



Health and Care Act 2022

2022 CHAPTER 31

PART 5

VIRGINITY TESTING AND HYMENOPLASTY OFFENCES

CHAPTER 2

HYMENOPLASTY OFFENCES

Hymenoplasty offences: England and Wales

148 Offence of carrying out hymenoplasty: England and Wales

- (1) It is an offence under the law of England and Wales for a person to carry out hymenoplasty.
- (2) “Hymenoplasty” means the reconstruction of the hymen (with or without consent).
- (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.

Commencement Information

II S. 148 not in force at Royal Assent, see [s. 186\(6\)](#)

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 2. (See end of Document for details)

I2 S. 148 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

149 Offence of offering to carry out hymenoplasty: 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 hymenoplasty in the United Kingdom or hymenoplasty that has a sufficient jurisdictional connection, or
 - (b) for a person anywhere to offer to carry out hymenoplasty if the person is a United Kingdom national or habitually resident in England and Wales.
- (2) Hymenoplasty 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 148(4);

“hymenoplasty” has the meaning given by section 148(2).

Commencement Information

- I3** S. 149 not in force at Royal Assent, see s. 186(6)
- I4** S. 149 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

150 Offence of aiding or abetting etc a person to carry out hymenoplasty: 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 hymenoplasty that has a sufficient jurisdictional connection.
- (2) Hymenoplasty 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 148 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 148(4);

“hymenoplasty” has the meaning given by section 148(2).

Commencement Information

- I5** S. 150 not in force at Royal Assent, see s. 186(6)
- I6** S. 150 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 2. (See end of Document for details)

151 Hymenoplasty offences in England and Wales: penalties

- (1) A person who commits an offence under section 148, 149 or 150 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.

Commencement Information

- I7** S. 151 not in force at Royal Assent, see [s. 186\(6\)](#)
I8 [S. 151](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Hymenoplasty offences: Scotland

152 Offence of carrying out hymenoplasty: Scotland

- (1) It is an offence under the law of Scotland for a person to carry out hymenoplasty.
- (2) “Hymenoplasty” means the reconstruction of the hymen (with or without consent).
- (3) An offence is committed under subsection (1) only if the person—
 - (a) is in Scotland, or
 - (b) is outside the United Kingdom, and is a United Kingdom national or habitually resident in Scotland.
- (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.

Commencement Information

- I9** S. 152 not in force at Royal Assent, see [s. 186\(6\)](#)
I10 [S. 152](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

153 Offence of offering to carry out hymenoplasty: Scotland

- (1) It is an offence under the law of Scotland—
 - (a) for a person in Scotland to offer to carry out hymenoplasty in the United Kingdom or hymenoplasty that has a sufficient jurisdictional connection, or
 - (b) for a person anywhere to offer to carry out hymenoplasty if the person is a United Kingdom national or habitually resident in Scotland.

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 2. (See end of Document for details)

- (2) Hymenoplasty 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 152(4);
 - “hymenoplasty” has the meaning given by section 152(2).

Commencement Information

- I11** S. 153 not in force at Royal Assent, see [s. 186\(6\)](#)
- I12** [S. 153](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

154 Offence of aiding or abetting etc a person to carry out hymenoplasty: Scotland

- (1) It is an offence under the law of Scotland for a person who is in Scotland, or for a person who is outside Scotland but who is a United Kingdom national or habitually resident in Scotland, to aid, abet, counsel, procure or incite the carrying out of hymenoplasty that has a sufficient jurisdictional connection.
- (2) Hymenoplasty 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 152 of any rule of law relating to aiding, abetting, counselling, procuring or inciting.
- (4) In this section—
- “United Kingdom national” has the meaning given by section 152(4);
 - “hymenoplasty” has the meaning given by section 152(2).

Commencement Information

- I13** S. 154 not in force at Royal Assent, see [s. 186\(6\)](#)
- I14** [S. 154](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

155 Hymenoplasty offences in Scotland: penalties and supplementary

- (1) A person who commits an offence under section 152, 153 or 154 is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 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).
- (2) Where a person outside Scotland commits an offence under section 152, 153 or 154 the person may be prosecuted, tried and punished for the offence—
- (a) in a sheriff court district in which the person is apprehended or in custody, or

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 2. (See end of Document for details)

- (b) in a sheriff court district determined by the Lord Advocate, as if the offence had been committed in that district.
- (3) Where subsection (2) applies, the offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district.
- (4) In this section “sheriff court district” is to be construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation).

Commencement Information

- I15** S. 155 not in force at Royal Assent, see [s. 186\(6\)](#)
- I16** [S. 155](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Hymenoplasty offences: Northern Ireland

156 Offence of carrying out hymenoplasty: Northern Ireland

- (1) It is an offence under the law of Northern Ireland for a person to carry out hymenoplasty.
- (2) “Hymenoplasty” means the reconstruction of the hymen (with or without consent).
- (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.

Commencement Information

- I17** S. 156 not in force at Royal Assent, see [s. 186\(6\)](#)
- I18** [S. 156](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

157 Offence of offering to carry out hymenoplasty: 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 hymenoplasty in the United Kingdom or hymenoplasty that has a sufficient jurisdictional connection, or
 - (b) for a person anywhere to offer to carry out hymenoplasty if the person is a United Kingdom national or habitually resident in Northern Ireland.
- (2) Hymenoplasty has a sufficient jurisdictional connection for the purposes of subsection (1)(a) if it is carried out in relation to a person who is—

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 2. (See end of Document for details)

- (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 156(4);
 “hymenoplasty” has the meaning given by section 156(2).

Commencement Information

I19 S. 157 not in force at Royal Assent, see [s. 186\(6\)](#)

I20 [S. 157](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

158 Offence of aiding or abetting etc a person to carry out hymenoplasty: 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 hymenoplasty that has a sufficient jurisdictional connection.
- (2) Hymenoplasty 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 156 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 156(4);
 “hymenoplasty” has the meaning given by section 156(2).

Commencement Information

I21 S. 158 not in force at Royal Assent, see [s. 186\(6\)](#)

I22 [S. 158](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

159 Hymenoplasty offences in Northern Ireland: penalties

A person who commits an offence under section 156, 157 or 158 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).

Commencement Information

I23 S. 159 not in force at Royal Assent, see [s. 186\(6\)](#)

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 2. (See end of Document for details)

I24 [S. 159](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Changes to legislation:

There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 2.