



Female Genital Mutilation (FGM) Protection Orders

How can they protect me?

This leaflet describes how a FGM Protection Order could help you if you are concerned that you, or someone you know, has been subjected to or is at risk of FGM. It explains who can apply for an order, describes what you need to do and tells you what will happen once the court receives your application.

What is FGM?

Female Genital Mutilation (FGM) comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. It has no health benefits and harms girls and women in many ways. It involves removing and damaging healthy and normal female genital tissue, and therefore interferes with the natural function of girls' and women's bodies. The practice causes severe pain and has several immediate and long-term health consequences, including difficulties in childbirth also causing dangers to the child.

FGM is known by a number of names, including "female genital cutting", "circumcision" or "initiation". The age at which girls or women undergo FGM varies enormously according to the community and could occur in the UK as well as overseas. The procedure may be carried out when the girl is newborn, during childhood or adolescence, just before marriage or during the first pregnancy. The majority of cases, however, are thought to take place between the ages of 5 and 8 and therefore girls within that age bracket are at a higher risk.

FGM is illegal in the UK. In England, Wales and Northern Ireland, the practice is illegal under the Female Genital Mutilation Act 2003 and in Scotland it is illegal under the Prohibition of Female Genital Mutilation (Scotland) Act 2005. Under the 2003 Act, a person is guilty of an offence if they mutilate the whole or any part of a girl's or woman's genitalia, including assisting a girl to mutilate her own genitalia or assisting a non-UK person to mutilate overseas a girl's genitalia.

How can a FGM Protection Order help me?

A FGM Protection Order can help if you:

- believe you are at risk of FGM;
- have already had FGM committed on you; or
- know someone who is at risk of FGM.

FGM Protection Orders are unique to each case and contain legally binding conditions and directions to protect you or the person at risk of FGM. The court can make an order in an emergency so that protection is in place straightaway.

The court can make a FGM Protection Order to:

- protect you or another person at risk of FGM; or
- protect your or another person against whom FGM has been committed.

Applications for FGM Protection Orders can be made at the same time as police investigations, other criminal proceedings or proceedings in the family court. Someone who disobeys a court order can be sent to prison for up to two years for contempt of court but breach of a FGM Protection Order is also a criminal offence with a maximum sentence of five years imprisonment.

Where can I apply for an order?

An application for a FGM Protection Order can be made at a Family Court in England and Wales. You can make an application at a number of court centres. A list of court centres which deal with these types of applications is at the end of this leaflet.

Who can apply for an order?

- The person who is to be protected by the order
- a relevant third party; or
- any other person with the permission of the court.

A Relevant Third Party is someone specified by the Lord Chancellor to make applications on behalf of others.

Adults or children (those under 18) can apply for a FGM Protection Order. Children may have a 'next friend' or someone to assist them, but do not have to, if they have a legal representative or if the court agrees.

If you are worried about coming to court

Write your concerns on your application form or make your request in writing to the Court Delivery Manager as soon as possible or there may be a delay in hearing the application.

Courts may be able to offer:

- separate court waiting rooms;
- separate court entrances and exits; or
- parking on court premises to facilitate easy access to the court building for intimidated witnesses.

Witness protection facilities may also be available in some courts.

If you are worried about giving evidence in the court room

Tell the court about your concerns in your application form. The court will decide what is appropriate and may order:

- screens to ensure that witnesses cannot see the respondents in court (in this type of case the respondents are the person or persons alleged to be arranging the FGM procedure). Screens are placed around the witness box within the court so that the witness cannot see the respondents, and the respondents cannot see the witness whilst they are giving evidence.
- Video recorded evidence. This allows an interview with the witness, which has been recorded before the hearing, to be shown as the witness's main evidence during the hearing, i.e. the witness does not have to report again what they have already said, but they must still be available to be cross examined if necessary.
- Live TV/video links, allowing the witness to give evidence from outside the courtroom. This allows a witness to give evidence via a TV link from another room in the court building or from another building altogether. Although the witness does not come into the courtroom, those present in court will see the witness giving evidence on TV monitors.

It is for the court to decide what is appropriate, if anything, in each case.

The court may be able to provide the following additional facilities:

- if you have a disability and require assistance or special facilities, please contact the court to ask what help is available. A list of court centres and telephone numbers is provided at the end of this leaflet.
- If you require an interpreter because you do not speak English, you need to notify the court so that one can be arranged, identifying the language and dialect.

How much will it cost?

There is no court fee for making an application for a FGM Protection Order for yourself or on behalf of someone else. Similarly, there is no court fee for any additional court procedures associated with your case such as:

- applications to vary or discharge an order;
- applications to the Family Court to consider how the person who has breached the order should be dealt with; or
- requests for a court bailiff to serve the order.

