



# Prohibition of Female Genital Mutilation (Scotland) Act 2005

## 2005 asp 8

### [<sup>F1</sup>5M Variation and discharge of orders

- (1) The court may vary or discharge a female genital mutilation protection order on an application by—
  - (a) any person who was or, in the case of an order made by virtue of section 5E or 5F, would have been a party to the proceedings for the order,
  - (b) a protected person (if not such a person),
  - (c) any other person affected by the order (including a person in respect of whom an order is made under section 5J),
  - (d) the Lord Advocate,
  - (e) a relevant local authority,
  - (f) the chief constable,
  - (g) with the leave of the court only, any other person.
- (2) The court may permit a person mentioned in subsection (1) to be a party to proceedings relating to an application made by another person mentioned in subsection (1).
- (3) In deciding whether to grant a person (“the applicant”) leave as referred to in subsection (1)(g) 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 such as is mentioned in subsection (1) (a), (b) or (c),
  - (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.
- (4) The court need only have regard to a person's wishes and feelings as mentioned in subsection (3)(c) so far as it considers it appropriate, on the basis of the person's age and understanding, to do so.

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**Changes to legislation:** Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5M is up to date with all changes known to be in force on or before 04 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](#)

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- (5) In addition, the court may, if it considers it just to do so, vary or discharge a female genital mutilation protection order even though no application under subsection (1) has been made to the court.
- (6) Where a female genital mutilation protection order specifies a period for which it is to have effect, references in this section to varying an order do not include extending the order.]

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#### 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](#)