



# Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020

## 2020 asp 9

### *Guidance*

#### **2 Guidance relating to female genital mutilation**

In the 2005 Act, after section 5R (as inserted by section 1) insert—

##### **“5S Guidance relating to female genital mutilation**

- (1) The Scottish Ministers may give guidance to such persons, or such descriptions of persons, as they consider appropriate about—
  - (a) the effect of this Act or any provision of it, or
  - (b) any other matters relating to female genital mutilation.
- (2) A person exercising public functions to whom guidance is given under this section must have regard to it in the exercise of those functions.
- (3) The Scottish Ministers may not give guidance under this section to—
  - (a) any court or tribunal,
  - (b) the Lord Advocate,
  - (c) a procurator fiscal.
- (4) The Scottish Ministers may from time to time revise any guidance given under this section.
- (5) Subsections (2) and (3) have effect in relation to any revised guidance.
- (6) Guidance given under this section (including any revised guidance) must be published in such manner as the Scottish Ministers think fit.”.

#### **3 Guidance relating to female genital mutilation protection orders**

In the 2005 Act, after section 5S (as inserted by section 2) insert—

**“5T Guidance relating to female genital mutilation protection orders**

- (1) The Scottish Ministers must, no later than the day mentioned in subsection (7) —
  - (a) publish guidance about female genital mutilation protection orders, and
  - (b) specify in the guidance such persons, or such descriptions of persons, as they consider appropriate to whom the guidance applies.
- (2) A person to whom the guidance applies and who exercises public functions must have regard to it in the exercise of those functions.
- (3) The guidance may be published in such manner as the Scottish Ministers think fit.
- (4) The Scottish Ministers may not specify under subsection (1)(b)—
  - (a) any court or tribunal,
  - (b) the Lord Advocate,
  - (c) a procurator fiscal.
- (5) The Scottish Ministers may from time to time revise any guidance published under this section.
- (6) Subsections (2) to (4) have effect in relation to any revised guidance.
- (7) The day referred to in subsection (1) is the day on which section 1 of the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020 comes into force to the extent that it inserts section 5C, 5E or 5J into this Act and if those sections are inserted on different days, it is the earliest of those days.”.