Can I get legal aid?

Yes. Legal aid is available when you are represented in an FGM Protection matter including committals for breaching an order. A solicitor, or a member of a Law Centre or Citizens Advice, will be able to advise you about whether you have a reasonable case. Further information about legal aid and how to find a legal advisor is available either online at www.gov.uk/legal-aid or by calling 0845 345 4 345 (Monday to Friday, 9am - 6:30pm).

Can I apply for a FGM Protection Order myself?

Yes, or you can get a solicitor to do this for you. If you apply yourself, you must be prepared to complete the relevant forms and statements and explain your case to the court.

If you need help to complete forms, but do not know a friend or relative who can help, you should go to see a solicitor or Citizens Advice. Court staff can help by explaining court procedures, but they cannot provide legal advice on the merits of individual cases, or give advice about the probable outcome.

What forms will I need?

You will need an Application for a Female Genital Mutilation (FGM) Protection Order (Form FGM001). If you need the court's permission to apply on behalf of someone else, you will need to complete Form FGM006 - Application for leave to apply for a Female Genital Mutilation (FGM) Protection Order.

All of these forms are free. You can get them from any of the court centres that deal with applications for FGM Protection Orders (a list of these court centres is at the end of this leaflet) or you can download the forms from our website at hmctsformfinder.justice.gov.uk.

Making an application for a FGM Protection Order

If you are the person to be protected by the order or a relevant third party (specified by the Lord Chancellor) you should complete Form FGM001 - Application for a Female Genital Mutilation (FGM) Protection Order. You can find further details on how to complete the form at the back of Form FGM001. You will need enough copies to serve on all named respondents.

The application should include details of how you want the court to protect you or the person at risk of FGM, e.g. to prevent you or the person at risk from being taken abroad for FGM to be committed.

The application should include details of any discussions which have caused you to believe you may be at risk of FGM.

If you do not wish to reveal your address or the address of anyone mentioned in the application form to the respondents, you should complete Form C8 Confidential contact details. You can get this form from the court centres listed in this leaflet or from our website at hmctsformfinder.justice.gov.uk.

If you are applying on behalf of a person to be protected you must complete Form FGM006 - Application for leave to apply for a Female Genital Mutilation (FGM) FGM Protection Order asking for the court's permission to apply for an order.

You will need to make a statement, if you are asking for the application to be heard without notice being given to the respondents in an urgent or emergency situation (see below).

What should I do if I need an order quickly?

You can ask the court to consider your application straightaway and make an order without the respondents being served with any documents. This is known as an ex-parte or without notice order.

If a without notice order is made by the judge, you will be given a further appointment to attend at the court. The respondents will be entitled to be present at this appointment so that the judge can then listen to everyone before deciding whether to make another order.

If you are applying for an order without notice you must make a witness statement, including a statement of truth. If you are representing yourself, you must make a written statement, setting out why you need protection and take it to the court with your application Form FGM001. A statement of truth should say:

[I believe] [the (applicant or as may be) believes] that the facts stated in this [name of document being verified] are true:

What should I do when I have filled in the forms?

You should submit the completed forms and copies to the court by post or in person. You can also send your application by email.

What will happen when I hand the forms to the court?

The court will check the forms and give you a Notice of Proceedings for a FGM Protection Order (Form FGM002). This will tell you the date of your appointment before the judge.

It is in your own interest to attend the court on the date shown on the form. You should be ready to give any evidence which you think will help you to put your side of the case.

The application form (FGM001 or FGM006) and Notice of Proceedings form (FGM002) must be served on the respondents and other persons. If a solicitor is helping you, the forms will be sent to them to serve.

You can ask the court to serve the documents for you. The court will ask you to complete the form **D89** - *'Request for personal service by a court bailiff'* for this. The court will then arrange for a copy of your application and other documentation to be served by the bailiff.

Electronic applications

If you intend to submit your application by email, you only need to send one copy of the completed application to the email address that appears on the courts information at the end of this guidance.

The electronic document must contain a signature or typed name in the statement of truth. You will need to retain your original signed document which the court will require to see.

Emailed applications sent after 4pm will not be processed until the next working day.

How should I arrange for the papers to be served?

If you are an individual applicant, you **MUST NOT** serve the documents yourself on the person you are wanting protection from. You must arrange for someone (e.g. a process server) to serve a copy of the application form (FGM001 or FGM006) together with the notice of any hearing or directions appointment in the Notice of Proceedings form (FGM002) on the respondents, i.e. the person who is the subject of the proceedings (if not the applicant), and any other person directed by the court personally not less than 2 days before the date on which the application will be heard. However, the court may reduce this period.

