

Forced Marriage Protection Orders

This leaflet describes how a Forced Marriage Protection Order could help you if you are being forced into, or are in, a forced marriage. It explains who can apply for an order, describes what you need to do and tells you what will happen once the court receives your application.

What is a forced marriage?

A forced marriage is a marriage that takes place without the full and free consent of both parties. Force can include physical force, as well as being pressurised emotionally, being threatened or being a victim of psychological abuse. Forced marriages are not the same as arranged marriages. In an arranged marriage families take the lead in selecting a marriage partner but the couple have the free will and choice to accept or decline the arrangement.

How can a Forced Marriage Protection Order help me?

A Forced Marriage Protection Order can help if you are:

- being forced into marriage; or
- you are already in a forced marriage.

A Forced Marriage Protection Order is unique to each case and contains legally binding conditions and directions that change the behaviour of a person or persons trying to force someone into marriage. The aim of the order is to protect the person who has been, or is being forced into marriage against their wishes. The court can make an order in an emergency so that protection is in place straightaway.

The court can:

- Make a Forced Marriage Protection Order to protect a person facing forced marriage or who has been forced into marriage
- Add a power of arrest, when violence is threatened or used. This will help the police arrest a person who does not obey a court order that has a power of arrest attached. The person will be brought back to the court to be dealt with under the court's powers of contempt of court.

Applications for forced marriage protection orders can be made at the same time as a police investigation or other criminal proceedings. Someone who disobeys a court order can be sent to prison for up to two years.

Where can I apply for an order?

An application for a Forced Marriage Protection Order can be made at a number of county courts in England and Wales or at the High Court in London. The county courts that can hear applications are listed at the back of this leaflet.

Who can apply for an order?

- The person who is to be protected by the order
- A relevant third party
- Any other person with the permission of the court.

A Relevant Third Party is someone appointed by the Lord Chancellor to make applications on behalf of others.

Adults or children (those under 18) can apply for a Forced Marriage Protection Order. Children do not have to have a 'next friend' or someone to assist them if they have a legal representative or the court agrees.

If you are worried about coming to court

Write your concerns on your application form or make your request in writing to the Court Manager as soon as possible or there may be a delay in hearing the application.

Courts may be able to offer:

- Separate court waiting rooms
- Separate court entrances and exits
- Parking on court premises to facilitate easy access to the court building for intimidated witness
- Witness protection facilities may also be available in some courts.

If you are worried about giving evidence in the court room

Tell the court about your concerns in your application form. The court will decide what is appropriate and may order:

- Screens to ensure that witnesses cannot see the respondents in court – Screens are placed around the witness box within the court so that the witness cannot see the respondents, and the respondents cannot see the witness whilst they are giving evidence.
- Video recorded evidence – This allows an interview with the witness, which has been recorded before the hearing, to be shown as the witness's main evidence during the hearing, i.e. the witness does not have to report again what they have already said, but they must still be available to be cross examined if necessary.
- Live TV / video links, allowing the witness to give evidence from outside the courtroom – This allows a witness to give evidence via a TV link from another room in the court building or from another building altogether. Although the witness does not come into the courtroom, those present in court will see the TV monitors of the witness giving evidence.

It is for the court to decide what is appropriate, if anything, in each case.

The court may be able to provide the following additional facilities:

- If you have a disability and require assistance or special facilities, please contact the court to ask what help is available. A list of county courts and telephone numbers is provided at the end of this leaflet.
- If you require an interpreter because you do not speak English, you need to notify the court so that one can be arranged, identifying the language and dialect

How much will it cost?

You may have to pay a court fee. Please ask the court staff for a copy of the leaflet

EX50 - County Court Fees. This lists the most common family fees. It is also available on our website www.hmcourts-service.gov.uk.

How can I pay the fee?

By cash, postal order or cheque. Make your cheque or postal order payable to Her Majesty's Courts Service (HMCS). Please note that courts cannot accept payments by debit or credit cards.

What if I cannot afford the fee?

You do not have to pay a court fee if you receive one of the following means-tested benefits:

- Income Support; or
- State Pension Guarantee Credit; or
- Income-based Job Seeker's Allowance; or
- Working Tax Credit provided you are not receiving Child Tax Credit; or
- Income-related Employment and Support Allowance; or
- your gross annual income does not exceed a specified limit. See leaflet EX160A for more details.

If you show that a payment of a court fee would involve undue hardship to you, you may be eligible for a part remission. The amount decided will be based on a detailed means-test to assess your disposable income. Court staff will calculate what contribution you should make towards the fee.

For further information, or to apply for a fee concession, ask court staff for a copy of the combined leaflet and form **EX160A - Court fees - Do I have to pay them?** This is also available from any county court office, or a copy of the leaflet can be downloaded from our website www.hmcourts-service.gov.uk.

You will have to make a separate application for each fee that is payable.

Can I get legal aid?

