
Changes to legislation: There are currently no known outstanding effects for the Female Genital Mutilation Act 2003, Paragraph 5. (See end of Document for details)

[^{F1}SCHEDULE 2

FEMALE GENITAL MUTILATION PROTECTION ORDERS

Textual Amendments

- F1** Sch. 2 inserted (17.7.2015) by Serious Crime Act 2015 (c. 9), ss. 73(2), 88(1) (with s. 86(14)(15)); S.I. 2015/1428, reg. 2(a)

PART 1

ENGLAND AND WALES

Ex parte orders

- 5 (1) The court may, in any case where it is just and convenient to do so, make an FGM protection order even though the respondent has not been given such notice of the proceedings as would otherwise be required by rules of court.
- (2) In deciding whether to exercise its powers under sub-paragraph (1), the court must have regard to all the circumstances including—
- (a) the risk to the girl, or to another person, of becoming a victim of a genital mutilation offence if the order is not made immediately,
 - (b) whether it is likely that an applicant will be deterred or prevented from pursuing an application if an order is not made immediately, and
 - (c) whether there is reason to believe that—
 - (i) the respondent is aware of the proceedings but is deliberately evading service, and
 - (ii) the delay involved in effecting substituted service will cause serious prejudice to the girl to be protected or (if different) an applicant.
- (3) The court must give the respondent an opportunity to make representations about an order made by virtue of sub-paragraph (1).
- (4) The opportunity must be—
- (a) as soon as just and convenient, and
 - (b) at a hearing of which notice has been given to all the parties in accordance with rules of court.]

Changes to legislation:

There are currently no known outstanding effects for the Female Genital Mutilation Act 2003, Paragraph 5.