which the court has made an emergency protection order under Article 63 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I.2)) which includes an exclusion requirement (as defined in Article 63A(3) of that Order); and
 - (c) proceedings in which the court has made an order under Article 69 of the Order of 1995 (recovery of abducted children etc.); and
- “relevant third party” means a person specified, or falling within a description of persons specified, by order of the Department of Finance and Personnel.

- (8) An order of the Department of Finance and Personnel under sub-paragraph (7) may, in particular, specify that Department.

Ex parte orders

- 4 (1) The court may, in any case where it considers that it is just and convenient to do so, make a forced marriage protection order even though the respondent has not been given such notice of the proceedings as would otherwise be required by rules of court.
- (2) In deciding whether to exercise its powers under sub-paragraph (1), the court must have regard to all the circumstances including—
- (a) any risk of significant harm to the person to be protected or another person if the order is not made immediately;
 - (b) whether it is likely that an applicant will be deterred or prevented from pursuing an application if an order is not made immediately; and
 - (c) whether there is reason to believe that—
 - (i) the respondent is aware of the proceedings but is deliberately evading service; and
 - (ii) the delay involved in effecting substituted service will cause serious prejudice to the person to be protected or (if a different person) an applicant.
- (3) If the court makes an order by virtue of sub-paragraph (1), it must specify a date for a full hearing.
- (4) In sub-paragraph (3), “full hearing” means a hearing of which notice has been given to all the parties in accordance with rules of court.

Duration of orders

- 5 A forced marriage protection order may be made for a specified period or until varied or discharged.

Variation of orders and their discharge

- 6 (1) The court may vary or discharge a forced marriage protection order on an application by—
- (a) any party to the proceedings for the order;
 - (b) the person being protected by the order (if not a party to the proceedings for the order); or
 - (c) any person affected by the order.

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- (2) In addition, the court may vary or discharge a forced marriage protection order made by virtue of paragraph 3(1)(b) even though no application under sub-paragraph (1) above has been made to the court.
- (3) Paragraph 4 applies to a variation of a forced marriage protection order as it applies to the making of such an order; and, accordingly, references in that paragraph to making a forced marriage protection order are to be read as references to varying such an order.