

7 MINUTE BRIEFING Predatory Marriage



**KNOWSLEY
SAFEGUARDING
ADULTS BOARD**

PREVENTION THROUGH PARTNERSHIP



1. What is Predatory Marriage?

Predatory Marriage is the practice of intentionally targeting and marrying a vulnerable (older adult /or adult who lacks mental capacity) person in order to gain access to their estate and assets upon their death.

Predatory Marriage relies on grooming and coercion to exert control over another person to persuade them to marry for financial, material or other gain.

There is no specific law against predatory marriage.

2. Did you know?

- The registrar should interview adults separately to ascertain capacity and consent, and stop any marriages where concerns are raised
- Legally in the UK, a marriage will always revoke a Will so anyone who marries (or who re-marries), will need a new will or the first £270,000 of their estate will go to their spouse if they are the first to die
- Once married, the predator is entitled to make decisions regarding funeral arrangements which may take over any decisions made with family members prior to the marriage taking place
- Predatory Marriage relies on coercive control and is a form of forced marriage
- Lasting Power of Attorney does not protect against a coercive predatory marriage; the attorney is not notified if the victim marries
- Under British Law it is not possible to annul a marriage once one of the party has died, unless the marriage is bigamous or incestuous. It is not possible to annul a marriage after one person has died even if it is fraudulent.

3. Legislation

In UK law, marriage and civil partnerships rely on consent.

The Marriage Act 1989 requires that two adult parties agree to a marriage, it is implicit that they understand and agree to marry by giving informed consent which is dependent on capacity to make decisions as determined by the Mental Capacity Act 2005.

The Anti-Social Behaviour, Crime and Policing Act 2014 made it a criminal offence to marry a person who lacks the mental capacity to consent to the marriage, whether they are pressured to or not.

It is a criminal offence to marry a person who lacks the mental capacity to consent to the marriage, regardless of any pressure. It is also a crime to pressure someone to marry by any means.

4. Hallmarks of Predatory Marriage:

The hallmarks of a predatory marriage can include:

- The marriage takes place suddenly after a brief relationship
- The person is often at risk /has care and support needs
- There are often questions around capacity
- The marriage takes place in secret

Other aspects may also indicate a potential predatory marriage including:

- Dramatic age difference between the spouses
- Older spouse is particularly wealthy or has a number of economic assets
- Marriage soon after the loss of a lifelong partner

7. For more information:

[HM Government - The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage \(publishing.service.gov.uk\)](#)

[Predatory Marriage UK – Reforming marriage laws and procedures to protect people with dementia](#)

[Predatory Marriage - Safeguarding Matters - Ann Craft Trust](#)

[Home - My Marriage My Choice | My Marriage My Choice](#)

[Predatory marriage: what is it and what you can do \(penningtonslaw.com\)](#)

6. The Mental Capacity Act 2005

The Mental Capacity Act 2005 aims to empower people to make decisions about their own lives where possible and protects those who lack capacity.

- If someone has to resort to violence or coercion to make someone marry, that person's consent has not been given freely and it is therefore considered a forced marriage
- Where a person lacks the capacity to consent, an offence is also capable of being committed by any conduct carried out with the purpose of causing the victim to marry, whether or not it amounts to violence, threats or any other form of coercion

5. What does Predatory Marriage look like?

Grooming – spending lots of time together, getting them to hold them in high esteem and to make them feel valued and loved.

Isolation - creating physical and emotional divisions between the individual and their friends and family to ensure only their voice is heard in isolation

Confusion - When dementia is present, the victim may not be confused or fearful. Presenting as 'pleasantly confused' should not be interpreted as consenting

Other signs can include becoming withdrawn, fearful or unsure about their relationships/people around them.