



Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

[^{F1}5H] Anonymity: other proceedings relating to female genital mutilation protection order

- (1) The court may also make an anonymity order in any other civil proceedings relating to a female genital mutilation protection order—
 - (a) on the application of—
 - (i) any person who was a party to the proceedings for the female genital mutilation protection order, or
 - (ii) any person who, in the case of such an order made by virtue of section 5E or 5F, would have been a party to such proceedings, or
 - (b) even though no such application is made to the court.
- (2) The court may make an anonymity order if it considers that it is just to do so having regard to all the circumstances, including the need to protect the health, safety and well-being of—
 - (a) any protected person, and
 - (b) in the case of proceedings relating to the variation of the female genital mutilation protection order, any person who would be a protected person were the order varied.
- (3) The court must, before making an anonymity order under this section—
 - (a) seek the views, so far as they are reasonably ascertainable, of—
 - (i) any person in respect of whom the court is considering making an anonymity order,
 - (ii) any protected person and, in the case of proceedings relating to the variation of the female genital mutilation protection order, any person who would be a protected person were the order varied (if not a person mentioned in sub-paragraph (i)), and
 - (b) have regard to any such views (taking into account the person's age and understanding).
- (4) But the failure of a person mentioned in subsection (3)(a) to provide views is not to be taken as indicating that the person is opposed to an anonymity order being made.

Changes to legislation: *Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5H is up to date with all changes known to be in force on or before 08 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*

- (5) Where the court makes an anonymity order under this section, the court must also consider whether to exercise its power under section 11 of the Contempt of Court Act 1981 (power to prohibit publication of names or other matters in connection with proceedings).
- (6) The power to make an anonymity order is without prejudice to any other functions the court has in relation to ordering that names or other information be withheld or that the public be excluded from proceedings.
- (7) Subsection (3) does not apply to proceedings relating to the variation or extension of a female genital mutilation protection order on an interim basis by virtue of section 5O(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\(1\)\(a\)](#)

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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](#)