



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.

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 1. (See end of Document for details)

Commencement Information

- I1** S. 136 not in force at Royal Assent, see **s. 186(6)**
I2 S. 136 in force at 1.7.2022 by **S.I. 2022/734, reg. 2(a), Sch.** (with **regs. 13, 29, 30**)

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).

Commencement Information

- I3** S. 137 not in force at Royal Assent, see **s. 186(6)**
I4 S. 137 in force at 1.7.2022 by **S.I. 2022/734, reg. 2(a), Sch.** (with **regs. 13, 29, 30**)

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).

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 1. (See end of Document for details)

Commencement Information

- I5** S. 138 not in force at Royal Assent, see [s. 186\(6\)](#)
I6 S. 138 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

139 Virginity testing offences in England and Wales: penalties

- (1) A person who commits an offence under section 136, 137 or 138 is liable—
- on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
 - 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—
- 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;
 - in relation to an offence committed after that time, 12 months.

Commencement Information

- I7** S. 139 not in force at Royal Assent, see [s. 186\(6\)](#)
I8 S. 139 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Virginity testing offences: Scotland

140 Offence of virginity testing: Scotland

- (1) It is an offence under the law of Scotland 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—
- is in Scotland, or
 - 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 British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - a person who under the British Nationality Act 1981 is a British subject, or
 - a British protected person within the meaning of that Act.
- (5) In subsection (2), “female genitalia” means a vagina or vulva.

Commencement Information

- I9** S. 140 not in force at Royal Assent, see [s. 186\(6\)](#)
I10 S. 140 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 1. (See end of Document for details)

141 Offence of offering to carry out virginity testing: Scotland

- (1) It is an offence under the law of Scotland—
 - (a) for a person in Scotland 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 Scotland.
- (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 140(4);

“virginity testing” has the meaning given by section 140(2).

Commencement Information

- I11** S. 141 not in force at Royal Assent, see [s. 186\(6\)](#)
- I12** S. 141 in force at 1.7.2022 by [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

142 Offence of aiding or abetting etc a person to carry out virginity testing: 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 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 140 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 140(4);

“virginity testing” has the meaning given by section 140(2).

Commencement Information

- I13** S. 142 not in force at Royal Assent, see [s. 186\(6\)](#)
- I14** S. 142 in force at 1.7.2022 by [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

143 Virginity testing offences in Scotland: penalties and supplementary

- (1) A person who commits an offence under section 140, 141 or 142 is liable—

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, CHAPTER 1. (See end of Document for details)

- (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 140, 142 or 143 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
 - (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. 143 not in force at Royal Assent, see [s. 186\(6\)](#)

I16 S. 143 in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

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.

Commencement Information

I17 S. 144 not in force at Royal Assent, see [s. 186\(6\)](#)

I18 S. 144 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 1. (See end of Document for details)

145 Offence of offering to carry out virginity 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 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 Northern Ireland.
- (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 144(4);

“virginity testing” has the meaning given by section 144(2).

Commencement Information

I19 S. 145 not in force at Royal Assent, see [s. 186\(6\)](#)

I20 S. 145 in force at 1.7.2022 by [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

146 Offence of aiding or abetting etc a person to carry out virginity 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 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 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);

“virginity testing” has the meaning given by section 144(2).

Commencement Information

I21 S. 146 not in force at Royal Assent, see [s. 186\(6\)](#)

I22 S. 146 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 1. (See end of Document for details)

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).

Commencement Information

I23 S. 147 not in force at Royal Assent, see [s. 186\(6\)](#)

I24 S. 147 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 1.