

*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**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 7 – Amendment and repeal***

24. **Section 7** adds the offences in the Act committed against a child under the age of 17 to the list of offences in Schedule 1 to the 1995 Act to which special provisions apply.
25. This provides the additional powers of arrest without warrant specified in section 21 of the 1995 Act in respect of those offences.
26. Further, by virtue of section 48 of the 1995 Act, the listing of FGM offences in Schedule 1 to the 1995 Act will allow a convicting court to refer a child who was the victim of an FGM offence as well as any child living in the same household as the victim or person convicted of the offence to the reporter to the children's panel.
27. The listing of FGM offences in Schedule 1 to the 1995 Act will also give the reporter grounds of referral to refer a child who was the victim of an FGM offence, as well as any child living in the same household as the victim or person convicted of the offence, to a children's hearing. In addition to a referral at the time of the offence, the listing will also allow the reporter to refer to a children's hearing children who are or become or are likely to become members of the same household as either the victim or the offender, even where there was no subsequent conviction with regard to those children, under section 52(2)(d), (e) or (f) of the Children (Scotland) Act 1995.