



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 5

#### VIRGINITY TESTING AND HYMENOPLASTY OFFENCES

#### CHAPTER 1

##### VIRGINITY TESTING OFFENCES

##### *Virginity testing offences: Northern Ireland*

#### **144 Offence of virginity testing: Northern Ireland**

- (1) It is an offence under the law of Northern Ireland 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 Northern Ireland, or
  - (b) is outside the United Kingdom, and is a United Kingdom national or habitually resident in Northern Ireland.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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#### **145 Offence of offering to carry out virginitv testing: Northern Ireland**

- (1) It is an offence under the law of Northern Ireland—
  - (a) for a person in Northern Ireland to offer to carry out virginitv testing in the United Kingdom or virginitv testing that has a sufficient jurisdictional connection, or
  - (b) for a person anywhere to offer to carry out virginitv testing if the person is a United Kingdom national or habitually resident in Northern Ireland.
- (2) Virginitv 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 144(4);  
“virginitv testing” has the meaning given by section 144(2).

#### **146 Offence of aiding or abetting etc a person to carry out virginitv testing: Northern Ireland**

- (1) It is an offence under the law of Northern Ireland for a person who is in Northern Ireland, or for a person who is outside Northern Ireland but who is a United Kingdom national or habitually resident in Northern Ireland, to aid, abet, counsel or procure the carrying out of virginitv testing that has a sufficient jurisdictional connection.
- (2) Virginitv 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 144 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 144(4);  
“virginitv testing” has the meaning given by section 144(2).

#### **147 Virginitv testing offences in Northern Ireland: penalties**

- A person who commits an offence under section 144, 145 or 146 is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).