# COURT RULES PROPOSAL BY THE SCOTTISH GOVERNMENT ON THE FEMALE GENITAL MUTILATION (PROTECTION AND GUIDANCE) (SCOTLAND) ACT 2020.

## Purpose

1. This paper is intended to provide the Rules Council with proposals regarding Court Rules for Orders which may be made under the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020 ("the 2020 Act"), once commenced.

## Timing

2. The Scottish Ministers envisage that the 2020 Act will be commenced by December 2026. This will require court rules to be in place and the laying of commencement regulations under section 11 of the 2020 Act.

## General

3. As suggested within the financial memorandum for the Bill which became the 2020 Act, it has been estimated by the Scottish Government that there will be up to nine FGMPOs made in Scotland each year.

4. The 2020 Act makes provision for FGMPOs to be made by civil courts (on application to the Sheriff Court, or in the course of other civil proceedings before the Court); and also to be made as a means of disposal of criminal proceedings. This paper deals with Civil Rules of Court only; a separate request has been submitted to the Criminal Court Rules Council in respect of provision which is anticipated to be required in Criminal Procedure Rules to provide for the latter form of FGMPO. Annex A summarises this.

## Summary of Changes Required

5. Section 1 of the 2020 Act inserts new sections 5A to 5R into the 2005 Act. References below to section numbers are, unless otherwise indicated, to sections as inserted into the 2005 Act.
6. We are proposing that a new chapter is created in the civil procedure rules (summary application rules) which would include the following:
   a) The creation of a prescribed form of FGMPO made by a civil court; either on application or in the course of other proceedings before court.
   b) Creation of new court rules in relation to how the application for FGMPOs are made. We propose that such applications are to be under summary application procedure and by specific form of application, prescribed within court rules.
   c) The creation of a rule similar to that of Summary Applications Chapter 3 Part XL Rule 3.40.2 for the purpose of seeking leave to apply for an FGMPO, where necessary. Leave should be sought by letter to the sheriff clerk.

d) Creation of court rules to set out that leave to apply for variation, discharge or extension of an FGMPO should be sought by letter to the sheriff clerk, and the application for variation, discharge or extension should be made in a prescribed form.
e) The creation of a prescribed form to be used for notification requirements under section 5P.

7. Annex A summarises proposals we have made in a request to the Criminal Courts Rules Council, for the Committee's awareness. We have given detail on other sections where we are not proposing court rules within Annex B, to provide the Committee with reasoning and background to our decisions.

**General approach to Court Rules**

8. The 2020 Act provides for three routes by which a court may make an FGMPO:

i. Section 5C provides for a stand-alone civil order to be made on application to the sheriff court (see section 5 of the 2020 Act). As the 2020 Act does not specify a particular procedure, we consider that the use of the Summary Application Procedure is generally appropriate. This is as where there is a real and immediate risk of FGM, this will allow a timely and more flexible route to providing protection for the person at risk. This approach is consistent with other civil protection orders, including Forced Marriage Protection Orders ("FMPO") made under the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011.
ii. Section 5E provides that an FGMPO may be made in the course of other civil proceedings before the court. For example, within child residence proceedings where concerns have been raised that a young girl may be at risk of being taken abroad for the purposes of undergoing FGM. Again, this relates to sheriff court civil proceedings only. The procedure for making these orders will depend on the type of proceedings within which they are made. However, once made, the general provisions of the 2020 Act which apply to all FGMPOs will apply to these orders. It may be helpful for any relevant Court Rules to clarify that they apply to an FGMPO made under 5E as well as made on application under 5C.
iii. Section 5J provides that an FGMPO may be made in connection with criminal proceedings, as an alternative or additional means of disposal of the case alongside any other sentence. For example, where a father is convicted of arranging for his daughter to undergo FGM and there is an ongoing risk posed to the girl at risk and her siblings. 5J allows the Court to make FGMPO's within the same proceedings. An order under this section may be made by any court of criminal jurisdiction. Section 5J(6) provides that such orders are generally to be treated, once made, as if they were made under 5E. The ongoing management of these Orders therefore transfers to the civil jurisdiction of the sheriff court. Relevant civil court rules should therefore all be framed in a manner which applies also to an order made under 5J.

