



Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

2011 asp 15

PART 1

FORCED MARRIAGE PROTECTION ORDERS

Forced marriage protection orders

1 Forced marriage protection orders

- (1) The court may make an order for the purposes of protecting a person (a “protected person”)—
 - (a) from being forced into a marriage or from any attempt to force the person into a marriage, or
 - (b) who has been forced into a marriage.
- (2) In deciding whether to make such an order and, if so, what order to make, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the protected person.
- (3) In ascertaining the protected 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 on the basis 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.
- (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—

 - (a) coerce by physical, verbal or psychological means, threatening conduct, harassment or other means,

Status: This is the original version (as it was originally enacted).

(b) knowingly take advantage of a person's incapacity to consent to marriage or to understand the nature of the marriage,
and related expressions are to be read accordingly,
“forced marriage protection order” means an order under subsection (1).