
STATUTORY INSTRUMENTS

2022 No. 1200

**NATIONAL HEALTH SERVICE, ENGLAND
SOCIAL CARE, ENGLAND
PUBLIC HEALTH, ENGLAND
CHILDREN AND YOUNG PERSONS, SCOTLAND**

**The Health and Care Act 2022 (Further
Consequential Amendments) Regulations 2022**

Made - - - - *17th November 2022*

Coming into force - - *18th November 2022*

The Secretary of State makes the following Regulations in exercise of the power conferred by section 182 of the Health and Care Act 2022⁽¹⁾.

In accordance with section 183(4)(f) of the Health and Care Act 2022, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Health and Care Act 2022 (Further Consequential Amendments) Regulations 2022 and come into force on the day after the date on which they are made.

(2) Any amendment made by these Regulations has the same extent as the provision amended.

Amendment of the Health and Social Care Act 2008

2. In section 23 (guidance as to compliance with requirements) of the Health and Social Care Act 2008⁽²⁾, for subsection (1) substitute—

“(1) The Commission must issue guidance about compliance with the requirements of regulations under section 20, other than requirements which relate to—

- (a) the prevention or control of health care associated infections, or
- (b) training on learning disability or autism.”.

(1) 2022 c. 31.
(2) 2008 c. 14.

Amendment of the Foster Children (Scotland) Act 1984

3. In section 7 (persons disqualified from keeping foster children) of the Foster Children (Scotland) Act 1984⁽³⁾—

(a) in subsection (1), after paragraph (c) insert—

“(ca) the person has been convicted of a relevant offence;”;

(b) at the end insert—

“(6) In this section, “relevant offence” means any of the following offences when committed against, or in relation to, a child—

- (a) an offence under section 136, 140 or 144 of the Health and Care Act 2022 (virginity testing),
- (b) an offence under section 137, 141 or 145 of that Act (offering to carry out virginity testing),
- (c) an offence under section 138, 142 or 146 of that Act (aiding or abetting etc a person to carry out virginity testing),
- (d) an offence under section 148, 152 or 156 of that Act (carrying out hymenoplasty),
- (e) an offence under section 149, 153 or 157 of that Act (offering to carry out hymenoplasty), and
- (f) an offence under section 150, 154 or 158 of that Act (aiding or abetting etc a person to carry out hymenoplasty).”.

Signed by authority of the Secretary of State for Health and Social Care

17th November 2022

Maria Caulfield
Parliamentary Under Secretary of State,
Department of Health and Social Care

(3) 1984 c. 56. Section 7 has been amended by the Children (Scotland) Act 1995 (c. 36), section 105 and Schedule 4; the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), section 5 and Schedule 4; the Regulation of Care (Scotland) Act 2001 (asp 8), section 80 and Schedule 4; the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14), section 88 and Schedule 4; the Disclosure (Scotland) Act 2020 (asp 13), section 93 and Schedule 5; and by S.S.I. 2010/21 and S.S.I. 2013/211.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations use consequential amendment powers set out in the Health and Care Act 2022 (“2022 Act”) to amend section 23 of the Health and Social Care Act 2008 (“2008 Act”) and section 7 of the Foster Children (Scotland) Act 1984 (“1984 Act”).

The 2022 Act amended the 2008 Act to place a duty on the Secretary of State to require, by regulations, that service providers ensure that each person working for the purpose of regulated activities receives training on learning disability and autism appropriate to their role. The Care Quality Commission is required under section 23 of the 2008 Act to issue guidance about compliance with those regulations. Regulation 2 amends section 23 of the 2008 Act to create an exemption in the Care Quality Commission’s statutory duty to issue guidance in relation to training on learning disability and autism, as the 2022 Act also amends the 2008 Act to insert a duty on the Secretary of State to issue a code of practice on such training.

Regulation 3 amends section 7 of the 1984 Act to add to the list of matters which disqualify a person in Scotland from fostering a child. These will now include conviction for any of the new offences in the 2022 Act in relation to virginity testing and hymenoplasty when committed against, or in relation to, a child (a person under the age of 18).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An explanatory memorandum has been prepared and is available alongside this instrument on the website, www.legislation.gov.uk.