



Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

[^{F1}5C Power to make orders on application

- (1) The court may, on an application to it under this section, make a female genital mutilation protection order.
- (2) The following persons may apply to the court for a female genital mutilation protection order—
 - (a) a person on whom there is a risk of an act of genital mutilation being performed,
 - (b) a person on whom such an act has been performed,
 - (c) the Lord Advocate,
 - (d) a relevant local authority,
 - (e) the chief constable,
 - (f) with the leave of the court only, any other person.
- (3) The court may permit a person mentioned in subsection (2) to be a party to proceedings relating to an application made by another person mentioned in subsection (2).
- (4) In deciding whether to grant a person (“the applicant”) leave as referred to in subsection (2)(f) or, as the case may be, to allow the applicant to be a party to proceedings relating to an application made by another person, the court must have regard to all the circumstances including (where applicable)—
 - (a) the applicant's connection with a person who would be a protected person were the order made,
 - (b) the applicant's knowledge of such a person and the person's circumstances,
 - (c) the wishes and feelings of such a person so far as they are reasonably ascertainable,
 - (d) in a case where leave to apply is being sought, any reason why the application is being made by the applicant and not such a person.
- (5) The court need only have regard to a person's wishes and feelings as mentioned in subsection (4)(c) so far as it considers it appropriate, on the basis of the person's age and understanding, to do so.

Changes to legislation: *Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5C is up to date with all changes known to be in force on or before 19 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*

- (6) In this Act, a “relevant local authority” is—
- (a) in the case of an application for a female genital mutilation protection order, the local authority in whose area—
 - (i) a person, who would be a protected person were such an order made, is present, or
 - (ii) a person, who would be a person falling within a description specified in such an order (as mentioned in section 5A(2)(a)(ii)) were the order made, is present or is likely to be present,
 - (b) in any other case, the local authority in whose area—
 - (i) a protected person is present, or
 - (ii) a person falling within a description specified in such an order (as mentioned in section 5A(2)(a)(ii)) is present or is likely to be present.]

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:

Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5C is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

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](#)