



Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

[^{F1}5F] Interim orders

- (1) The court may make an interim female genital mutilation protection order—
 - (a) after receiving an application made under section 5C, or
 - (b) without an application being made to it, where civil proceedings are before the court.
- (2) The court may make an interim female genital mutilation protection order only if it considers, on the balance of convenience, that it is just to do so.
- (3) In deciding whether it is, on the balance of convenience, just, the court must have regard to all the circumstances including—
 - (a) the risk of significant harm to any person,
 - (b) the risk of a person, who would be a protected person were the female genital mutilation protection order made, being taken outside the United Kingdom for a purpose connected with the performance on the person of an act of genital mutilation, and
 - (c) in a case where an application has been made under section 5C, the risk that the person who applied for the female genital mutilation protection order will be deterred or prevented from pursuing the application,if the interim order is not made immediately.
- (4) The court may make an interim female genital mutilation protection order under this section—
 - (a) in a case where an application has been made under section 5C, in the absence of a person who is, or would be, a party to proceedings for the female genital mutilation protection order (and may do so whether or not the person has been given such notice of the application as would otherwise be required by rules of court),
 - (b) in a case where no such application has been made to it, in the absence of a person who would be affected by the order (whether or not such a person is a party to the civil proceedings).

Changes to legislation: *Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5F is up to date with all changes known to be in force on or before 12 May 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. (See end of Document for details) View outstanding changes*

- (5) Where an interim female genital mutilation protection order is made by virtue of subsection (4), the court must give a person such as is mentioned in paragraph (a) or, as the case may be, paragraph (b) of that subsection an opportunity to make representations about the interim order—
- (a) as soon after the interim 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.
- (6) An interim female genital mutilation protection order—
- (a) has effect only for a fixed period, specified in the order, and
 - (b) ceases to have effect, if it has not already done so—
 - (i) in a case where an application has been made under section 5C, on the determination of the application,
 - (ii) in a case where no such application has been made, on the determination of the proceedings, if any, arising by virtue of subsection (5).
- (7) In this Act (unless the context otherwise requires), references to female genital mutilation protection orders include references to interim female genital mutilation protection orders.]

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:

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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](#)