**Requested Changes to Court Rules and Forms**

*5B Contents of orders*

9. Section 5B makes provision about the content of an FGMPO (made in any of the three ways described above). This is broadly framed and provides the court with discretion to include the prohibitions, restrictions, requirements or any other provision as the court considers appropriate. Specific examples of content are listed in 5B(3), including prohibitions on travel, contact with certain individuals and requirements to surrender travel documents.
10. We propose the development of a bespoke prescribed form for an FGMPO. Providing a bespoke prescribed form for an Order would have advantages in terms of consistency given Orders can be made under three distinct ways provided for in the Act. Additionally, it follows the approach taken in other protection orders such as Child Protection Orders.
11. However, the bespoke form of the Order, as suggested below should still allow the court flexibility to be able to create orders which are proportionate and tailored to the individual needs and risks of each case. This is important because FGM cases often involve a range of complex family and community dynamics, as well as different forms of risks and threats to the individual at risk.
12. We are proposing the same bespoke form is provided for within criminal proceedings, which would help consistency and clarity across both Courts. This will be reflected in our request to the Criminal Rules Council as summarised in Annex A.
13. We propose the content of the bespoke prescribed form of FGMPO to be as below:
    a. Name of Court, court reference and date.
    b. Name and details of protected person
    c. Name and details of person(s) the order has reference to
    d. Name and detail of any other relevant party
    e. The details of the order, e.g., who is prohibited to from contacting the protected person or arranging travel abroad.
    f. Duration of the order

**The Council is invited to consider the creation of a court rule setting out the prescribed form of an FGMPO made by a civil court; either on application or in the course of other proceedings before that court.**

*Section 5C: Power to make orders on application*

14. Section 5C makes provision for FGMPOs to be made on application to the court. An application may be made by the person at risk, a relevant third party (such as a local authority), or any other person with leave of the court.

15. This provision is key in the legislative framework, as it enables proactive intervention by a range of parties. It will also ensure that the application process is accessible and removes procedural barriers, for practitioners who

are acting on behalf of those at risk, who may not have initial legal advice or familiarity with court procedures. It also recognises that those at risk may feel unwilling or unable to take action against perpetrators who are members of their family and as such, practitioners or specialist third sector organisations can make applications on their behalf.

16. Our view is that, as with other similar statutory applications for protective orders, the summary application procedure is generally appropriate for FGMPO applications. With recognition that the legislation has been created in a way that allows a range of individuals to apply for an FGMPO, we suggest the development of a bespoke application form specifically for FGMPOs, as opposed to a standard initial writ.

17. The application form should, in our view, require to include:
    a. Details on the applicant (if that is not the individual who is not to be protected by the order) and their relationship to the protected person
    b. Details on the person to be protected and whether they have consented to the application
    c. Details of any other person to whom the application is to be intimated
    d. Reasons for applying for the order on behalf of the person
    e. Detail on what the order may do and any risk factors or concerns
    f. Any information on what arrangements might be needed such as an interpreter or special assistance.
    g. Whether an interim protection order is being sought
    h. Indication of whether the applicant is seeking anonymity
    i. Details of any specialist organisation or body which is supporting the protected person.

18. A bespoke form would create consistency for the process and ensure that the necessary information required for considering a FGMPO application is contained within all applications. This may reduce the need for additional interviews or gathering of information. It would also clearly state whether an interim order or anonymity is being requested which may streamline the process.

**The Rules Council are invited to consider the proposal for new court rules in relation to how the application for an FGMPO is made. We propose that such applications are to be under summary application procedure. Additionally, it is requested that to ensure the Rules achieve the intended purpose of the Act, that applications for the purpose of section 5C are to be made by specific form of application, prescribed within court rules.**

19. Section 5C(2) outlines who can apply to the court for an FGMPO. This includes a person at risk of being subject to an act of FGM, a person who has been subjected to an act of FGM, the Lord Advocate, a relevant local authority (see paragraph 23 to 25 below), the Chief Constable of Police Scotland, or any other person with the permission of the court.

20. In terms of any other person with permission of the court, 5C(4) notes that in deciding whether to grant permission to a person to make an application, the

court must have regard to all the circumstances including the applicant's connection with and knowledge of the person to be protected, the wishes and feelings of that person and any reason why the application is being made by the applicant and not by the person to be protected.

21. There are no statutory limitations or conditions on eligibility, it is the court's discretion to provide a person with the permission to apply for an order.

