

FORCED MARRIAGE (CIVIL PROTECTION) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 63H Attachment of powers of arrest to orders

45. *Subsections (1) and (2) provide that the court must attach a power of arrest to any order (other than an ex parte order) if the respondent has used or threatened violence, unless there would be adequate protection without the power. Subsection (7) provides that for the purposes of this section a respondent includes any person who is not a respondent but to whom an order is directed.*
46. *Subsections (3) and (4) provide that, where an order has been made ex parte and the respondent has been or has threatened to be violent in relation to the matters concerned, the court may attach a power of arrest only where it considers there to be a risk of significant harm to a person, if the power is not attached immediately.*
47. *Subsection (5) provides that where a power of arrest has been attached to an ex parte order the court may provide for the power of arrest to have effect for a shorter period. Subsection (6) provides that in those circumstances the court can extend the period on an application to vary or discharge the order. This would most likely happen once the respondent had been given the opportunity to be heard in respect of the order.*