



Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

[^{F1}5E Power to make orders without application

- (1) The court may make a female genital mutilation protection order without an application being made to it where—
 - (a) civil proceedings are before the court,
 - (b) the court considers that such an order should be made, and
 - (c) a person who would be affected by the order (other than a person who would be a protected person were the order made) is a party to the civil proceedings.
- (2) The court may also make a female genital mutilation protection order under subsection (1) despite the fact that no person who would be affected by the order is a party to the civil proceedings.
- (3) The court may make a female genital mutilation protection order under this section—
 - (a) at the request of a party to the civil proceedings, or
 - (b) without such a request having been made.
- (4) Where a female genital mutilation protection order is made by virtue of subsection (2), the court must give a person who is affected by the order an opportunity to make representations about the order—
 - (a) as soon after the order is made as is just and convenient, and
 - (b) at a hearing of which notice has been given to all parties in accordance with rules of court.]

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)

Changes to legislation:

Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5E is up to date with all changes known to be in force on or before 19 June 2024. 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.

[View outstanding changes](#)

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](#)