



# Family Law Act 1996

## 1996 CHAPTER 27

### [<sup>F1</sup> PART 4A

#### FORCED MARRIAGE

##### [<sup>F1</sup> Forced marriage protection 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](#)))

#### **63A Forced marriage protection orders**

- (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 section 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 Part 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.

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- (5) For the purposes of subsection (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 Part—
- “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 section.

### **63B Contents of orders**

- (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 England and Wales as well as (or instead of) conduct within England and Wales;
  - (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 subsection (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.

### **63C Applications and other occasions for making orders**

- (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 subsection (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.

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- (5) An application under this section 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 section—
- “family proceedings” has the same meaning as in Part 4 (see section 63(1) and (2)) but also includes—
- (a) proceedings under the inherent jurisdiction of the High Court in relation to adults;
  - (b) proceedings in which the court has made an emergency protection order under section 44 of the Children Act 1989 (c. 41) which includes an exclusion requirement (as defined in section 44A(3) of that Act); and
  - (c) proceedings in which the court has made an order under section 50 of the Act of 1989 (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 Lord Chancellor.
- (8) An order of the Lord Chancellor under subsection (7) may, in particular, specify the Secretary of State.

## **Offence of breaching order**

**63CA**

- (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 [<sup>F3</sup>the general limit in a magistrates’ court], 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.

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(7) “Enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978.]]

**Textual Amendments**

- F2** S. 63CA inserted (16.6.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 120\(2\), 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93, 120\(6\)\(7\)](#)); S.I. 2014/949, art. 5(a) (with art. 10)
- F3** Words in [s. 63CA\(5\)\(b\)](#) 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](#)

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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\(2\)](#)