



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 5

#### PROTECTION OF CHILDREN AND OTHERS

##### *Female genital mutilation*

#### **74 Duty to notify police of female genital mutilation**

After section 5A of the Female Genital Mutilation Act 2003 (inserted by section 73 above) insert—

##### **“5B Duty to notify police of female genital mutilation**

- (1) A person who works in a regulated profession in England and Wales must make a notification under this section (an “FGM notification”) if, in the course of his or her work in the profession, the person discovers that an act of female genital mutilation appears to have been carried out on a girl who is aged under 18.
- (2) For the purposes of this section—
  - (a) a person works in a “regulated profession” if the person is—
    - (i) a healthcare professional,
    - (ii) a teacher, or
    - (iii) a social care worker in Wales;
  - (b) a person “discovers” that an act of female genital mutilation appears to have been carried out on a girl in either of the following two cases.
- (3) The first case is where the girl informs the person that an act of female genital mutilation (however described) has been carried out on her.
- (4) The second case is where—
  - (a) the person observes physical signs on the girl appearing to show that an act of female genital mutilation has been carried out on her, and

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 74. (See end of Document for details)*

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- (b) the person has no reason to believe that the act was, or was part of, a surgical operation within section 1(2)(a) or (b).
- (5) An FGM notification—
- (a) is to be made to the chief officer of police for the area in which the girl resides;
  - (b) must identify the girl and explain why the notification is made;
  - (c) must be made before the end of one month from the time when the person making the notification first discovers that an act of female genital mutilation appears to have been carried out on the girl;
  - (d) may be made orally or in writing.
- (6) The duty of a person working in a particular regulated profession to make an FGM notification does not apply if the person has reason to believe that another person working in that profession has previously made an FGM notification in connection with the same act of female genital mutilation.
- For this purpose, all persons falling within subsection (2)(a)(i) are to be treated as working in the same regulated profession.
- (7) A disclosure made in an FGM notification does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information.
- (8) The Secretary of State may by regulations amend this section for the purpose of adding, removing or otherwise altering the descriptions of persons regarded as working in a “regulated profession” for the purposes of this section.
- (9) The power to make regulations under this section—
- (a) is exercisable by statutory instrument;
  - (b) includes power to make consequential, transitional, transitory or saving provision.
- (10) A statutory instrument containing regulations under this section is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (11) In this section—
- “act of female genital mutilation” means an act of a kind mentioned in section 1(1);
  - “healthcare professional” means a person registered with any of the regulatory bodies mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (bodies within remit of the Professional Standards Authority for Health and Social Care);
  - “registered”, in relation to a regulatory body, means registered in a register that the body maintains by virtue of any enactment;
  - “social care worker” means a person registered in a register maintained by the Care Council for Wales under section 56 of the Care Standards Act 2000;
  - “teacher” means—

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- (a) in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England);
  - (b) in relation to Wales, a person who falls within a category listed in the table in paragraph 1 of Schedule 2 to the Education (Wales) Act 2014 (anaw 5) (categories of registration for purposes of Part 2 of that Act) or any other person employed or engaged as a teacher at a school (within the meaning of the Education Act 1996) in Wales.
- (12) For the purposes of the definition of “healthcare professional”, the following provisions of section 25 of the National Health Service Reform and Health Care Professions Act 2002 are to be ignored—
- (a) paragraph (g) of subsection (3);
  - (b) subsection (3A).”

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**Commencement Information**

**II** S. 74 in force at 31.10.2015 by S.I. 2015/1809, reg. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2015, Section 74.