

These notes relate to the Prohibition of Female Genital Mutilation (Scotland) Act 2005 (asp 8) which received Royal Assent on 1 July 2005

PROHIBITION OF FEMALE GENITAL MUTILATION (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3 – Aiding and abetting female genital mutilation

12. Subsection (1)(a) makes it an offence for a person in Scotland to aid, abet, counsel, procure or incite another person to carry out FGM in Scotland.
13. It is not an offence under the Act to carry out FGM on oneself, but subsection (1)(b) makes it an offence for another person to help that to be done.
14. Subsection (1)(c) makes it an offence for a person in Scotland to aid, abet, counsel procure or incite a person who is not a UK national or permanent UK resident to carry out an FGM procedure outside the UK. This means that a person who arranges by telephone from Scotland for their daughter (irrespective of her nationality or status) to have an FGM operation carried out abroad by a foreign national (who does not live permanently in the UK) commits an offence.
15. Subsection (3) ensures that it is not an offence to aid, abet, counsel procure or incite a procedure carried out in circumstances equivalent to those in which no offence would be committed by virtue of the exceptions provided for in section 1(3), (4) and (5).