
Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Paragraph 37 is up to date with all changes known to be in force on or before 26 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

SCHEDULES

SCHEDULE 10

MINOR AND CONSEQUENTIAL AMENDMENTS

Family Law Act 1996 (c. 27)

- 37 (1) Section 46 of that Act (undertakings) is amended as follows.
- (2) In subsection (3), after “under subsection (1)” insert “ instead of making an occupation order ”.
- (3) After that subsection insert—
- “(3A) The court shall not accept an undertaking under subsection (1) instead of making a non-molestation order in any case where it appears to the court that—
- (a) the respondent has used or threatened violence against the applicant or a relevant child; and
- (b) for the protection of the applicant or child it is necessary to make a non-molestation order so that any breach may be punishable under section 42A.”
- (4) In subsection (4), for “it were an order of the court” substitute “ the court had made an occupation order or a non-molestation order in terms corresponding to those of the undertaking ”.

Changes to legislation:

Domestic Violence, Crime and Victims Act 2004, Paragraph 37 is up to date with all changes known to be in force on or before 26 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):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)