22. It is intended that the ability to make an application for an FGMPO is not limited to statutory bodies. As detailed above, this provision enables third parties, including community members, teachers or support workers, to seek leave to make an application for a FGMPO on behalf of a protected person/ person at risk.

23. When the court is considering whether to grant such a third party leave to make the application, it is expected that the court would take into account factors such as the persons connection with and knowledge of the situation and the wishes and feelings of the protected person, so far as this is reasonably practicable. Section 5C(4) sets out particular matters that the Court must have regard to in deciding whether to grant leave. We wish to ensure that Court Rules support the Court to be able to make such decisions quickly, with the benefit of all necessary information.

24. The process for application for leave of court to apply for a Forced Marriage Protection Order is provided in the Summary Applications Chapter 3 Part XL Rule 3.40.2. This requires that leave is sought at the time of presenting the initial writ, by letter to the sheriff clerk, setting out the grounds on which leave is sought, and whether or not legal aid has been applied for. Given the similarities within the legislation and the intention as outlined earlier in this document, we would suggest that a bespoke rule which follows the same approach as Rule 3.40.2 would be appropriate for the purpose of leave to apply for an FGMPO under section 5C.

25. That is, when a person who is not listed in section 5C(2)(a) - (e) submits an application for an FGMPO (in the prescribed form, discussed above), they are also to provide, in an accompanying letter to the sheriff clerk, information about the basis on which they are seeking to make the application. This should include in particular, information about any matters listed in section 5C(4) where applicable.

26. This would ensure that the Court is provided with the required information to make a decision on leave, and that this is done in a way that does not delay the application for the FGMPO itself, should leave be granted

**The Rules Council are invited to consider the proposal that a rule similar to Summary Application Rules Chapter 3 Part XL Rule 3.40.2 is created for the purpose of seeking leave to apply for an FGMPO, where necessary, requiring that leave be sought by letter to the sheriff clerk, at the time of presenting the application in the required prescribed form.**

*Section 5M: Variation and discharge of orders and Section 5N: Extension of orders*

27. Section 5M details how an FGMPO can be varied or discharged, and section 5N makes provision for extension of the period for which an FGMPO applies.

28. This provision allows for orders to be adapted to any changing circumstances and to allow effective protection over time. This could include the court revisiting and adjusting the terms of an order to strengthen the protective measures, if there is further evidence of new risks or remove restrictions which are no longer required

29. We note that in relation to FMPO's, provision for variation, recall and extension are set out in Chapter 3.40.3 of the Summary Application Rules. Where leave is required for an application to vary an FMPO, it is to be sought by letter to the sheriff clerk. It is our policy view that, in respect of leave to apply, a similar approach would appear to be suitable for FGMPOs, so that the question of leave can be considered as a preliminary point to consideration of the application itself, avoiding additional time or complexity.

30. As noted above in paragraph 8(iii), the provision for variation, discharge or extension of an FGMPO is to apply to an order made under each of the three statutory provisions enabling an FGMPO. This includes orders made in relation to criminal proceedings, which once made are treated as if made in relation to civil proceedings, and for all purposes are subject to the civil jurisdiction of the sheriff court.

31. We note that a similar structure applies (civil courts having jurisdiction to vary and discharge orders made in connection with criminal proceedings) in relation to Serious Crime Prevention Orders under section 22A of the Serious Crime Act 2007. Provision for variation of these orders within the Summary Application procedure is made in Chapter 3.47.4 of the Summary Application Rules, which requires an application to be made in a prescribed Form (Form 72). In our policy view, this approach could also be taken which would allow for all types of FGMPOs (including those made under section 5J by a criminal court) to use the same form. In this way, the making of a summary application in relation to variation (etc) of a criminal FGMPO, would allow a civil process to be created in respect of that FGMPO for future management and administration of it, despite the original order being made outwith the civil jurisdiction.

32. The prescribed application form should include
    a. Details of the Sheriffdom and place the application is being made at.
    b. Details of the applicant including full name, contact details (if appropriate) or solicitor contact details,
    c. Details of any previous variation or extension of the order
    d. Details of the person who is subject of the order or details of any other relevant person.

e. Specification of whether the application is to vary, discharge or extend the order including the reasons for doing so.
f. Details on the terms of variation or extension, sought in respect of the Order.

33. A prescribed application form will ensure consistency within the process, as it creates a standardised approach which ensures all information required for a variation, discharge or extension is within one application.

