



Health and Care Act 2022

2022 CHAPTER 31

PART 5

VIRGINITY TESTING AND HYMENOPLASTY OFFENCES

CHAPTER 1

VIRGINITY TESTING OFFENCES

Virginity testing offences: England and Wales

136 Offence of virginity testing: England and Wales

- (1) It is an offence under the law of England and Wales for a person to carry out virginity testing.
- (2) “Virginity testing” means the examination of female genitalia, with or without consent, for the purpose (or purported purpose) of determining virginity.
- (3) An offence is committed under subsection (1) only if the person—
 - (a) is in England and Wales, or
 - (b) is outside the United Kingdom, and is a United Kingdom national or habitually resident in England and Wales.
- (4) “United Kingdom national” means an individual who is—
 - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who under the British Nationality Act 1981 is a British subject, or
 - (c) a British protected person within the meaning of that Act.
- (5) In subsection (2), “female genitalia” means a vagina or vulva.

Status: This is the original version (as it was originally enacted).

137 Offence of offering to carry out virginitY testing: England and Wales

- (1) It is an offence under the law of England and Wales—
 - (a) for a person in England and Wales to offer to carry out virginitY testing in the United Kingdom or virginitY testing that has a sufficient jurisdictional connection, or
 - (b) for a person anywhere to offer to carry out virginitY testing if the person is a United Kingdom national or habitually resident in England and Wales.
- (2) VirginitY testing has a sufficient jurisdictional connection for the purposes of subsection (1)(a) if it is carried out in relation to a person who is—
 - (a) a United Kingdom national, or
 - (b) habitually resident in the United Kingdom.
- (3) In this section—

“United Kingdom national” has the meaning given by section 136(4);
“virginitY testing” has the meaning given by section 136(2).

138 Offence of aiding or abetting etc a person to carry out virginitY testing: England and Wales

- (1) It is an offence under the law of England and Wales for a person who is in England and Wales, or for a person who is outside England and Wales but who is a United Kingdom national or habitually resident in England and Wales, to aid, abet, counsel or procure the carrying out of virginitY testing that has a sufficient jurisdictional connection.
- (2) VirginitY testing has a sufficient jurisdictional connection for the purposes of subsection (1) if it is carried out in relation to a person who is—
 - (a) in the United Kingdom,
 - (b) a United Kingdom national, or
 - (c) habitually resident in the United Kingdom.
- (3) This section does not affect the application to an offence under section 136 of any rule of law relating to aiding, abetting, counselling or procuring.
- (4) In this section—

“United Kingdom national” has the meaning given by section 136(4);
“virginitY testing” has the meaning given by section 136(2).

139 VirginitY testing offences in England and Wales: penalties

- (1) A person who commits an offence under section 136, 137 or 138 is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (2) In subsection (1)(a) “the maximum summary term for either-way offences” means—
 - (a) in relation to an offence committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;
 - (b) in relation to an offence committed after that time, 12 months.