

SCHEDULE 4

Offences specified for the purposes of regulation 26

PART 1

Offences in England and Wales

1. Any of the following offences against an adult —
 - (a) an offence of rape under section 1 of the Sexual Offences Act 2003,
 - (b) an offence of assault by penetration under section 2 of that Act,
 - (c) an offence of causing a person to engage in sexual activity without consent under section 4 of that Act, if the activity fell within subsection (4) of that section,
 - (d) an offence of sexual activity with a person with a mental disorder impeding choice under section 30 of that Act, if the touching fell within subsection (3) of that section,
 - (e) an offence of causing or inciting a person with mental disorder impeding choice to engage in sexual activity under section 31 of that Act, if the activity caused or incited fell within subsection (3) of that section,
 - (f) an offence of inducement, threat or deception to procure sexual activity with a person with a mental disorder under section 34 of that Act, if the touching involved fell within subsection (2) of that section, and
 - (g) an offence of causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception under section 35 of that Act, if the activity fell within subsection (2) of that section.
- [^{F1}1A. Any of the following offences—
 - (a) an offence of virginity testing under section 136 of the Health and Care Act 2022,
 - (b) an offence of offering to carry out virginity testing under section 137 of that Act,
 - (c) an offence of aiding or abetting etc a person to carry out virginity testing under section 138 of that Act,
 - (d) an offence of carrying out hymenoplasty under section 148 of that Act,
 - (e) an offence of offering to carry out hymenoplasty under section 149 of that Act, and
 - (f) an offence of aiding or abetting etc a person to carry out hymenoplasty under section 150 of that Act.]

Textual Amendments

- F1** Sch. 4 Pt. 1 para. 1A inserted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **133(2)(a)**

Textual Amendments

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Offences in Scotland

2. An offence under section 1 (rape) and 18 (rape of a young child) of the Sexual Offences (Scotland) Act 2009^{M1}.

Marginal Citations

M1 2009 asp 9.

3. An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995^{M2} except, in a case where the offender was under the age of 20 at the time the offence was committed.

Marginal Citations

M2 1995 c.46. Schedule 1 was amended by section 7(1) and 8(2) of the [Prohibition of Female Genital Mutilation \(Scotland\) Act 2005 \(asp 8\)](#), **paragraph 2** of the Schedule to the [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#) (“the 2005 Act”) and by section 41(2) of the [Criminal Justice Licensing \(Scotland\) Act 2010 \(asp 13\)](#) (not yet in force).

4. An offence of plagium (theft of a child below the age of puberty).

5. An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982^{M3} (indecent photographs of children).

Marginal Citations

M3 1982 c.45. Section 52 was amended by section 84(6) of, and paragraph 17 of Schedule 9 to the [Criminal Justice and Public Order Act 1994 \(c.33\)](#) (“the 1994 Act”), paragraph 44(3) of Schedule 4 to the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 \(c.40\)](#) and paragraph 89 of Schedule 15 to the [Criminal Justice Act 1988 \(c.33\)](#) (“the 1988 Act”). Section 52A was inserted by section 161 of the 1988 Act and was amended by section 84(7) of the 1994 Act.

6. An offence under section 3 of the Sexual Offences (Amendment) Act 2000^{M4} (abuse of trust).

Marginal Citations

M4 2000 c.44. Section 3 was amended by paragraph 62 of Schedule 28 to the [Civil Partnership Act 2004 \(c.33\)](#) and repealed by Schedule 6 of the Sexual Offences (Scotland) Act 2009 (not yet in force).

[^{F2}**6A.** Any of the following offences—

- (a) an offence of virginity testing under section 140 of the Health and Care Act 2022,
- (b) an offence of offering to carry out virginity testing under section 141 of that Act,
- (c) an offence of aiding or abetting etc a person to carry out virginity testing under section 142 of that Act,
- (d) an offence of carrying out hymenoplasty under section 152 of that Act,
- (e) an offence of offering to carry out hymenoplasty under section 153 of that Act, and
- (f) an offence of aiding or abetting etc a person to carry out hymenoplasty under section 154 of that Act.]

Textual Amendments

- F2** Sch. 4 Pt. 1 para. 6A inserted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **133(2)(b)**

Offences in Northern Ireland

7. An offence under Article 5 (rape) and Article 12 (rape of a child under 13) of the Sexual Offences (Northern Ireland) Order 2008 ^{M5}.

Marginal Citations

- M5** S.I. 2008/1769 (“the 2008 Order”).

8. An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968 ^{M6}, except in the case where the offender was under the age of 20 at the time the offence was committed.

Marginal Citations

- M6** 1968 c.34 (N.I.). Schedule 1 was amended by paragraph 7 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c.28), **article 7** of the Child Abduction (Northern Ireland) Order 1985 (N.I.17), Schedule 54(b) of Schedule 9 to the Children (Northern Ireland) Order 1995 (N.I.17), paragraph 6(a), (b) and (c) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 2003 (N.I.13), paragraph 18(3) of Schedule 6 to the Sexual Offences Act 2003 (c.42), **paragraph 12(4)** of Schedule 1 to the 2008 Order and paragraph 57 of Schedule 21 to the Coroners and Justice Act 2009 (c.25).

9. An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 ^{M7} (indecent photographs).

Marginal Citations

- M7** S.I. 1978/1047 (N.I.17). Article 3 was amended by section 84 of the 1994 Act and article 42(4) of the 2008 Order.

10. An offence contrary to Article 15 of the Criminal Justice (Evidence, etc) (Northern Ireland) Order 1988 ^{M8} (possession of indecent photographs of children).

Marginal Citations

- M8** S.I. 1988/1847 (N.I.17). Article 15 was amended by section 41(4) of the Criminal Justice and Courts Services Act 2000 (c.43), **section 84(11)** of the 1994 Act, paragraph 25 of Schedule 26 to the Criminal Justice and Immigration Act 2008 and article 42(7) of the 2008 Order.

[^{F3}10A. Any of the following offences—

- (a) an offence of virginity testing under section 144 of the Health and Care Act 2022,
- (b) an offence of offering to carry out virginity testing under section 145 of that Act,
- (c) an offence of aiding or abetting etc a person to carry out virginity testing under section 146 of that Act,

Changes to legislation: There are currently no known outstanding effects for the The Fostering Services (England) Regulations 2011, PART 1. (See end of Document for details)

- (d) an offence of carrying out hymenoplasty under section 156 of that Act,
- (e) an offence of offering to carry out hymenoplasty under section 157 of that Act, and
- (f) an offence of aiding or abetting etc a person to carry out hymenoplasty under section 158 of that Act.]

Textual Amendments

F3 Sch. 4 Pt. 1 para. 10A inserted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **133(2)(c)**

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