



# Prohibition of Female Genital Mutilation (Scotland) Act 2005

## 2005 asp 8

### **1 Offence of female genital mutilation**

- (1) A person who performs an action mentioned in subsection (2) in relation to the whole or any part of the labia majora, labia minora, prepuce of the clitoris, clitoris or vagina of another person is guilty of an offence.
- (2) Those actions are—
  - (a) excising it;
  - (b) infibulating it; or
  - (c) otherwise mutilating it.
- (3) No offence under subsection (1) is committed by an approved person who performs an action mentioned in subsection (4).
- (4) Those actions are—
  - (a) a surgical operation on another person which is necessary for that other person's physical or mental health; or
  - (b) a surgical operation on another person who is in any stage of labour or has just given birth, for purposes connected with the labour or birth.
- (5) The following are, for the purposes of this Act, approved persons—
  - (a) in relation to an action falling within paragraph (a) of subsection (4), a registered medical practitioner;
  - (b) in relation to an action falling within paragraph (b) of that subsection, a registered medical practitioner, a registered midwife or a person undergoing a course of training with a view to becoming such a practitioner or midwife.
- (6) For the purposes of determining whether an operation is necessary for the mental health of a person, it is immaterial whether that or any other person believes that the operation is required as a matter of custom or ritual.

**Status:**

Point in time view as at 01/09/2005.

**Changes to legislation:**

Prohibition of Female Genital Mutilation (Scotland) Act 2005, Section 1 is up to date with all changes known to be in force on or before 18 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.