



Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

[^{F1}50] Variation, discharge and extension of orders: further provision

- (1) Section 5A(4) and (5) apply to the court's consideration—
 - (a) under section 5M as to whether to vary or discharge a female genital mutilation protection order, and
 - (b) under section 5N as to whether to extend such an order,as they apply to the court's consideration as to whether to make such an order, with the modification that the reference to a person who would be a protected person were the order made is to be read as including a reference to a person who is a protected person under the order.
- (2) Section 5D applies to—
 - (a) an application under section 5M to vary or discharge a female genital mutilation protection order, and
 - (b) an application under section 5N to extend such an order,as it applies to an application under section 5C for such an order, with the modification that references to a person who would be a protected person were the order made are to be read as including references to a person who is a protected person under the order.
- (3) The court may—
 - (a) on an application under section 5M to vary a female genital mutilation protection order, or
 - (b) on an application under section 5N to extend such an order,vary or, as the case may be, extend the order on an interim basis pending determination of the application.
- (4) Where the court varies or extends a female genital mutilation protection order on an interim basis, subsections (2) to (5) of section 5F apply as they apply to an application under section 5C for such an order, with the modifications that—
 - (a) references to an application for a female genital mutilation protection order are to be read as references to an application to vary or, as the case may be, extend such an order,

Changes to legislation: *Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5O 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*

- (b) references to making an interim female genital mutilation protection order are to be read as references to a female genital mutilation protection order being varied or, as the case may be, extended on an interim basis, and
- (c) the reference to a person who would be a protected person were the order made is to be read as including a reference to a person who is a protected person under the order.]

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](#)