

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## CHILDREN ACT 1989 (AMENDMENT) (FEMALE GENITAL MUTILATION) BILL [*LORDS*]

*First Sitting*

*Tuesday 5 March 2019*

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Sittings motion agreed to.  
CLAUSES 1 AND 2 agreed to.  
Bill to be reported, without amendment.

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**Saturday 9 March 2019**

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**The Committee consisted of the following Members:***Chair:* STEVE McCABE

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| † Antoniazzi, Tonia ( <i>Gower</i> ) (Lab)                                   | † Milling, Amanda ( <i>Cannock Chase</i> ) (Con)                 |
| † De Piero, Gloria ( <i>Ashfield</i> ) (Lab)                                 | Saville Roberts, Liz ( <i>Dwyfor Meirionnydd</i> ) (PC)          |
| Duffield, Rosie ( <i>Canterbury</i> ) (Lab)                                  | † Throup, Maggie ( <i>Erewash</i> ) (Con)                        |
| † Foxcroft, Vicky ( <i>Lewisham, Deptford</i> ) (Lab)                        | † Tomlinson, Michael ( <i>Mid Dorset and North Poole</i> ) (Con) |
| † Frazer, Lucy ( <i>Parliamentary Under-Secretary of State for Justice</i> ) | † Tracey, Craig ( <i>North Warwickshire</i> ) (Con)              |
| † Goldsmith, Zac ( <i>Richmond Park</i> ) (Con)                              | † Twist, Liz ( <i>Blaydon</i> ) (Lab)                            |
| † Hair, Kirstene ( <i>Angus</i> ) (Con)                                      | † Whately, Helen ( <i>Faversham and Mid Kent</i> ) (Con)         |
| Harris, Carolyn ( <i>Swansea East</i> ) (Lab)                                | Anwen Rees, <i>Committee Clerk</i>                               |
| † Hobhouse, Wera ( <i>Bath</i> ) (LD)  |  |
| † Keegan, Gillian ( <i>Chichester</i> ) (Con)                                | † <b>attended the Committee</b>                                  |

## Public Bill Committee

Tuesday 5 March 2019

[STEVE McCABE *in the Chair*]

### Children Act 1989 (Amendment) (Female Genital Mutilation) Bill [Lords]

9.25 am

**The Chair:** Will people please make sure their mobile devices are off or on silent? Also, we do not normally have coffee in Committees.

*Resolved,*

That the Children Act 1989 (Amendment) (Female Genital Mutilation) Bill [Lords] do meet on Tuesdays when the House is sitting at 9.25 a.m. and 2.00 p.m.—(*Zac Goldsmith.*)

**The Chair:** We now come to line-by-line consideration of the Bill. The selection list for today's sitting is available in the room. That shows how the clauses and any selected amendments have been grouped for debate.

**Michael Tomlinson** (Mid Dorset and North Poole) (Con): On a point of order, Mr McCabe. I notified you in advance that I would raise this point of order. As I understand it, you have ruled that my two new clauses are out of scope of the Bill. As it happens, I completely agree. I consulted the excellent Clerk to the Committee, who helped me with this and also gave me that advice. You are both absolutely right.

I just want to explain to the Committee that the reason I tabled the new clauses was not that I wanted to affect or damage the Bill, or to harm its prospects in any way—quite the opposite; I want to ensure that it has smooth passage. However, I thought wider issues such as our international development work and the impact on the family courts were worthy of the Committee's consideration.

Be that as it may, I do not seek to overturn your ruling, Mr McCabe, which was absolutely right. However, it seems that scope has some elasticity and flexibility when it comes to Brexit business, but that the old rules apply when it comes to the important issue of female genital mutilation, and I am bound to say that I want that placed on the record.

**The Chair:** I am delighted that I have no responsibility for the Brexit arrangements, but you have managed to make your point, Mr Tomlinson, and it is on the record. No one doubts your good intentions, but the new clauses are beyond the scope of the Bill. I think we will leave the matter there.

#### Clause 1

AMENDMENT TO THE CHILDREN ACT 1989

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to consider clause 2 stand part.

**Zac Goldsmith** (Richmond Park) (Con): It is a pleasure to serve under your chairmanship, Mr McCabe. I thank hon. Members for attending. I do not think this will be a lengthy session, as, thankfully, neither of the new clauses tabled by my hon. Friend the Member for Mid Dorset and North Poole have been selected. That is not to say they do not raise valuable points, but obviously I have an interest in the Bill making a smooth transition through this place into law, and not being sent back to the House of Lords if at all possible. The Bill received cross-party support in the Second Reading Committee last week, and I am grateful to hon. Members for giving it the green light.

This is a very simple two-clause Bill that seeks to remedy an omission in existing child protection law where family courts do not have the power to compel the involvement of a local authority in an interim care order relating to FGM. Clause 1, the only substantive clause of this very short Bill, seeks to amend section 8 of the Children Act 1989 by inserting a reference to part 1 of schedule 2 to the Female Genital Mutilation Act 2003. I will explain very briefly what section 8 of the 1989 Act and schedule 2 to the 2003 Act do, and then, equally briefly, how the Bill is designed to allow proceedings under those Acts to be considered at the same time.

Schedule 2 to the FGM Act makes provision for female genital mutilation protection orders. Those are civil orders designed to protect girls at risk of FGM. Section 8 of the 1989 Act defines what is meant by "family proceedings" and lists several enactments that, for the purpose of that Act, are considered as family proceedings. Where an enactment is listed, section 8 allows the court, in proceedings under that enactment, to use its powers under the 1989 Act to protect children by granting child arrangements orders and other orders with respect to children. That power is not currently available to the court in FGM protection order proceedings, because the enactment under which those proceedings have commenced is not currently listed in section 8. Clause 1 of the Bill rectifies that by adding

"Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003"

to the list of enactments in section 8 of the 1989 Act. That will allow proceedings for FGM protection orders to be recognised as family proceedings for the purposes of that Act.

