

These notes relate to the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020 (asp 9) which received Royal Assent on 24th April 2020

FEMALE GENITAL MUTILATION (PROTECTION AND GUIDANCE) (SCOTLAND) ACT 2020

EXPLANATORY NOTES

FEMALE GENITAL MUTILATION PROTECTION ORDERS

Section 1: Female genital mutilation protection orders

Inserted section 5K: References by criminal court to Lord Advocate

61. Section 5K provides that where criminal proceedings are before a criminal court and it considers that a female genital mutilation protection order should be made, the court may refer the matter to the Lord Advocate who can apply for a female genital mutilation protection order or take other steps as the Lord Advocate considers appropriate. An example of this could be where the criminal court has come to this considered view, but cannot use its powers under section 5J; either because the criminal proceedings are other than for an FGM offence, or where the criminal standard of proof has, notwithstanding that view, not been met in a prosecution for an FGM offence.