After the documents have been served the person serving the papers must complete a Statement of Service (Form FL415) and file this with the court. Form FL415 states who was served, how and where they were given the documents and on what day and time. You can obtain this form at any of the court centres listed in this leaflet or from our website at hmctsformfinder.justice.gov.uk.

If you are unable to find the address of those to be served or it appears that they are avoiding service, you may ask the court to serve the papers in some other way (for example, at a place of employment).

What will happen at the hearing?

The hearing of an application for a FGM Protection Order will be heard in private (this is normally called 'in chambers'), unless the court otherwise directs, and a record of the hearing will be made. The court may allow other people to be present at court, for example, a friend or independent adviser, for support. Applicants may be required to give oral evidence to the court. The length of a hearing varies, depending on the complexities of the case and whether the respondents dispute the allegations.

Once the court understands both parties' points of view, it can decide any of the following:

- that it needs further information about you, and all the respondents. You will be told what extra information to provide;
- that it needs further information, but are prepared to make a short term ('interim') order until all of the extra information has been provided. You will be given a new appointment, an interim order, and told what extra information to provide;
- that it is prepared to make an order for a certain period of time, after which the court will reconsider the case. You will be given a new appointment date and a copy of the court order; or
- that it is prepared to make an order. The court can make an order for a particular period of time or the order could continue indefinitely until varied or discharged by you, the respondents or the court itself. You will be given a copy of the order.

What happens after the hearing?

If the court has made a FGM Protection Order, the applicant serves a copy of the order and any other court documents on the respondents, the person who is the subject of the proceedings (if not the applicant), and any other person named in the order personally as soon as reasonably practical. You can ask the court to serve the documents for you (see above).

You must also serve the order on the police together with a statement showing that the respondents and any other persons directed by the court have been served with the order or informed of its terms. An order and statement should be delivered to the police station for the address of the person being protected by the order, unless the court specifies another police station. You can ask the court to serve the documents for you (see above).

What if I want to vary, extend or end the order?

You can make an application to vary, extend or discharge a FGM protection order at a later time. You will need to complete Form FGM003 - Application to vary, extend or discharge a Female Genital Mutilation (FGM) Protection Order.

What if the respondent does not obey the order?

A breach of a FGM Protection Order can be dealt with in the Family Court or through a prosecution in a criminal court.

Under paragraph 7(1) of Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003, you can make an application to the Family Court to have the breach dealt with as a contempt of court and apply to the Family Court for an arrest warrant. The application for a warrant of arrest must be supported by a statement setting out how the order or undertaking has been breached. The application must be made on **Form FGM005 - Warrant of Arrest Female Genital Mutilation (FGM) Protection Orders**.

Where a person is found, by a family court to be in breach of the terms of the order, the court will deal with them under its powers of contempt of court, which can include sending them to prison for up to two years.

Alternatively, alleged breaches of FGM Protection Orders can be reported directly to the police, who can arrest those suspected of breaching the terms of the order. Following a police investigation of the breach, the Crown Prosecution Service will decide whether to proceed with a prosecution by applying the two-stage test in the Code for Crown Prosecutors: whether there is sufficient evidence to provide a realistic prospect of conviction and, if so, whether a prosecution is in the public interest. The maximum penalty for breaching an FGM Protection Order is five years imprisonment.

If the Crown Prosecution Service decides not to prosecute for whatever reason, you can still apply to the Family Court for a warrant of arrest for contempt of court as set out above.

However, if someone has been convicted of the breach in a criminal court they cannot be punished for contempt of court and vice-versa.

For more information on organisations and local services that can give you advice please visit the following website:

www.gov.uk/female-genital-mutilation

or

For more information and advice on local services that are available, you can phone the **NSPCC FGM helpline 0800 028 3550**, 24hrs a day or email **fgmhelp@nspcc.org.uk**

List of court centres where applications for FGM Protection Orders can be made

Applications for FGM Protection Order's are dealt with by the Family Court. An application should be sent to the Family Court sitting at one of the court centres below. These court centres are usually open Monday to Friday between 10am and 4pm. Counter services operate from 10am to 2pm, however some Centres are by appointment only. Please highlight to the Court on arrival that you are here for urgent business.

