

# Forced Marriage (Civil Protection) Bill [HL]

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## CONTENTS

### *Forced Marriage*

- 1 Prohibition against forcing another into marriage
- 2 Unlawful inducement
- 3 Aiding unlawful acts
- 4 Orders for injunctions
- 5 Civil proceedings
- 6 Privacy of proceedings
- 7 Wardship applications and jurisdiction of the High Court
- 8 Limitation
- 9 Rules of court

### *Supplemental*

- 10 Interpretation
  - 11 Short title, commencement and extent
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**B I L L**

TO

Make provision for protecting individuals against being forced to enter into marriage without their free and full consent; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

*Forced Marriage***1 Prohibition against forcing another into marriage**

- (1) A person must not act in a way which he knows amounts to —
- (a) forcing or attempting to force another person to enter into a marriage or a purported marriage without that other person's free and full consent, or
  - (b) practising a deception for the purpose of causing another person to enter into a marriage or a purported marriage without that other person's free and full consent.

**2 Unlawful inducement** 10

- (1) It is unlawful knowingly to induce, or attempt to induce, a person to do any act which contravenes section 1 by—
- (a) providing or offering to provide him with any benefit, or
  - (b) subjecting or threatening to subject him to any detriment.
- (2) An offer or threat is not prevented from falling within subsection (1) because it is not made directly to the person in question, if it is made in such a way that he is likely to hear of it. 15

### 3 Aiding unlawful acts

- (1) A person who knowingly aids another person to do an act made unlawful by section 1 or 2 shall be treated for the purposes of this Act as himself doing an unlawful act of the like description.
- (2) A person does not under this section knowingly aid another to do an unlawful act if — 5
- (a) he acts in reliance on a statement made to him by that other person that, by reason of any provision of this Act, the act which he aids would not be unlawful, and
- (b) it is reasonable for him to rely on that statement. 10

### 4 Orders for injunctions

- (1) The court may by order grant an injunction to prevent an actual or apprehended breach of sections 1, 2 or 3.
- (2) An application for an order under this section may be made by the person who is or may be the victim of the conduct in question or his litigation friend or any other concerned person who has the specific permission of the court. 15
- (3) The prohibitions that may be imposed by an order under this section are those appropriate and necessary for the purpose of protecting the victim from conduct contrary to sections 1, 2 or 3.
- (4) If — 20
- (a) the court makes an order under this section; and
- (b) it appears to the court that the respondent has used or threatened violence against the person who is or may be the victim of the conduct in question,
- it may attach a power of arrest to the order or to certain provisions of the order unless satisfied that in all the circumstances of the case the person who is or may be the victim of the conduct in question will be adequately protected without such a power of arrest. 25
- (5) If, by virtue of subsection (4), the court attaches a power of arrest to an order or to certain provisions of the order, it may provide that the power of arrest is to have effect for a shorter period than the other provisions of the order. 30
- (6) Any period specified for the purposes of subsection (5) may be extended by the court (on one or more occasions) on an application to vary or discharge the order.
- (7) If, by virtue of subsection (4), a power of arrest is attached to the order or to certain provisions of the order, a constable may arrest without warrant a person whom he has reasonable cause for suspecting to be in breach of any such provision. 35
- (8) If a power of arrest is attached under subsection (4) to the order or to certain provisions of the order and the respondent is arrested under subsection (7)— 40
- (a) he must be brought before the relevant judicial authority within the period of 24 hours beginning at the time of his arrest; and

- (b) if the matter is not then disposed of forthwith, the relevant judicial authority before whom he is brought may remand him.

In reckoning for the purposes of this subsection any period of 24 hours, no account is to be taken of Christmas Day, Good Friday or any Sunday.

- (9) If the court has made a relevant order but— 5
  - (a) has not attached a power of arrest under subsection (4) to any provisions of the order, or
  - (b) has attached that power only to certain provisions of the order,

then, if at any time the applicant considers that the respondent has failed to comply with the order, he may apply to the relevant judicial authority for the issue of a warrant for the arrest of the respondent. 10
- (10) The relevant judicial authority shall not issue a warrant on an application under subsection (9) unless—
  - (a) the application is substantiated on oath; and
  - (b) the relevant judicial authority has reasonable grounds for believing that the respondent has failed to comply with the order. 15
- (11) If a person is brought before a court by virtue of a warrant issued under subsection (9) and the court does not dispose of the matter forthwith, the court may remand him.
- (12) In exercising its powers under this section, the court shall have regard to all the circumstances including the need to secure the health, safety and well-being of the person who is or may be the victim of the conduct in question. 20
- (13) The court may grant initial interim protective relief on any application under this Act to secure the safety of the person who is or may be the victim of the conduct in question until the first hearing between the parties. 25
- (14) The court may grant initial interim protective relief—
  - (a) if an application for an order has been made under this section; or
  - (b) if in any family proceedings to which the respondent is a party the court considers that such relief should be made for the benefit of any other party to the proceedings or any relevant child even though no application for an order under this section has been made. 30

## 5 Civil proceedings

- (1) An actual or apprehended breach of section 1, 2 or 3 may be the subject of a claim in civil proceedings by the person who is or may be the victim of the conduct in question. 35
- (2) On such a claim, damages may be awarded for (among other things) any anxiety, distress, injury to feelings or other detriment caused by the conduct in question.
- (3) No award of damages may be made under this section unless, taking account of all the circumstances of the case, including— 40
  - (a) any other relief or remedy granted, or order made, in relation to the act in question (by that or any other court), and

- (b) the consequences of any decision (of that or any other court) in respect of that act,

the court is satisfied that the award is appropriate and necessary to provide an effective remedy to the person who is or may be the victim of the conduct in question.

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## 6 Privacy of proceedings

All applications are to be dealt with at a hearing held in private unless the court directs otherwise.

## 7 Wardship applications and inherent jurisdiction of the High Court

The provisions of this Act are without prejudice to the rights of the applicant to seek orders for relief within the High Court (Family Division or otherwise) for wardship and related relief and orders.

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## 8 Limitation

In section 11 of the Limitation Act 1980 (c. 58) (special time limit for actions in respect of personal injuries), after subsection (1A) there is inserted —

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“(1B) This section does not apply to any action brought for damages under section 5 of the Forced Marriage (Civil Protection) Act 2007.”

## 9 Rules of court

The Family Procedure Rule Committee may make provision regarding applications issued under this Act.

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### *Supplemental*

## 10 Interpretation

- (1) In this Act

“act” includes speech;

“conduct” includes a single act;

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“force” and “forcing” include any physical or psychological coercion;

“person” means a person of either sex;

“marriage” means a ceremony of marriage, real or purported, which is religious or civil;

“concerned person” includes private individuals, local authorities or other public bodies;

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“family proceedings” include those specified in sections 3 and 4 of the Children Act 1989 (c. 41) and any applications in the High Court (Family Division).

- (2) For the purposes of sections 1, 2 or 3, the person whose conduct is in question is taken to know that his conduct amounts to an act which would contravene the section if a reasonable person in possession of the same information would think so.

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**11 Short title, commencement and extent**

- (1) This Act may be cited as the Forced Marriage (Civil Protection) Act 2007.
- (2) This Act comes into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.

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To make provision for protecting individuals against being forced to enter into marriage without their free and full consent; and for connected purposes.

*The Lord Lester of Herne Hill*

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