



Family Law Act 1996

1996 CHAPTER 27

[^{F1} PART 4A

FORCED MARRIAGE

[^{F1} Arrest for breach of orders

Textual Amendments

- F1** Pt. 4A inserted (25.11.2008 except in regard to the insertion of s. 63N) by [Forced Marriage \(Civil Protection\) Act 2007 \(c. 20\)](#), **ss. 1, 4(2)**; [S.I. 2008/2779](#), **art. 2(a)** (as amended (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 210** Table; [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11))

^{F2} **63H Attachment of powers of arrest to orders**

Textual Amendments

- F2** S. 63H repealed (16.6.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 120(5)(b), 185(1)** (with ss. 21, 33, 42, 58, 75, 93, 120(6)); [S.I. 2014/949](#), art. 5(a) (with art. 10)

^{F3} **63I Arrest under attached powers**

Textual Amendments

- F3** S. 63I repealed (16.6.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 120(5)(e), 185(1)** (with ss. 21, 33, 42, 58, 75, 93, 120(6)); [S.I. 2014/949](#), art. 5(a) (with art. 10)

Changes to legislation: Family Law Act 1996, Cross Heading: Arrest for breach of orders is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

63J Arrest under warrant

- ^{F4}(1)
- (2) An interested party may apply to the relevant judge for the issue of a warrant for the arrest of a person if the interested party considers that the person has failed to comply with [^{F5}a forced marriage protection order] or is otherwise in contempt of court in relation to the order.
- (3) The relevant judge must not issue a warrant on an application under subsection (2) unless—
- the application is substantiated on oath; and
 - the relevant judge has reasonable grounds for believing that the person to be arrested has failed to comply with the order or is otherwise in contempt of court in relation to the order.
- (4) In this section “interested party”, in relation to a forced marriage protection order, means—
- the person being protected by the order;
 - (if a different person) the person who applied for the order; or
 - any other person;
- but no application may be made under subsection (2) by a person falling within paragraph (c) without the leave of the relevant judge.

Textual Amendments

- F4** S. 63J(1) repealed (16.6.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 120\(5\)\(d\)](#), [185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93, 120\(6\)](#)); [S.I. 2014/949](#), [art. 5\(a\)](#) (with [art. 10](#))
- F5** Words in s. 63J(2) substituted (16.6.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 120\(4\)](#), [185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93, 120\(6\)](#)); [S.I. 2014/949](#), [art. 5\(a\)](#) (with [art. 10](#))

63K Remand: general

- (1) The court before which an arrested person is brought ^{F6}... by virtue of a warrant issued under section 63J may, if the matter is not then disposed of immediately, remand the person concerned.
- (2) Schedule 5 has effect in relation to the powers of the court to remand a person by virtue of this section but as if the following modifications were made to the Schedule.
- (3) The modifications are that—
- in paragraph 2(1) of Schedule 5, the reference to section 47 is to be read as a reference to this section; and
 - in paragraph 2(5)(b) of the Schedule, the reference to section 48(1) is to be read as a reference to section 63L(1).
- (4) Subsection (5) applies if a person remanded under this section is granted bail under Schedule 5 as modified above.
- (5) The person may be required by the relevant judge to comply, before release on bail or later, with such requirements as appear to the relevant judge to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.

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Textual Amendments

- F6** Words in s. 63K(1) repealed (16.6.2014) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), [ss. 120\(5\)\(e\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93, 120\(6\)](#)); S.I. 2014/949, art. 5(a) (with art. 10)

63L Remand: medical examination and report

- (1) Any power to remand a person under section 63K(1) may be exercised for the purpose of enabling a medical examination and report to be made if the relevant judge has reason to consider that a medical report will be required.
- (2) If such a power is so exercised, the adjournment must not be for more than 4 weeks at a time unless the relevant judge remands the accused in custody.
- (3) If the relevant judge remands the accused in custody, the adjournment must not be for more than 3 weeks at a time.
- (4) Subsection (5) applies if there is reason to suspect that a person who has been arrested—
 - ^{F7}(a)
 - (b) under a warrant issued on an application made under section 63J(2); is suffering from [^{F8}mental disorder within the meaning of the Mental Health Act 1983].
- (5) The relevant judge has the same power to make an order under section 35 of the Mental Health Act 1983 (c. 20) (remand for report on accused's mental condition) as the Crown Court has under section 35 of that Act in the case of an accused person within the meaning of that section.]

Textual Amendments

- F7** S. 63L(4)(a) repealed (16.6.2014) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), [ss. 120\(5\)\(f\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93, 120\(6\)](#)); S.I. 2014/949, art. 5(a) (with art. 10)
- F8** Words in s. 63L(4) substituted (3.11.2008) by [The Mental Health Act 2007 \(Consequential Amendments\) Order 2008](#) (S.I. 2008/2828), arts. 1(2), [5](#) (subject to art. 1(3))

Changes to legislation:

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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. 63(2)(k) inserted by [2021 c. 17 s. 52\(2\)](#)