**Birmingham
Civil and Family
Justice Centre**

Priory Courts
33 Bull Street
Birmingham
West Midlands
England B4 6DS

Phone: 0300 123 1751

Email: family@birmingham.countycourt.gsi.gov.uk

or

e-filing@birmingham.countycourt.gsi.gov.uk

**Bradford
Combined Court**

Exchange Square
Drake Street
Bradford
West Yorkshire
England BD1 1JA

Phone: 01274 840274

Email: family@bradford.countycourt.gsi.gov.uk

or

e-filing@bradford.countycourt.gsi.gov.uk

**Brighton Family
Court Hearing
Centre**

1 Edward Street
Brighton
East Sussex
England BN2 0JD

Phone: 01273 811 333

Email: sussexfamily@hmcts.gsi.gov.uk

Bristol Civil and Family Justice Centre 2 Redcliff Street
Bristol
England BS1 6GR

Phone: 0117 366 4880

Email: family@bristol.countycourt.gsi.gov.uk

Cardiff Civil and Family Justice Centre 2 Park Street
Cardiff
South Wales CF10 1ET

Phone: 029 2037 6400

Email: enquiries@cardiff.countycourt.gsi.gov.uk

Central Family Court First Avenue House
42-49 High Holborn
London
England WC1V 6NP

Phone: 020 7421 8594

Email: cfc.privatelaw@hmcts.gsi.gov.uk

Derby Combined Court Morledge
Derby
Derbyshire
England DE1 2XE

Phone: 01332 622600

Email: family@derby.countycourt.gsi.gov.uk

East London Family Court 6th and 7th Floor
11 Westferry Circus
London
England E14 4HD

Phone: 020 3197 2886

Email: eastlondonfamilyenquiries@hmcts.gsi.gov.uk

**Leeds
Combined Court** The Court House
1 Oxford Row
Leeds
West Yorkshire
England LS1 3BG

Phone: 0113 306 2800

Email: leedsdfcprivatelawgeneralenquiries@hmcts.gsi.gov.uk

or

leedspubliclawissue@hmcts.gsi.gov.uk

**Leicester County
Court and Family
Court** 90 Wellington Street
Leicester
Leicestershire
England LE1 6HG

Phone: 0116 222 5700

Email: family@leicester.countycourt.gsi.gov.uk

**Liverpool Civil
and Family Court
Hearing Centre** 35 Vernon Street
Liverpool
Merseyside
England L2 2BX

Phone: 0151 296 2607

Email: family@liverpool.countycourt.gsi.gov.uk

**Luton County
Court and Family
Court** 2nd Floor, Cresta House
Alma Street
Luton
Bedfordshire
England LU1 2PU

Phone: 0300 123 5577

Email: enquiries@luton.countycourt.gsi.gov.uk

**Manchester
County Court
and Family Court** 1 Bridge Street West
Manchester
Greater Manchester
England M60 9DJ

Phone: 0161 240 5420

Email: familyapplications.manchester@hmcts.gsi.gov.uk

**Newcastle upon
Tyne Combined
Court Centre** The Quayside
Newcastle-upon-Tyne
Tyne & Wear
England NE1 3LA

Phone: 0191 201 2000

Email: COPNewcastle@newcastle.countycourt.gsi.gov.uk

**Norwich
Combined Court
and Family
Hearing Centre** Bishopgate
Norwich
Norfolk
England NR3 1UR

Phone: 0344 892 4000

Email: family@norwich.countycourt.gsi.gov.uk

or

e-filing@norwich.countycourt.gsi.gov.uk

**Oxford
Combined Court
and Family Court
Hearing Centre** St Aldates
Oxford
Oxfordshire
England OX1 1TL

Phone: 01865 264 200

Email: family@oxford.countycourt.gsi.gov.uk

**Plymouth
Combined Court** 10 Armada Way
Plymouth
Devon
England PL1 2ER

Phone: 01752 677 400

Email: family@plymouth.countycourt.gsi.gov.uk

**Portsmouth
Combined Court
Centre** Winston Churchill Avenue
Portsmouth
Hampshire
England PO1 2EB

Phone: 02392 893 000

Email: family@portsmouth.countycourt.gsi.gov.uk

**Preston
Family Court** Sessions House
Lancaster Road
Preston
Lancashire
England PR1 2PD

Phone: 01772 844 700

Email: prestonSFCissue@hmcts.gsi.gov.uk

**Reading County
Court and Family
Court Hearing
Centre** 160-163 Friar Street
Reading
Berkshire
England RG1 1HE

Phone: 0118 987 0500

Email: family@reading.countycourt.gsi.gov.uk

**Sheffield
Combined Court
Centre** 50 West Bar
Sheffield
South Yorkshire
England S3 8PH

Phone: 0114 2812400

Email: family@sheffield.countycourt.gsi.gov.uk

**Teesside
Combined Court** Russell Street
Middlesbrough
Cleveland
England TS1 2AE

Phone: 01642 340 000

Email: family@middlesbrough.countycourt.gsi.gov.uk

**West London
Family Court**

Gloucester House
4 Dukes Green Avenue
Feltham
Middlesex
England TW14 0LR

Phone: 020 8831 3500

Email: westlondonfamilyenquiries@hmcts.gsi.gov.uk