Yes. A solicitor, or a member of a law centre or Citizens Advice Bureau, will be able to advise you about whether you have a reasonable cause of action and whether you will be eligible for funding. Each application is considered on an individual basis and is subject to statutory tests of your means and the merits of your case. If a solicitor is willing to act for you, they will be able to apply for funding on your behalf.

Further information about legal aid and how to find a legal advisor is available from Community Legal Advice either online at www.communitylegaladvice.org.uk or by calling 0845 345 4 345 (Mon - Fri, 9:00 - 18:30)

Can I apply for a Forced Marriage Protection Order myself?

Yes, or you can get a solicitor to do this for you. If you apply yourself, you must be prepared to complete the relevant forms and statements and explain your case to the court.

If you need help to complete forms, but do not know a friend or relative who can help, you should go to see a solicitor or the Citizens Advice Bureau. Court staff can help by explaining court procedures, but they cannot provide legal advice on the merits of individual cases, or give advice about the probable outcome.

What forms will I need?

- You will need an application for a Forced Marriage Protection Order (Form FL401A)
- If you need the court's permission to apply on behalf of someone else complete Form FL430 Application for leave to apply for a Forced Marriage Protection Order
- If you think you may not have to pay a fee you will need Form EX160 (Application for a fee exemption or remission). You must fill in one of these forms for each fee to be paid.

All of these forms are free. You can get them at the county courts listed in this leaflet or from our website at www.hmcourts-service.gov.uk

Making an application for a forced marriage protection order

If you are the person to be protected by the order or a relevant third party (appointed by the Lord Chancellor) you should complete Form FL401A Application for a Forced Marriage Protection Order. You can find further details on how to complete the form at the back of Form FL401A. You will need enough copies to serve on all named respondents.

- Include details of how you want the court to protect you e.g. stop you from being taken abroad to enter a forced marriage.
- Include details if there has been any violence used or threatened (this will help the court decide if a power of arrest should be attached to the order).
- Complete Form C8 Confidential Address if you do not wish to reveal your address or the address of anyone mentioned in the application form to the respondents.
- If you are applying on behalf of a person to be protected you must complete form FL430 Application for leave to apply for a Forced Marriage Protection Order asking for the court's permission to apply for an order.
- Make a sworn statement if you are asking for the application to be heard without notice being given to the respondents in an urgent or emergency situation (see below).

What should I do if I need an order quickly?

You can ask the court to consider your application straightaway and make an order without the respondents being served with any documents. This is known as an ex-parte or without notice order.

If a without notice order is made by the judge, you will be given a further appointment to attend at the court. The respondents will be entitled to be present at this appointment so that the judge can then listen to everyone before deciding whether to make another order.

If you are applying for an order without notice you must make a sworn statement. If you are representing yourself make a written statement, setting out why you need protection and take it to the court with your application form FL401A. At the court you should ask to swear the statement that you have completed. This means you will be asked to sign the statement in front of a member of the court staff and confirm on oath that the information it contains is true.

What should I do when I have filled in the forms?

You should take the completed forms and copies to the court. You must also take:

- The court fee; or
- Form EX160 Application for a fee remission with supporting evidence, if you are asking the court not to charge you a fee.

What will happen when I hand the forms to the court?

- The court will check the forms and give you a Notice of proceedings for a Forced Marriage Protection Order (FL402A). This will tell you the date of your appointment before the judge and will act as a receipt for your fee.
- It is in your own interest to attend the court on the date shown on the form. You should be ready to give any evidence which you think will help you to put your side of the case.
- The application form (FL401A) and notice of proceedings (FL402A) must be served on the respondents and other persons. If a solicitor is helping you, the forms will be sent to them to serve.
- You can ask the court to serve the documents for you. The court may ask you to complete a form for this. A fee is charged for service by the court bailiff. The court will then arrange for a copy of your application and other documentation to be served by the bailiff.

What should I do if I serve the documents myself?

You must arrange for someone (e.g. a process server) to serve a copy of the application form FL401A together with notice of any hearing or directions appointment in Notice of Proceedings Form FL402A on the respondents, the person who is the subject of the proceedings (if not the applicant), and any other person directed by the court personally not less than 2 days before the date on which the application will be heard. However, the court may reduce this period.

After the documents have been served you should complete a statement of service FL415 and file this with the court. Form FL415 states who was served, how and where they were given the documents and on what day and time.

If you are unable to find the address of those to be served or it appears that they are avoiding service, you may ask the court to serve the papers in some other way (for example, at a place of employment).

What will happen at the hearing?

The hearing of an application for a Forced Marriage Protection Order will be heard in private (this is normally called 'in chambers'), unless the court otherwise directs and a record of the hearing will be made. The court may allow other people to be present at court, for example, a friend or independent adviser, for support. Applicants may be required to give oral evidence to the court. The length of a hearing varies, depending on the complexities of the case and whether the respondents dispute the allegations.

