



Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

[^{F1}5D Applications for orders: jurisdiction

- (1) The court to which an application for a female genital mutilation protection order is to be made is to be determined in accordance with this section.
- (2) The application may be made to the sheriff in whose sheriffdom any person, who would be a protected person were the order made, is ordinarily resident.
- (3) Where no person would be a protected person were the order made—
 - (a) the application may be made to the sheriff in whose sheriffdom any person, on whom prohibitions, restrictions or requirements would be imposed by the order were it made, is ordinarily resident,
 - (b) where the application is made by a relevant local authority, it may be made to that sheriff or to the sheriff in whose sheriffdom the local authority is situated.
- (4) In any other case, the application may be made to the sheriff of the sheriffdom of Lothian and Borders at Edinburgh.
- (5) Subsections (6) to (9) apply with respect to proceedings relating to an application made in accordance with this section.
- (6) A sheriff before whom the proceedings are brought may make an order transferring the proceedings to a sheriff of another sheriffdom if satisfied that it would be more appropriate for the proceedings to be dealt with by a sheriff of the other sheriffdom.
- (7) A sheriff may make an order under subsection (6)—
 - (a) on the application of a party to the proceedings, or
 - (b) on the sheriff's own initiative.
- (8) Where an order is made under subsection (6), a sheriff of the sheriffdom to which the proceedings are to be transferred has jurisdiction and competence to consider and determine the proceedings.
- (9) This section does not affect any power that a sheriff has to decline jurisdiction in any case.]

Changes to legislation: *Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5D is up to date with all changes known to be in force on or before 07 September 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*

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\(1\)\(a\)](#)

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[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](#)