



Prohibition of Female Genital Mutilation (Scotland) Act 2005

2005 asp 8

[^{F1}5R Offences relating to UK orders

- (1) A person commits an offence if the person knowingly and without reasonable excuse—
 - (a) does anything which the person is prohibited from doing by a relevant UK order, or
 - (b) fails to do something which the person is required to do by such an order.
- (2) A person commits an offence if the person knowingly and without reasonable excuse aids, abets, counsels, procures or incites another person—
 - (a) to do anything the other person is prohibited from doing by a relevant UK order, or
 - (b) to fail to do something which the other person is required to do by such an order.
- (3) A person commits an offence under this section only if the conduct or failure to act would have constituted an offence under the law of the country applicable to the relevant UK order concerned.
- (4) A relevant UK order is—
 - (a) an FGM protection order under schedule 2 of the Female Genital Mutilation Act 2003,
 - (b) any other order under the law of England and Wales or Northern Ireland which—
 - (i) appears to the Scottish Ministers to be equivalent or similar to a female genital mutilation protection order, and
 - (ii) is of a type specified in regulations made by the Scottish Ministers.
- (5) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

Changes to legislation: *Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 5R is up to date with all changes known to be in force on or before 21 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*

- (6) The power of the Scottish Ministers to make regulations under subsection (4)(b)(ii) includes the power—
- (a) to make different provision for different purposes,
 - (b) to make any incidental, supplementary, consequential, transitional, transitory or saving provision which they consider appropriate.
- (7) Regulations under subsection (4)(b)(ii) are subject to the affirmative procedure. Guidance]

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)

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[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](#)