

These notes relate to the Prohibition of Female Genital Mutilation (Scotland) Act 2005 (asp 8) which received Royal Assent on 1 July 2005

PROHIBITION OF FEMALE GENITAL MUTILATION (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT

3. Female genital mutilation (FGM) involves procedures which include the partial or total removal of the external female genital organs for cultural or other non-therapeutic reasons.
4. FGM has been a specific criminal offence in the UK since the passage of the Prohibition of Female Circumcision Act 1985 (“the 1985 Act”). In England, Wales and Northern Ireland, the Female Genital Mutilation Act 2003 repealed and re-enacted the provisions of the 1985 Act, gave them extra-territorial effect and increased the maximum penalty for FGM.
5. Like the Female Genital Mutilation Act 2003, the Act repeals and re-enacts for Scotland the provisions of the 1985 Act, gives extra-territorial effect to those provisions and increases the maximum penalty for FGM in Scotland from 5 to 14 years’ imprisonment. Further, it makes additional forms of FGM unlawful, allows the Scottish Ministers to modify the procedures which are offences and adds the offences under the Act to Schedule 1 to the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”)(offences against children under 17 to which special provisions apply).