

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 5O: Variation, discharge and extension of orders: further provision

77. Subsection (1) provides that the matters to be considered under inserted section 5A(4) and (5) when making a female genital mutilation protection order must also be considered by the court when considering variation, discharge or an extension of an order.
78. Subsection (2) provides that the provisions determining jurisdiction set out in inserted section 5D also apply to applications to vary, discharge or extend an order.
79. Subsection (3) provides that the court may, pending its disposal of an application for a variation or extension of an order, chose to do so on an interim basis.
80. Subsection (4) provides that, where the court varies or extends a female genital mutilation protection order on an interim basis, the provisions of inserted section 5F(2) to (5) apply, except as follows.
81. Insofar as any references are to an application for a female genital mutilation protection order then they should be read as references to an application to vary or extend a female genital mutilation protection order. Insofar as any references are to the making of an interim female genital mutilation protection order then they should be read as references to a female genital mutilation protection order being varied or extended on an interim basis. Finally, references to a person who would be a protected person were the order made are similarly to be taken as references to a person who is a protected person under the order to which the application to vary or extend relates.