**We propose that court rules should be made to set out that leave to apply for variation, discharge or extension of an FGMPO should be sought by letter to the sheriff clerk, and the application for variation, discharge or extension should be made in a prescribed form.**

*Section 5P – Notification of applications and orders*

34. Section 5P sets out that the court must notify the Chief Constable of Police Scotland and the relevant local authority of all applications and orders made and decisions taken about under the other sections, unless they are already party to the proceedings. Annex A discusses this further in relation to orders made under section 5J.

35. We propose that a prescribed form be used for the purposes of notification under section 5P to ensure clarity, consistency and completeness of the information provided. It is proposed that an equivalent form will be provided for within criminal procedure rules.

36. In our view this form should include the following information**:**
a) Date of the order/application/interim order
b) The court that made the order/ interim order or that is considering the application
c) Duration of the order/interim order, where applicable
d) Information of the protected person (as appropriate)
e) Information of the respondent including any conditions imposed
f) The contents of the order/interim order / application (the order/ application could be provided as an Annex if possible)
g) In relation to a notification under 5P(1)(e) or (g),details of the court's decision

**The Council is invited to consider the proposal for a creation of a prescribed form to be used for the purpose of notification under section 5P.**

## Vires

We consider that the provisions requested above, which all relate to ensuring that FGMPOs can be dealt with under Summary Application procedure in the Sheriff Court, can be made under the power conferred by section 104 of the Courts Reform (Scotland) Act 2014.

**Annex A – Criminal Court Rules proposed**

As mentioned above, the 2020 Act makes provision for FGMPOs to also be made as a means of disposal of criminal proceedings. As such, we anticipate that provision in Criminal Procedure Rules may be required. By request to the Criminal Court Rules Council, we have set out a proposal that a new chapter is created in the criminal procedure rules which would include the following:

a) The creation of a prescribed form to be used when an FGMPO is made in the course of criminal proceedings under section 5J; and
b) Creation of a prescribed form for notification of FGMPOs to local authorities/police under section 5P.

In both cases the proposed content of these forms would be the same as that set out above in relation to equivalent forms proposed for summary application rules.

In relation to the latter proposal regarding notification of the making of an order under section 5P, we have proposed to the Criminal Court Rules Council that consideration is given to whether they agree that the terms of section 5P can be applied in such a way that the notification duty , in respect of an order made under section 5J, falls on the criminal court making the order. This approach has been taken in light of Feedback from SCTS LIT which highlighted practical challenges if an approach was applied whereby the sheriff court would fall to be responsible for notification duties under 5P even in respect of an order made under 5J by the High Court or Sheriff Appeal court in criminal proceedings.

Should the CCRC disagree with this proposal, some modifications to our proposed approach in respect of criminal procedure rules may be required. We will update the Scottish Civil Justice Council on any such modifications that may be required, in due course, for their awareness and for consideration of any consequential effect on civil procedure rules.

We have made clear within our criminal court rules request paper, as within this paper, that any civil rules applying to FGMPO’s made under 5E are also applicable to orders made under 5J. On this specific point, further Criminal Procedure rules may not appear to be required in order to provide for the ongoing administration of a criminal FGMPO, once made.

