

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 5D: Applications for orders: jurisdiction

30. This section determines the court to which an application for a female genital mutilation protection order is to be made. Subsection (2) provides that applications may be made to the sheriff in whose sheriffdom any person who may become a protected person following the application ordinarily resides.
31. If there is no such person, subsection (3) provides that the application may be made to the sheriff in whose sheriffdom any person on whom prohibitions, restrictions or requirements would be imposed by the order ordinarily resides, or where the application is by the local authority, to the sheriff in whose sheriffdom the local authority is situated.
32. Subsection (4) provides that in any other cases the application is to be made to the sheriff of the sheriffdom of Lothian and Borders at Edinburgh. This would cover cases where, for example, in the absence of an identifiable potential victim, but with general intelligence pointing towards a risk of an offence being committed, an order is made against a potential perpetrator who is not ordinarily resident in Scotland.
33. Subsections (6) to (9) allow for the transfer of proceedings between sheriffdoms.