

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 16. (See end of Document for details)

SCHEDULES

SCHEDULE 16

Section 160

VIRGINITY TESTING AND HYMENOPLASTY: CONSEQUENTIAL AMENDMENTS

Police and Criminal Evidence Act 1984

- 1 In section 65A of the Police and Criminal Evidence Act 1984 (qualifying offences for the purposes of Part 5 of that Act), in subsection (2), after paragraph (t) insert—
- “(u) an offence under any of sections 136 to 138 and 148 to 150 of the Health and Care Act 2022 (offences relating to virginitv testing and hymenoplasty).”

Commencement Information

- I1** Sch. 16 para. 1 not in force at Royal Assent, see [s. 186\(6\)](#)
I2 Sch. 16 para. 1 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Police and Criminal Evidence (Northern Ireland) Order 1989

- 2 In Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#)) (qualifying offences for the purposes of Part 6 of that Order), in paragraph (2)—
- (a) the second sub-paragraph (t) (inserted by the Space Industry Act 2018) becomes sub-paragraph (u);
- (b) after that sub-paragraph insert—
- “(v) an offence under any of sections 144 to 146 and 156 to 158 of the Health and Care Act 2022 (offences relating to virginitv testing and hymenoplasty).”

Commencement Information

- I3** Sch. 16 para. 2 not in force at Royal Assent, see [s. 186\(6\)](#)
I4 Sch. 16 para. 2 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Criminal Justice and Public Order Act 1994

- 3 (1) Schedule 7A to the Criminal Justice and Public Order Act 1994 (offences for which cross-border powers of arrest available) is amended as follows.
- (2) After paragraph 25 insert—
- “25A An offence under any of the following sections of the Health and Care Act 2022—
- (a) section 136 (virginitv testing);

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- (b) section 137 (offering to carry out virginitv testing);
- (c) section 138 (aiding or abetting etc a person to carry out virginitv testing);
- (d) section 148 (carrying out hymenoplasty);
- (e) section 149 (offering to carry out hymenoplasty);
- (f) section 150 (aiding or abetting etc a person to carry out hymenoplasty).”

(3) After paragraph 43 insert—

- “43A An offence under any of the following sections of the Health and Care Act 2022—
- (a) section 140 (virginitv testing);
 - (b) section 141 (offering to carry out virginitv testing);
 - (c) section 142 (aiding or abetting etc a person to carry out virginitv testing);
 - (d) section 152 (carrying out hymenoplasty);
 - (e) section 153 (offering to carry out hymenoplasty);
 - (f) section 154 (aiding or abetting etc a person to carry out hymenoplasty).”

(4) After paragraph 67 insert—

- “68 An offence under any of the following sections of the Health and Care Act 2022—
- (a) section 144 (virginitv testing);
 - (b) section 145 (offering to carry out virginitv testing);
 - (c) section 146 (aiding or abetting etc a person to carry out virginitv testing);
 - (d) section 156 (carrying out hymenoplasty);
 - (e) section 157 (offering to carry out hymenoplasty);
 - (f) section 158 (aiding or abetting etc a person to carry out hymenoplasty).”

Commencement Information

- I5** Sch. 16 para. 3 not in force at Royal Assent, see [s. 186\(6\)](#)
I6 Sch. 16 para. 3 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Criminal Procedure (Scotland) Act 1995

4 The Criminal Procedure (Scotland) Act 1995 is amended as follows.

Commencement Information

- I7** Sch. 16 para. 4 not in force at Royal Assent, see [s. 186\(6\)](#)
I8 Sch. 16 para. 4 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

5 In section 19A (samples etc. from persons convicted of sexual or violent offences), in the definition of “relevant violent offence” in subsection (6), in paragraph (h)—

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- (a) omit the “and” at the end of sub-paragraph (iv);
- (b) after sub-paragraph (v) insert—
 - “(vi) any of sections 140 to 142 and 152 to 154 of the Health and Care Act 2022 (offences relating to virginitv testing and hymenoplasty).”

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- I9** Sch. 16 para. 5 not in force at Royal Assent, see **s. 186(6)**
- I10** Sch. 16 para. 5 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 6 In section 271BZA (child witnesses in certain solemn cases: special measures), in subsection (2), after paragraph (f) insert—
- “(fa) an offence under any of sections 140 to 142 and 152 to 154 of the Health and Care Act 2022 (offences relating to virginitv testing and hymenoplasty);”.

Commencement Information

- I11** Sch. 16 para. 6 not in force at Royal Assent, see **s. 186(6)**
- I12** Sch. 16 para. 6 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

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- I7** Sch. 16 para. 4 not in force at Royal Assent, see **s. 186(6)**
- I8** Sch. 16 para. 4 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I9** Sch. 16 para. 5 not in force at Royal Assent, see **s. 186(6)**
- I10** Sch. 16 para. 5 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I11** Sch. 16 para. 6 not in force at Royal Assent, see **s. 186(6)**
- I12** Sch. 16 para. 6 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

Crime and Disorder Act 1998

- 7 In section 51C of the Crime and Disorder Act 1998 (notices in certain cases involving children), in subsection (3)—
- (a) after paragraph (da) insert—
 - “(db) under any of sections 136 to 138 and 148 to 150 of the Health and Care Act 2022 (virginitv testing and hymenoplasty etc);”;
 - (b) for “paragraph (a), (b), (c), (d) or (da)” substitute “any of paragraphs (a) to (db)”.

Commencement Information

- I13** Sch. 16 para. 7 not in force at Royal Assent, see **s. 186(6)**
- I14** Sch. 16 para. 7 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

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Protection of Vulnerable Groups (Scotland) Act 2007 (asp 2007)

- 8 Pending the commencement of its repeal by section 81(2)(d) of the Disclosure (Scotland) Act 2020, paragraph 2 of Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007 (relevant offences) has effect as if it included a reference to an individual who commits an offence under any of sections 140 to 142 or 152 to 154 of this Act (offences relating to virginitv testing and hymenoplasty).

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- I15** Sch. 16 para. 8 not in force at Royal Assent, see **s. 186(6)**
I16 Sch. 16 para. 8 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

Modern Slavery Act 2015

- 9 In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), after paragraph 36A insert—

“Health and Care Act 2022

- 36B An offence under any of the following provisions of the Health and Care Act 2022—
- (a) section 136 (virginitv testing);
 - (b) section 137 (offering to carry out virginitv testing);
 - (c) section 138 (aiding or abetting etc a person to carry out virginitv testing);
 - (d) section 148 (carrying out hymenoplasty);
 - (e) section 149 (offering to carry out hymenoplasty);
 - (f) section 150 (aiding or abetting etc a person to carry out hymenoplasty).”

Commencement Information

- I17** Sch. 16 para. 9 not in force at Royal Assent, see **s. 186(6)**
I18 Sch. 16 para. 9 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

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