**Annex B – Sections where court rules are not proposed**

*Section 5A: Female genital mutilation protection orders.*

1. Section 5A provides that a FGMPO may be made in the following ways: on application made to a court under section 5C in civil proceedings before a court by virtue of section 5E, and in criminal proceedings by virtue of section 5J.
2. Section 5A(4) and (5) require the court, when determining whether to make a FGMPO under section 5C,5E or 5J, to have regard to the health, safety and well-being of any person who would become a protected person (as defined in section 5A(8)) if the order were made. This section includes not only individuals already identified as being at risk, but those who potentially may be protected by the order as part of a broader group (e.g. siblings of the person at risk).
3. Section 5A(5) requires regard to be had to the protected person's wishes and feelings so far as reasonably ascertainable, and to the extent that the court considers appropriate. This provides some flexibility for the court to determine an appropriate means of seeking views depending on individual circumstances (such as age, vulnerability, and capacity to understand the proceedings).
4. It is intended that the court should have access to a range of options for seeking the views and feelings of the protected person. These may include, but are not limited to, the appointment of a safe guarder, direct engagement with the child, or use of the procedures outlined in Rule 33.21 Ordinary Case Rules and Form F44.
5. How, and whether, views are sought should depend on the individual circumstances of each case, including careful consideration of the risks. For example, a child may feel compelled to protect family members, particularly if those involved are parents or close relatives. Furthermore, younger children lack understanding of what FGM is, or may not have the language to express their thoughts clearly.
6. If the child's views are disclosed to their family or members of their community, this could increase the risk of harm. It is therefore important that any engagement is carried out in a way that does not increase risk to the person.
7. Statutory guidance, published at the point of implementation, will reflect the risk factors associated with FGM alongside further background on FGM. This guidance may give further context, whilst not restricting the court's discretion in how it undertakes its duty of having regard to the protected persons wishes and feelings.
8. In this regard we would draw the attention of the Council to the provisions of section 1(2) and (3) of the Forced Marriage (Protection and Jurisdiction) (Scotland) Act 2011, which places similar requirements on the court for the purpose of an FMPO as section 5A(4) and (5) do for the purpose of an FGMPO. Similar to our intentions for this section, as noted above, the provisions in chapter 3.40 of the Summary Application Rules do not include any particular provision as to how the court is to ascertain wishes and feelings for the purpose of FMPOs. This allows the court to not be bound to a particular option and allows the consideration of circumstances and the age

and understanding of the person, when deciding how to ascertain the wishes and feelings or the potential and/or protected person.

9. We would propose adopting the approach that follows that taken for Forced Marriage Protection Orders.

**We therefore propose there are no amendments to the rules required in relation to how views of the protected person may be obtained for the purpose of section 5A(5).**

Section 5D: Applications for orders: jurisdiction

10. This section establishes the appropriate jurisdiction for applications under 5C. In particular, 5D(6) that a sheriff before whom the proceedings are brought may make an order transferring the proceedings to a sheriff or another sheriffdom if satisfied that it would be more appropriate to do so.
11. The policy intention within this section is to ensure that where the person at risk is located in a different sheriffdom, the application is placed accordingly. This will ensure their safety, and allow proceedings to continue in a timely manner, without increasing the risk to the person by requiring them to return to their local area/sheriffdom
12. We note that, within the Summary Application Rules, Rule 2.21 makes provision for transfer of a summary application to another sheriff court. We consider that, given section 5D makes statutory provision for transfer of jurisdiction of proceedings, reliance on Rule 2.21 will not be required.
13. We do not consider any further provision is required in respect of transfer of jurisdiction.

**We propose that no further provision is required in the Rules to disapply the requirements of rule 2.21 given the statutory transfer provision for transfer of jurisdiction set out within section 5D.**

*Section 5E: Power to make orders without application*

14. This section allows the court to make a FGMPO without an application being made, in the course of civil proceedings before the court, and where the conditions outlined in subsection (1) and (2) are met. This provision applies to sheriff court proceedings only (see section 5 of 2020 Act, which inserts a new definition of “court” into section 6 of the 2005 Act).
15. The policy intention is to allow an order to be made quickly and without delay when for example, within the course of civil proceedings, it has become clear there is a person at immediate risk of FGM
16. Subsection 5E(4) requires the court seeks representation from any person affected by the order, which may be the protected person or any other person and that there is a hearing for those representations to be considered
17. We envision orders made under this section to follow, where applicable, the same procedure as the existing process that which applies where an Forced Marriage Protection Order is made in the course of civil proceedings, as provided for in section 4 of the 2011 Act. No specific provision is made in Court Rules for such FMPOs made without application and in the course of civil proceedings

