

FEMALE GENITAL MUTILATION ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Offence of assisting a non-UK person to mutilate overseas a girl's genitalia

9. This section makes it an offence for a person in the UK to aid, abet, counsel or procure the performance outside the UK of a relevant FGM operation (as defined by *subsection(2)*) that is carried out by a person who is not a UK national or permanent UK resident (as defined by section 6). By virtue of *subsection (2)*, this offence only applies where the victim of the FGM operation is a UK national or permanent UK resident. So the person who, for example, arranges by telephone from his home in England for his UK national daughter to have an FGM operation carried out abroad by a foreign national (who does not live permanently in the UK) commits an offence.
10. Subsection (3) provides that the saving that applies for the purposes of section 1 also applies to this section.