



# Prohibition of Female Genital Mutilation (Scotland) Act 2005

## 2005 asp 8

### [<sup>F1</sup>5B Contents of orders

- (1) A female genital mutilation protection order may contain such—
  - (a) prohibitions, restrictions or requirements, and
  - (b) other provisions,as the court considers appropriate for the purposes of the order.
- (2) The terms of such an order may, in particular, relate to—
  - (a) conduct outside (as well as, or instead of, conduct within) Scotland,
  - (b) persons who have committed, or may attempt to commit, an offence under section 1 or section 3,
  - (c) persons who are, or may become, involved in the commission of an offence under section 1 or section 3 in other respects.
- (3) A female genital mutilation protection order may, among other things, require a person—
  - (a) to take the protected person to a place of safety designated in the order,
  - (b) to bring the protected person to a court at such time and place as the court making the order may specify,
  - (c) to bring the protected person to any other place at such time and for such purpose as the court making the order may specify,
  - (d) to refrain from violent, threatening or intimidating conduct (whether against the protected person or any other person),
  - (e) who is a person such as is mentioned in subsection (2)(b) or (c), to appear in court,
  - (f) to disclose, if known, the whereabouts of such a person or the protected person,
  - (g) to refrain from taking the protected person from, or to, such place as the court may specify,
  - (h) to facilitate or otherwise enable the protected person or another person to return or go to such place as the court may specify within such period as may be so specified,

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**Changes to legislation:** *Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5B is up to date with all changes known to be in force on or before 06 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (i) to submit to the court such documents (including passports, birth certificates or other documents identifying the person and travel documents) as the court may specify,
  - (j) to provide the court with such other information as it may specify.
- (4) A female genital mutilation protection order may, among other things, also require a Scottish public authority to consider what support and assistance the authority may be able, in exercise of its functions, to provide to the protected person or another person.
- (5) But a requirement mentioned in subsection (4) may be included in the female genital mutilation protection order only where a person—
- (a) who is a party to the proceedings for the order, or
  - (b) who, in the case of such an order made by virtue of section 5E or 5F, would have been a party to such proceedings,
- requests the court to do so.
- (6) Where a requirement mentioned in subsection (4) is included in a female genital mutilation protection order, the Scottish public authority to whom the requirement applies must, so far as reasonably practicable, provide such support and assistance as the authority considers appropriate.
- (7) For the purposes of subsection (2)(c), examples of involvement in other respects are—
- (a) conspiring to commit an offence under section 1 or section 3,
  - (b) aiding, abetting, counselling, procuring or inciting another person to commit an offence under section 3.]

#### Textual Amendments

- F1** Ss. 5A-5R inserted (25.4.2020 but only for the insertion of s. 5R(4)(b)(ii) for the purposes of making regulations and otherwise prosp.) by [Female Genital Mutilation \(Protection and Guidance\) \(Scotland\) Act 2020 \(asp 9\)](#), **ss. 1, 11(1)(a)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5S inserted by [2020 asp 9 s. 2](#)
- s. 5T inserted by [2020 asp 9 s. 3](#)
- s. 7A inserted by [2020 asp 9 s. 6](#)
- s. 7B inserted by [2020 asp 9 s. 7](#)