



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- (5) The following are repealed—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.

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—
- (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.
- (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.
- (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 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.
- (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 or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.
- (10) 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 subsection (9)(a) is to be read as a reference to six months.

122 Offence of forced marriage: 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, 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 is incapable of consenting to marriage 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 (whether or not the conduct amounts to violence, threats or any other form coercion).
- (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).
- (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.