Once the judge understands both parties' points of view, they can decide any of the following:

- that they need further information about you, and all the respondents. You will be told what extra information to provide.
- that they need further information, but is prepared to make a short term ('interim') order until all of the extra information has been provided. You will be given a new appointment, an interim order, and told what extra information to provide.
- that they are prepared to make an order for a certain period of time, after which the court will reconsider the case. You will be given a new appointment date and a copy of the court order.
- that they are prepared to make an order. The order will continue until you or the respondents ask the judge to reconsider the case. You will be given a copy of the order.
- Make no order and accept an undertaking from the respondents in terms that have been agreed (see below).

What are 'undertakings'?

An undertaking is a promise made to the court to do, or not to do, certain things. Breaking an undertaking is contempt of court and is enforceable with up to two years in prison.

What happens after the hearing?

If the court has made a Forced Marriage Protection Order the applicant serves a copy of the order and any other court documents on the respondents, the person who is the subject of the proceedings (if not the applicant), and any other person named in the order personally as soon as reasonably practical. You can ask the court to serve the documents for you (see above).

You must also serve the order on the police together with a statement showing that the respondents and any other persons directed by the court have been served with the order or informed of its terms. An order and statement should be delivered to the police station for the address of the person being protected by the order, unless the court specifies another police station. You can ask the court to serve the documents for you (see above).

What if I want to vary, extend or end the order?

You can make an application to vary, extend or discharge a forced marriage protection order at a later time. You will need to complete Form FL403A Application to vary, extend or discharge a forced marriage protection order. You will need to pay a court fee unless you qualify for a fee remission (see above).

What if the respondent does not obey the order?

The court can attach a power of arrest if the court finds that there has been violence or the threat of violence. This allows the police to arrest anyone (not just the respondents), if the police reasonably suspect them to be in breach of the order or otherwise in contempt of court.

If a power of arrest is attached you must inform the police of any breaches.

Once arrested, the police are required to bring the person before the court within 24 hours (beginning at the time of the arrest). If the court cannot deal with the matter immediately at that hearing, it has the power to remand the person in custody or on bail.

If the respondents has failed to obey the court order (breached the order), but the order does not include a power of arrest, you may apply to the judge for a warrant of arrest. This warrant will be passed to the court bailiff or police who will arrest the respondents at the first opportunity.

The application for a warrant for arrest must be supported by a sworn statement setting out how the order or undertaking has been breached. The application must be made on Form FL407A Warrant of Arrest forced Marriage Protection Orders. The relevant fee must be paid unless you are entitled to an exemption (see above).

Where a person is in breach or contempt of an order the court will deal with them under its powers of contempt of court, which can include sending them to prison for up to two years.

If I don't want to apply for an order can I get further help?

You can contact the Forced Marriage Unit (FMU) on its confidential helpline 020 7008 0151. FMU is a joint Foreign & Commonwealth Office/Home Office team, which provides practical support and information to people at risk of being forced into marriage and those already forced into marriage. All information will be treated in the strictest confidence.

List of county courts where applications for a Forced Marriage Protection Order can be made.

County courts are usually open Monday to Friday between 10 am and 4 pm.

The Principal Registry of the Family Division First Avenue House, 42-49 High Holborn, London England WC1V 6NP 020 7947 6000	Cardiff Civil Justice Centre 2 Park Street Cardiff South Wales Wales CF10 1ET 029 20376400	Manchester County Court Bridge Street West Manchester Greater Manchester England M60 9DJ 0161 240 5000
Birmingham Family Courts Priory Courts 33 Bull Street Birmingham West Midlands England B4 6DS 0121 250 6383	Derby Combined Court Morledge Derby Derbyshire England DE1 2XE 01332 622600	Middlesbrough County Court at Teesside Combined Court The Law Courts Russell Street Middlesbrough Cleveland England TS1 2AE 01642 340000
Blackburn County Court 64 Victoria Street Blackburn Lancashire England BB1 6DJ 01254 299840	Leeds Combined Court The Court House 1 Oxford Row Leeds West Yorkshire England LS1 3BG 0113 306 2800	Newcastle-upon-Tyne Combined Court Centre The Quayside Newcastle-upon-Tyne Tyne & Wear England NE1 3LA 0191 201 2000
Bradford County Court Bradford Law Courts Exchange Square Drake Street Bradford West Yorkshire England BD1 1JA 01274 840274	Leicester County Court 90 Wellington Street Leicester Leicestershire England LE1 6HG 0116 222 5700	Romford County Court 2a Oaklands Avenue Romford Essex England RM1 4DP 01708 775353
Bristol County Court Greyfriars Lewins Mead Bristol England BS1 2NR 0117 9106700	Luton County Court 2 nd Floor Cresta House Alma Street Luton Bedfordshire England LU1 2PU 01582 506700	Willesden County Court 9 Acton Lane Harlesden London England NW10 8SB 020 8963 8200