I will conclude with two small points of detail to clarify the application of clause 1. The 1989 Act only applies to England and Wales; clause 1 therefore refers specifically to

"Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003",

which applies to England and Wales, to ensure that the amendments to the Act made by the Bill affect only FGM protection order proceedings that take place in England and Wales.

Finally, clause 1 excludes paragraph 3 of schedule 2 to the 2003 Act, which provides for circumstances in which FGM protection orders may be made by the court during criminal proceedings. That is to make clear that criminal proceedings are not to be defined as family proceedings for the purposes of the 1989 Act.

That does not dilute the powers of the court; it simply means that criminal matters are dealt with by the criminal courts. In short, clause 1 simply inserts that part of the 2003 Act that relates to FGM protection orders into section 8 of the 1989 Act, which makes a FGM protection order proceeding a family proceeding for the purpose of issuing care orders under that Act.

Clause 2 provides for the extent of the Bill, its commencement and its short title. As I have said, the Bill extends to England and Wales only. Regarding its commencement, the provisions of the Bill come into force on the day it receives Royal Assent, which is known as early commencement. The policy and public interest justification for doing so is to ensure that if any FGM protection order proceedings are ongoing at the time of the legislation, the family court or High Court will have the power, should circumstances require, to make interim care and supervision orders or other Children Act orders in the same set of proceedings. That will reduce delay, and therefore give immediate protection to any child at risk of significant harm. I am happy to confirm that the Law Officers have agreed to the Bill coming into force in this way.

In closing, I thank all Members here for their support. I thank in particular the Clerks, the Whips Office and the Ministry of Justice's Bill team, who have been absolutely superb and extremely helpful in getting us this far.

**Gloria De Piero** (Ashfield) (Lab): It is a pleasure to serve under your chairmanship, Mr McCabe. I welcome the opportunity to once again discuss how we can tackle this issue, which is of great significance to a number of people across the UK. What is more, it is refreshing and reassuring to do so in agreement with Members on both sides of the House. At a time when vulnerable people are at risk from the painful and harmful practice of female genital mutilation, our being able to come together in this place is a testament to the fact that those people can rely on us to protect them. Hopefully we can do just that.

Given the relatively straightforward nature of the Bill, there is little I can say that has not already been said by the hon. Member for Richmond Park. To repeat what I said during the Bill's previous stage, amending the Children Act to allow courts to make temporary care orders in cases of FGM seems like a reasonable and sensible solution to what appears to be an oversight in current legislation. Such orders have worked in cases of molestation, violence and forced marriage; they can work for FGM too. This Bill gives courts an extra tool to use when addressing this horrendous practice, and a significantly greater ability to actively prevent FGM, rather than responding to those who have already committed this act. However, I also repeat that while the Bill is a welcome step in the right direction, it is no cure-all solution, and as many campaigners agree, more must be done by the Government.

On that note, I wish to press the Minister on a few issues. Can she tell me what the Government are doing to identify vulnerable girls and women? How do the Government intend to give confidence to those identified, in order to enable them to speak up about this practice and speak out against those performing operations? Will the Government take a greater look at the numbers

affected, to provide a more accurate indication of how many people are affected across the UK, and, given the almost negligible number of those prosecuted for FGM in the UK, can the Minister tell me what more the Government are doing to prosecute those involved?

In the spirit of this discussion, I hope that the Minister will acknowledge the Government's vital role in doing more to eliminate FGM, and will provide answers to those points. Drafted with the same desire to eradicate the barbaric practice of FGM, the Bill is a welcome step towards doing just that, and we will certainly not prevent or delay it, or stand in its way.

**The Parliamentary Under-Secretary of State for Justice (Lucy Frazer):** It is a pleasure to serve under your chairmanship again, Mr McCabe. The Government support this small but very helpful Bill, and I thank my hon. Friend the Member for Richmond Park, the hon. Member for Ashfield, all members of the Committee, our Whip, the officials in my Department, Lord Berkeley and the campaigners on this very important issue.

As my hon. Friend the Member for Richmond Park said, the Bill provides further protection—it is important to state that it is further protection—for those who may be victims of FGM. The hon. Member for Ashfield asked some very important questions on what the Government are doing in this important area. I said “further protection” because for many years the Government have been doing a significant number of things in this area.

In 2015, we strengthened the law to provide and improve protection for victims by introducing the new offence of failing to protect a girl from FGM. We extended the reach of extraterritorial offences, and introduced lifelong anonymity for victims of FGM, enabling them to come forward. We also introduced civil FGM protection orders and a mandatory reporting duty for known cases among under-18s.

In addition to that, the Government have provided resources for frontline professionals, including training and communication materials. The Home Office has an FGM unit, which has participated in more than 100 outreach events to raise awareness of FGM. The Department of Health and Social Care has provided £4 million for the national FGM prevention programme in partnership with NHS England. The Department for Education has announced its intention to reform the curriculum in schools to teach children about the physical and emotional damage caused by FGM, to ensure that pupils are aware that it is against the law.

I hope that members of the Committee can see that the Government, across Departments, are doing what they can to tackle this horrific crime. We in the Ministry of Justice are very pleased to play our part in supporting my hon. Friend the Member for Richmond Park. On that basis, we are delighted to support the Bill.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

*Clause 2 ordered to stand part of the Bill.*

*Bill to be reported, without amendment.*

9.38 am

*Committee rose.*

