



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

2011 asp 15

PART 1

FORCED MARRIAGE PROTECTION ORDERS

Forced marriage protection orders

4 Power to make orders without application, etc.

- (1) The court may make a forced marriage protection order without an application being made to it where—
 - (a) civil proceedings are before the court,
 - (b) the court considers that a forced marriage protection order should be made to protect a person (whether or not a party to the civil proceedings), and
 - (c) a person who would be a party to any proceedings for the forced marriage protection order (other than as the protected person) is a party to the civil proceedings.
- (2) Subsection (3) applies where—
 - (a) criminal proceedings are before the sheriff [^{F1}, the Sheriff Appeal Court] or the High Court, and
 - (b) the sheriff [^{F2}, the Sheriff Appeal Court] or the High Court considers that a forced marriage protection order should be made to protect a person (whether or not a party to the criminal proceedings).
- (3) The sheriff [^{F3}, the Sheriff Appeal Court] or, as the case may be, the High Court may refer the matter to the Lord Advocate who may—
 - (a) apply under section 3 for a forced marriage protection order,
 - (b) take such other steps as the Lord Advocate considers appropriate.

Changes to legislation: There are currently no known outstanding effects for the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011, Section 4. (See end of Document for details)

Textual Amendments

- F1** Words in s. 4(2)(a) inserted (28.11.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Relevant Officer and Consequential Provisions\) Order 2016 \(S.S.I. 2016/387\)](#), art. 1, **sch. 3 para. 7(2)(a)(i)** (with art. 4(2))
- F2** Words in s. 4(2)(b) inserted (28.11.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Relevant Officer and Consequential Provisions\) Order 2016 \(S.S.I. 2016/387\)](#), art. 1, **sch. 3 para. 7(2)(a)(ii)** (with art. 4(2))
- F3** Words in s. 4(3) inserted (28.11.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Relevant Officer and Consequential Provisions\) Order 2016 \(S.S.I. 2016/387\)](#), art. 1, **sch. 3 para. 7(2)(b)** (with art. 4(2))

Commencement Information

- I1** S. 4 in force at 28.11.2011 by [S.S.I. 2011/352](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011, Section 4.