

## 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).”

##### *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).”

##### *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);
- (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—

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- (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).”

*Criminal Procedure (Scotland) Act 1995*

- 4 The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- 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)—
- (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).”
- 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);”.

*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)”.

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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 hymenoplastv).

*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 hymenoplastv);
  - (e) section 149 (offering to carry out hymenoplastv);
  - (f) section 150 (aiding or abetting etc a person to carry out hymenoplastv).”