



# Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

## [<sup>F1</sup>5Q Offences relating to orders

- (1) A person commits an offence if the person knowingly and without reasonable excuse—
  - (a) does anything which the person is prohibited from doing by a female genital mutilation protection order, or
  - (b) fails to do something which the person is required to do by such an order.
- (2) A person commits an offence if the person knowingly and without reasonable excuse aids, abets, counsels, procures or incites another person—
  - (a) to do anything the other person is prohibited from doing by a female genital mutilation protection order, or
  - (b) to fail to do something which the other person is required to do by such an order.
- (3) A person commits an offence if the person—
  - (a) knows that another person is prohibited from doing something by a female genital mutilation protection order, and
  - (b) without reasonable excuse, the person does the prohibited thing.
- (4) A person commits an offence if the person—
  - (a) knows that another person is required to do something by a female genital mutilation protection order, and
  - (b) without reasonable excuse, prevents or hinders the person from doing the thing required.
- (5) A person may be prosecuted, tried and punished for an offence under this section in respect of any conduct or failure to act which occurred outside Scotland—
  - (a) in any sheriff court district in which the person is apprehended or in custody, or
  - (b) in such sheriff court district as the Lord Advocate may determine,as if the offence had been committed in that district (and the offence is, for all purposes incidental to or consequential on the trial or punishment, to be deemed to have been committed in that district).

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

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- (6) Where a person is convicted of an offence under this section in respect of any conduct or failure to act, the conduct or failure is not punishable as a contempt of court.
- (7) A person who commits an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).]

#### **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](#)