

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

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## **EXPLANATORY NOTES**

### **FEMALE GENITAL MUTILATION PROTECTION ORDERS**

#### ***Section 1: Female genital mutilation protection orders***

##### **Inserted section 5N: Extension of orders**

70. Section 5N provides for the court to extend female genital mutilation protection orders which have been granted for fixed periods.
71. Subsection (3) sets out the persons who may apply to the court to extend a female genital mutilation protection order: a party to the proceedings for the order, a protected person, any other person affected by the order, the Lord Advocate, a relevant local authority, the Chief Constable of Police Scotland, or any other person with the permission of the court. “Relevant local authority” takes its meaning from inserted section 5C(6) and will be the local authority in whose area a protected person is present or, in the case of an order protecting a described group, the local authority in whose area any person in that group is present.
72. Subsection (4) provides that any person who may apply to extend a female genital mutilation protection order can also, with the court’s agreement, join in proceedings relating to an application made by any other person mentioned in subsection (3).
73. Subsection (5) provides that in deciding whether to grant permission to a person to make an application or join in proceedings, the court must have regard to all the circumstances including (where applicable) the applicant’s connection with and knowledge of the person who is a party to the proceedings for the order, a protected person, or a person affected by the order (as the case may be), the wishes and feelings of that person and any reason why the application is being made by the applicant and not that person.
74. Subsection (6) provides that the court need only consider the wishes and feelings of that person to such an extent as the court considers appropriate, taking into account the person’s age and understanding.
75. Subsection (7) enables a court, if it considers it just to do so, to extend a female genital mutilation protection order even when no application to extend the order has been made.
76. A female genital mutilation protection order may include a range of different provisions with different effects. Subsection (8) applies this section to a female genital mutilation protection order which provides for some of its provisions to be for fixed periods, but not the whole order, so that those provisions which apply for a fixed period may be extended.