



Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

[^{F1}5I] Anonymity: variation and discharge

- (1) This section applies where the court has made an anonymity order which is in effect.
- (2) The court may vary or discharge the anonymity order—
 - (a) on the application of—
 - (i) any person who was a party to the proceedings for the female genital mutilation protection order in relation to which the anonymity order was made, 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.
- (3) The court may vary or, as the case may be, discharge 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 any protected person.
- (4) The court must, before varying or, as the case may be, discharging an anonymity order—
 - (a) seek the views, so far as they are reasonably ascertainable, of—
 - (i) any person in respect of whom the anonymity order was made,
 - (ii) any person who is a protected person (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).
- (5) But the failure of a person mentioned in subsection (4)(a) to provide views is not to be taken as indicating that the person is content with the variation or, as the case may be, discharge of the anonymity order.]

Changes to legislation: *Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5I is up to date with all changes known to be in force on or before 23 August 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](#)