

*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**

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## **EXPLANATORY NOTES**

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

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

##### **Inserted section 5E: Power to make orders without application**

34. Subsection (1) enables the court to make a female genital mutilation protection order where civil proceedings are already before the court, and without having received an application under inserted section 5C. The court can do this if it considers that an order should be made and provided that any person who would be affected by such an order is also a party to the civil proceedings currently before the court.
35. Subsection (2) also allows the court to make a female genital mutilation protection order if it considers that an order should be made even if no person who would be affected by the order is a party to the civil proceedings. Further provision is therefore made in subsection (4) to enable those persons who were affected but were absent when the order was made, to make representations relating to that order.
36. Under subsection (3), the court can make orders in these ways either on its own initiative or at the request of a party to the civil proceedings.