Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Bill

Bill Number: SP Bill 53
Introduced on: 29 September 2010
Introduced by: Nicola Sturgeon MSP (Executive Bill)
Passed: 22 March 2011
Royal Assent: 28 April 2011

Passage of the Bill

The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Bill (SP Bill 53) was introduced in the Parliament on 29 September 2010. The Equal Opportunities Committee, as lead Committee, commenced taking evidence on the general principles of the Bill on 30 September 2010. The Committee’s Stage 1 report was published on 26 January 2011 and the Stage 1 debate took place on 2 February 2011. The Committee considered amendments at Stage 2 at a meeting on 1 March 2010. The Bill was passed following the Stage 3 debate on 22 March 2011.

Purpose and objectives of the Bill

The aim of the Bill is to provide a specific civil remedy for those threatened with forced marriage and those already in such a marriage. An underlying aim of the Bill is to bring Scotland into line with existing legislation in terms of preventing forced marriage and protecting victims in the rest of the UK.

Provisions of the Bill

The Bill has two main provisions:

- Part 1 makes provision for forced marriage protection orders (FMPOs) to protect people from being forced to enter into a marriage without their free and full consent and to protect those who have already been forced to enter into marriage without such consent. A FMPO will allow a
sheriff court or the Court of Session to require those responsible for forcing another person into marriage to stop or change their behaviour or to require them to carry out one or more of a range of actions, for example, refrain from certain conduct, comply with certain directions, or provide information to the court. Breach of an FMPO would be a criminal offence. The Bill would also allow for local authorities and the Lord Advocate to act as designated relevant third parties to apply, without leave, for an FMPO on behalf of vulnerable victims.

- Part 2 clarifies the jurisdictional rules that apply where individuals, including victims of a forced marriage, wish to seek a declaration from the sheriff court to make such a marriage void.

**Parliamentary consideration**

The Equal Opportunities Committee issued a call for written evidence on 30 September 2010 and held two oral evidence sessions at Stage 1 on 23 November 2010 and 14 December 2010, which included representation from a number of organisations which support victims of forced marriage, as well as ACPOS, the UK Ministry of Justice and the Minister for Housing and Communities. Throughout the Parliamentary process there has been broad support for the main principles of the Bill. At Stage 1, the Committee’s report notes that the Bill was welcomed as a positive step in offering protection to victims of forced marriage. The Committee reached the following conclusion in its Stage 1 report:

> “Having heard harrowing evidence on the damage that forced marriage does to individuals in particular and to society more generally, the Committee supports the view expressed by many witnesses that while numbers may be relatively low, the detrimental impact of forced marriage is extremely high and cannot be tolerated; that civil remedies are not sufficient; and that forced marriage must be addressed through more victim-centred legislation”.

Some recommendations for further improvements to the Bill and requests for additional information or clarification were put forward by the Committee. The Scottish Government responded to the Committee’s Stage 1 report on 14 February 2011.

Twelve amendments were lodged at Stage 2. Amendments agreed to at Stage 2 reflected points for clarification, including the definition of ‘force’ and power of arrest attached to breach of an FMPO.

Six amendments were lodged by the Scottish Government at Stage 3, all of which were agreed to. These included extending the provision for victims and third parties to apply to vary, recall or extend an FMPO to include individuals not originally involved with the order. The aim is to ensure there are no difficulties if a victim requires support from a different agency.

The Bill was passed following the Stage 3 debate on 22 March 2011.