

Female Genital Mutilation Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, with the consent of the Baroness Rendell of Babergh, are published separately as HL Bill 98-EN.

Female Genital Mutilation Bill

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TO

Restate and amend the law relating to female genital mutilation; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Offence of female genital mutilation

- (1) A person is guilty of an offence if he excises, infibulates or otherwise mutilates the whole or any part of a girl's labia majora, labia minora or clitoris.
- (2) But no offence is committed by an approved person who performs —
 - (a) a surgical operation on a girl which is necessary for her physical or mental health, or 5
 - (b) a surgical operation on a girl who is in any stage of labour, or has just given birth, for purposes connected with the labour or birth.
- (3) The following are approved persons —
 - (a) in relation to an operation falling within subsection (2)(a), a registered medical practitioner, 10
 - (b) in relation to an operation falling within subsection (2)(b), 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. 15
- (4) There is also no offence committed by a person who —
 - (a) performs a surgical operation falling within subsection (2)(a) or (b) outside the United Kingdom, and
 - (b) in relation to such an operation exercises functions corresponding to those of an approved person. 20
- (5) For the purpose of determining whether an operation is necessary for the mental health of a girl it is immaterial whether she or any other person believes that the operation is required as a matter of custom or ritual.

- 2 Offence of assisting a girl to mutilate her own genitalia**
- A person is guilty of an offence if he aids, abets, counsels or procures a girl to excise, infibulate or otherwise mutilate the whole or any part of her own labia majora, labia minora or clitoris.
- 3 Offence of assisting a non-UK person to mutilate overseas a girl's genitalia** 5
- (1) A person is guilty of an offence if he aids, abets, counsels or procures a person who is not a United Kingdom national or permanent United Kingdom resident to do a relevant act of female genital mutilation outside the United Kingdom.
- (2) An act is a relevant act of female genital mutilation if –
- (a) it is done in relation to a United Kingdom national or permanent United Kingdom resident, and 10
- (b) it would, if done by such a person, constitute an offence under section 1.
- (3) But no offence is committed if the relevant act of female genital mutilation –
- (a) is a surgical operation falling within section 1(2)(a) or (b), and
- (b) is performed by a person who, in relation to such an operation, is an approved person or exercises functions corresponding to those of an approved person. 15
- 4 Extension of sections 1 to 3 to extra-territorial acts**
- (1) Sections 1 to 3 extend to any act done outside the United Kingdom by a United Kingdom national or permanent United Kingdom resident. 20
- (2) If an offence under this Act is committed outside the United Kingdom –
- (a) proceedings may be taken, and
- (b) the offence may for incidental purposes be treated as having been committed, 25
- in any place in England and Wales or Northern Ireland.
- 5 Penalties for offences**
- A person guilty of an offence under this Act is liable –
- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine (or both),
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both). 30
- 6 Definitions**
- (1) Girl includes woman.
- (2) A United Kingdom national is an individual who is –
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, 35
- (b) a person who under the British Nationality Act 1981 (c. 61) is a British subject, or
- (c) a British protected person within the meaning of that Act.

- (3) A permanent United Kingdom resident is an individual who is settled in the United Kingdom (within the meaning of the Immigration Act 1971 (c. 77)).
- (4) This section has effect for the purposes of this Act.

7 Consequential provision

- (1) The Prohibition of Female Circumcision Act 1985 (c. 38) ceases to have effect. 5
- (2) In paragraph 1(b) of the Schedule to the Visiting Forces Act 1952 (c. 67) (offences against the person in respect of which a member of a visiting force may in certain circumstances not be tried by a United Kingdom court), for paragraph (xi) there is substituted –
“(xi) the Female Genital Mutilation Act 2003;” 10

8 Short title, commencement, extent and general saving

- (1) This Act may be cited as the Female Genital Mutilation Act 2003.
- (2) This Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) An order under subsection (2) may include transitional or saving provisions. 15
- (4) This Act does not extend to Scotland.
- (5) Nothing in this Act affects any criminal liability arising apart from this Act.

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