18. An FGMPO under section 5E may be made either at the request of a party to the civil proceedings, or without such a request. We consider that such a request can be made within the applicable procedure that applies to the civil proceedings in question, and that existing court rules would already be able to accommodate this. For example, where the civil proceedings in the course of which the FGMPO is to be sought are under the ordinary cause, a request may be made by motion under chapter 15 of the Ordinary cause rules. The same position would apply where civil proceedings in the course of which the FGMPO is to be sought are under the summary application procedure, by virtue of chapter 2.30 of the summary application rules. As such, we don't consider that any specific provision in court rules is required to support the making of a request under 5E(3)(a). This would also be consistent with the position of FMPOs as discussed above
19. Where an FGMPO is made under 5E(2), which is in a case where no person affected by the order is party to the civil proceedings, the court is obliged under 5E(4) to make arrangements for a hearing at which any persons affected by the order have an opportunity to make representations about the order. Section 5E(4) refers to rules of court making provision for the notice to be provided of such a hearing. There is no equivalent legislative requirement for such a hearing in relation to an FMPO
20. In our view, notice of the hearing should be provided to the person /persons affected by the order, and to the parties to the civil proceedings in the course of which the order has been made. We also consider that, where necessary, the general case management powers available to the sheriff to regulate proceedings can be relied upon to ensure appropriate steps are taken in the interests of justice.
21. Where an order is made without an application and of the courts own motion, it is envisioned that the court would only proceed to make an order where it has the necessary information to do so, such as the identity of the protected person and persons bound by the order. As such, the court would have sufficient information for the purposes of intimation for subsection 5E.

**We propose that specific provisions are not required to be made in this regard, and that notice may be provided under the existing court rules applicable to the civil proceedings in the course of which the FGMPO has been made.**

*Section 5F: Interim orders*

22. This section enables the court to make an interim FGMPO after either receiving an application under section 5C or, where an application has not been made to it, where civil proceedings are already before it.
23. The policy intention is to allow a quick and straightforward creation of the protections which can be delivered by an FGMPO, to avoid additional risks which may arise in the time taken to seek and make a full FGMPO. These risks may involve the immediate threat of the protected person being taken out the country for the purposes of performing FGM. However, it is important still that the protected persons view are sought as soon as reasonably practicable after the interim order has been made.
24. 5F(7) provides that, unless the context otherwise requires, references in the Act to an FMGPO include an interim FGMPO. The courts powers as regards

the making, content, and management of procedure for an FGMPO will therefore extend to interim FMGPOs as well.

25. 5F(4) and (5) make provision for the making of an interim FGMPO in the absence of a person who would be a party to proceedings for the FGMPO, or in the absence of a person who would be affected by the Order. In such cases, as soon as is just and convenient after after making the interim Order, the Court must provide an opportunity for those persons to make representations about the interim FGMPO at a hearing, and requires that notice of that hearing be given to all parties in accordance with rules of court.

**We propose that no additional rule change is required in order to ensure that notice of a hearing under 5F(4) on an interim order can be provided, as required by 5F(5). We are content that any standard process of notification under existing rules can be applied for this purpose**

*Section 5G: Anonymity: proceedings relating to making of female genital mutilation protection order. Section 5H Anonymity: other proceedings relating to female genital mutilation protection order. Section 5I: Anonymity: variation and discharge*

26. Sections 5G, 5H and 5I make provision for anonymity orders within FGMPO proceedings. Section 5G requires the court, when dealing with civil proceedings relating to the making of a FGMPO, to consider whether an anonymity order should be made. 5H allows the court also to consider anonymity in the course of other proceedings related to an FGMPO already made (such as proceedings for the variation or discharge of an FGMPO). Under 5H, an anonymity order may be made on application of a party to the proceedings, or without such an application. Under 5I, an anonymity order may be varied or discharged, again on the application of a party to the proceedings or without such an application.
27. The legislation gives the court discretion to issue anonymity orders based on the circumstances of each case and with consideration of the other powers that courts have at their disposal to make an order of anonymity. This will provide the court with flexibility to respond appropriately to the unique needs of each case.
28. Subsection 5G(3) sets out, that when considering to make an anonymity order, the court must seek the views of any person in respect of whom the court is considering making the anonymity order and of the protected person (if different).
29. The policy intention is to ensure that the person at risk feels more confident in providing evidence or seeking an FGMPO knowing that anonymity can be provided. Given the nature of the crime and that it is often perpetrated by family members or close community members, it is vital where possible that anonymity can be provided to decrease the risk of danger to the person at risk
30. It is envisioned that discretion is given to the court to consider anonymity as the application is lodged, considering whether it is most appropriate to use an anonymity order as set out within this Act, or through other powers that courts have at their disposal. Following this consideration and decision, the FGMPO application should be considered. We have outlined above at paragraph 36 that our proposed approach to the application for an FGMPO is that the

applicant's views on anonymity should be set out as part of the prescribed application form.

31. This may also be supported through internal guidance from SCTS.

**We do not propose any additional Rules are required in relation to making a provision for the means of application for an anonymity order and application for variation/discharge of the order.**