



Family Law Act 1996

1996 CHAPTER 27

PART IV

FAMILY HOMES AND DOMESTIC VIOLENCE

Further provisions relating to occupation and non-molestation orders

47 Arrest for breach of order.

- (1) ^{F1}
- (2) If—
 - (a) the court makes [^{F2}an occupation order]; and
 - (b) it appears to the court that the respondent has used or threatened violence against the applicant or a relevant child,it shall attach a power of arrest to one or more provisions of the order unless satisfied that in all the circumstances of the case the applicant or child will be adequately protected without such a power of arrest.
- (3) Subsection (2) does not apply in any case where [^{F3}the occupation order] is made by virtue of section 45(1), but in such a case the court may attach a power of arrest to one or more provisions of the order if it appears to it—
 - (a) that the respondent has used or threatened violence against the applicant or a relevant child; and
 - (b) that there is a risk of significant harm to the applicant or child, attributable to conduct of the respondent, if the power of arrest is not attached to those provisions immediately.
- (4) If, by virtue of subsection (3), the court attaches a power of arrest to any provisions of [^{F4}an occupation order], it may provide that the power of arrest is to have effect for a shorter period than the other provisions of the order.

Changes to legislation: Family Law Act 1996, Section 47 is up to date with all changes known to be in force on or before 16 April 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

- (5) Any period specified for the purposes of subsection (4) may be extended by the court (on one or more occasions) on an application to vary or discharge [^{F5}the occupation order].
- (6) If, by virtue of subsection (2) or (3), a power of arrest is attached to certain provisions of an order, a constable may arrest without warrant a person whom he has reasonable cause for suspecting to be in breach of any such provision.
- (7) If a power of arrest is attached under subsection (2) or (3) to certain provisions of the order and the respondent is arrested under subsection (6)—
- (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.

- (8) [^{F6}If the court—
- (a) has made a non-molestation order, or
 - (b) has made an occupation order but has not attached a power of arrest under subsection (2) or (3) to any provision of the order, or 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.

- (9) The relevant judicial authority shall not issue a warrant on an application under subsection (8) 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.
- (10) 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.
- (11) Schedule 5 (which makes provision corresponding to that applying in magistrates' courts in civil cases under sections 128 and 129 of the ^{M1}Magistrates' Courts Act 1980) has effect in relation to the powers of the High Court and [^{F7}the family court] to remand a person by virtue of this section.
- (12) If a person remanded under this section is granted bail ^{F8}..., he may be required by the relevant judicial authority to comply, before release on bail or later, with such requirements as appear to that authority to be necessary to secure that he does not interfere with witnesses or otherwise obstruct the course of justice.

Textual Amendments

- F1** S. 47(1) repealed (1.7.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1)(2), 60, [Sch. 10 para. 38\(2\)](#), [Sch. 11](#) (with [Sch. 12 para. 1\(11\)](#)); S.I. 2007/1845, [art. 2\(c\)\(d\)](#) (with [art. 3](#))
- F2** Words in s. 47(2) substituted (1.7.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1), 60, [Sch. 10 para. 38\(3\)](#) (with [Sch. 12 para. 1\(11\)](#)); S.I. 2007/1845, [art. 2\(c\)](#) (with [art. 3](#))

Changes to legislation: Family Law Act 1996, Section 47 is up to date with all changes known to be in force on or before 16 April 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

- F3** Words in s. 47(3) substituted (1.7.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 38(4)** (with Sch. 12 para. 1(11)); S.I. 2007/1845, **art. 2(c)** (with art. 3)
- F4** Words in s. 47(4) substituted (1.7.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 38(3)** (with Sch. 12 para. 1(11)); S.I. 2007/1845, **art. 2(c)** (with art. 3)
- F5** Words in s. 47(5) substituted (1.7.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 38(4)** (with Sch. 12 para. 1(11)); S.I. 2007/1845, **art. 2(c)** (with art. 3)
- F6** Words in s. 47(8) substituted (1.7.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 38(5)** (with Sch. 12 para. 1(11)); S.I. 2007/1845, **art. 2(c)** (with art. 3)
- F7** Words in s. 47(11) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 132(a)**; S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** Words in s. 47(12) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 132(b)**; S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C1** S. 47(7) extended (1.10.1997) by 1989 c. 41, **ss. 38A, 38B** (as inserted (1.10.1997) by 1996 c. 27, s. 52, **Sch. 6 para. 1** (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**)
S. 47(7) extended (1.10.1997) by 1989 c. 41, **ss. 44A, 44B** (as inserted (1.10.1997) by 1996 c. 27, s. 52, **Sch. 6 para. 3** (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**)
- C2** S. 47(11) extended (1.10.1997) by 1989 c. 41, **ss. 38A, 38B** (as inserted (1.10.1997) by 1996 c. 27, s. 52, **Sch. 6 para. 1** (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**)
S. 47(11) extended (1.10.1997) by 1989 c. 41, **ss. 44A, 44B** (as inserted (1.10.1997) by 1996 c. 27, s. 52, **Sch. 6 para. 3** (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**)
- C3** S. 47(12) extended (1.10.1997) by 1989 c. 41, **ss. 38A, 38B** (as inserted (1.10.1997) by 1996 c. 27, s. 52, **Sch. 6 para. 1** (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**)
S. 47(12) extended (1.10.1997) by 1989 c. 41, **ss. 44A, 44B** (as inserted (1.10.1997) by 1996 c. 27, s. 52, **Sch. 6 para. 3** (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**)

Marginal Citations

- M1** 1980 c. 43.

Changes to legislation:

Family Law Act 1996, Section 47 is up to date with all changes known to be in force on or before 16 April 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.

[View outstanding changes](#)

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\(2\)](#)