

FAMILY LAW COURTS in UK – part 2

Reasons for declaring a marriage legally invalid include:

- either party being under the age of 16
- either party being already married
- the parties are prohibited from marrying, for example father and daughter.

Voidable marriages are those which are not consummated, where one party was suffering from an infectious venereal disease, or where the woman was pregnant by someone else at the time of the marriage.

Family courts can also grant a judicial separation, which does not dissolve the marriage but recognises that the parties no longer live together.

Domestic violence

Magistrates' courts and County Courts can provide unified domestic violence courts. Two types of order can be granted:

- a non-molestation order, which can either prohibit particular behaviour or general molestation
 - an occupation order, which can define or regulate rights of occupation of the home

Anyone breaching a non-molestation order can be arrested.

Family Courts also have powers to order that a suspected abuser may be removed from the home, rather than the child.

Fifteen designated County Courts also have powers to prevent forced marriages, and to offer protection to victims who might have already been forced into a marriage.

The Court of Protection

The Court of Protection was established under the terms of the Mental Capacity Act 2005, which came into force on 1 October 2007.

It is a specialist court which makes specific decisions or appoints other people known as deputies to make decisions on behalf of people who lack the capacity to do so for themselves.

The Court of Protection can:

- decide whether a person 'has capacity' (is able) to make a particular decision for themselves
- make declarations, decisions or orders on financial or welfare matters affecting people who lack capacity to make these decisions
- appoint a deputy to make ongoing decisions for people lacking capacity to make those decisions
- decide whether a Lasting Power of Attorney (LPA) or Enduring Power of Attorney (EPA) is valid
- remove deputies or attorneys who fail to carry out their duties
- hear cases concerning objections to register an LPA or EPA

Cases are heard by circuit, district and High Court judges, at the central registry in Archway and at courts throughout England and Wales.

Hearings are normally private, but in certain cases the media can be authorised to attend.

Bibliography

1. Family Law Courts [online] [dostęp 04.08.2016], dostępne w Internecie: www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/family-law-courts/
2. Collins English Dictionary 2012 Digital Edition, W. Collins Sons and Co.

I. Match the terms with the definitions:

1 voidable marriages	A when a person was pressed to marry
2 a judicial separation	B a family member acting violently, forcefully, or threatening another family member
3 domestic violence	C specialist court making decisions or appointing deputies making decisions for incapable persons
4 a non-molestation order	D it provides a legal framework for acting and making decisions on behalf of adults who lack the capacity to do so
5 an occupation order	E an appointed person who makes decisions on behalf of incapable adults
6 an abuser	F a decree that does not dissolve the marriage bond
7 the Court of Protection	G property and financial affairs attorney or health and welfare attorney
8 a Lasting Power Attorney	H an order prohibiting violence or molestation
9 an Enduring Power Attorney	I he/she makes decisions about someone's property and money
10 Mental Capacity Act	J not consummated
11 a deputy	K it regulates and defines rights of residence at home
12 a forced marriage	L abuse against a member of family living in one's household

II. Complete the sentences with the terms: *dissolves, breaching, abuser, circuit, deputy, judicial, carry out, voidable, invalid, prohibited, forced, established, into force, grant*

1. A marriage can be declared _____ when a party is under the age of 16.
2. Persons like sister and brother are _____ from marrying.
3. When a woman is pregnant by someone else at the time of the marriage, the marriage is
4. Family courts can grant a decree of divorce which _____ the marriage.
5. Particular County Courts have authority to prevent _____ marriages and protect victims.
6. A person _____ a court order can be arrested.
7. District, High Court and _____ judges hear cases in the Court of Protection.
8. If a person lacks capacity, the Court of Protection can appoint a _____ to make decisions for him/her.
9. When a deputy, LPA or EPA fails to _____ duties, they can be removed by Court.
10. The Mental Capacity Act came _____ in October 2007.
11. Family Courts can order to remove a suspected _____ from home.
12. A _____ separation states that the parties do not live together any more.
13. The Court of Protection was _____ to make specific decisions for people lacking capacity to make them.
14. County Courts and Magistrates' courts can _____ two types of orders.

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