
STATUTORY INSTRUMENTS

2022 No. 634

The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022

PART 6

Provisions relating to the new virginity testing and hymenoplasty offences

Amendment of the Adoption Agencies Regulations 2005

130.—(1) The Adoption Agencies Regulations 2005⁽¹⁾ are amended as follows.

(2) In Schedule 3, in Part 1—

(a) under the heading “Offences in England and Wales”, after paragraph 1 insert—

“**1A.** Any of the following offences—

- (a) an offence of virginity testing under section 136 of the Health and Care Act 2022⁽²⁾,
- (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.”;

(b) under the heading “Offences in Scotland”, after paragraph 6 insert—

“**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.”;

(c) under the heading “Offences in Northern Ireland”, after paragraph 11 insert—

⁽¹⁾ S.I. 2005/389, amended by S.I. 2013/985; there are other amending instruments but none is relevant.

⁽²⁾ 2022 c. 31.

“**11A.** 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,
- (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.”.

Amendment of the Adoption Agencies (Wales) Regulations 2005 (English language text)

131.—(1) The English language text of the Adoption Agencies (Wales) Regulations 2005⁽³⁾ is amended as follows.

(2) In Schedule 3, in Part 1—

(a) under the heading “Offences in England and Wales”, after paragraph 1 insert—

“**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.”;

(b) under the heading “Offences in Scotland”, before paragraph 7 insert—

“**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.”;

(c) under the heading “Offences in Northern Ireland”, after paragraph 12 insert—

“**13.** Any of the following offences—

- (a) an offence of virginity testing under section 144 of the Health and Care Act 2022,

⁽³⁾ S.I. 2005/1313 (W. 95), amended by S.I. 2020/163 (W. 31); there are other amending instruments but none is relevant.

- (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,
- (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.”.

Amendment of the Adoption Agencies (Wales) Regulations 2005 (Welsh language text)

132.—(1) The Welsh language text of the Adoption Agencies (Wales) Regulations 2005 (Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005) is amended as follows.

(2) In Schedule 3, in Part 1—

(a) under the heading “Tramgwyddau yng Nghymru a Lloegr”, after paragraph 1 insert—

“**1A.** Unrhyw un neu ragor o’r tramgwyddau a ganlyn—

- (a) tramgwydd profi gwryfydod o dan adran 136 o Ddeddf Iechyd a Gofal 2022,
- (b) tramgwydd cynnig cynnal prawf gwryfydod o dan adran 137 o’r Ddeddf honno,
- (c) tramgwydd helpu neu annog etc person i gynnal prawf gwryfydod o dan adran 138 o’r Ddeddf honno,
- (d) tramgwydd cynnal hymenoplasti o dan adran 148 o’r Ddeddf honno,
- (e) tramgwydd cynnig cynnal hymenoplasti o dan adran 149 o’r Ddeddf honno, ac
- (f) tramgwydd helpu neu annog etc person i gynnal hymenoplasti o dan adran 150 o’r Ddeddf honno.”;

(b) under the heading “Tramgwyddau yn yr Alban”, before paragraph 7 insert—

“**6A.** Unrhyw un neu ragor o’r tramgwyddau a ganlyn—

- (a) tramgwydd profi gwryfydod o dan adran 140 o Ddeddf Iechyd a Gofal 2022,
- (b) tramgwydd cynnig cynnal prawf gwryfydod o dan adran 141 o’r Ddeddf honno,
- (c) tramgwydd helpu neu annog etc person i gynnal prawf gwryfydod o dan adran 142 o’r Ddeddf honno,
- (d) tramgwydd cynnal hymenoplasti o dan adran 152 o’r Ddeddf honno,
- (e) tramgwydd cynnig cynnal hymenoplasti o dan adran 153 o’r Ddeddf honno, ac
- (f) tramgwydd helpu neu annog etc person i gynnal hymenoplasti o dan adran 154 o’r Ddeddf honno.”;

(c) under the heading “Tramgwyddau yng Ngogledd Iwerddon”, after paragraph 12 insert—

“**13.** Unrhyw un neu ragor o’r tramgwyddau a ganlyn

- (a) tramgwydd profi gwryfydod o dan adran 144 o Ddeddf Iechyd a Gofal 2022,
- (b) tramgwydd cynnig cynnal prawf gwryfydod o dan adran 145 o’r Ddeddf honno,
- (c) tramgwydd helpu neu annog etc person i gynnal prawf gwryfydod o dan adran 146 o’r Ddeddf honno,
- (d) tramgwydd cynnal hymenoplasti o dan adran 156 o’r Ddeddf honno,
- (e) tramgwydd cynnig cynnal hymenoplasti o dan adran 157 o’r Ddeddf honno, ac

- (f) tramgwydd helpu neu annog etc person i gynnal hymenoplasti o dan adran 158 o'r Ddeddf honno.”.

Amendment of the Fostering Services (England) Regulations 2011

133.—(1) The Fostering Services (England) Regulations 2011⁽⁴⁾ are amended as follows.

(2) In Schedule 4, in Part 1—

(a) under the heading “Offences in England and Wales”, after paragraph 1 insert—

“**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.”;

(b) under the heading “Offences in Scotland”, after paragraph 6 insert—

“**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.”;

(c) under the heading “Offences in Northern Ireland”, after paragraph 10 insert—

“**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,
- (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.”.

(4) [S.I. 2011/581](#), amended by [S.I. 2013/984](#); there are other amending instruments but none is relevant.

Amendment of the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 (English language text)

134.—(1) The English language text of the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018(5) is amended as follows.

(2) In Schedule 2, in Part 1—

(a) under the heading “Offences in England and Wales”, after paragraph 1 insert—

“**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.”;

(b) under the heading “Offences in Scotland”, before paragraph 7 insert—

“**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.”;

(c) under the heading “Offences in Northern Ireland”, after paragraph 10 insert—

“**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,
- (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.”.

(5) [S.I. 2018/1333 \(W. 133\)](#), to which there are amendments not relevant to these Regulations.

Amendment of the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 (Welsh language text)

135.—(1) The Welsh language text of the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 (Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) 2018) is amended as follows.

(2) In Schedule 2, in Part 1—

(a) under the heading “Troseddau yng Nghymru a Lloegr”, after paragraph 1 insert—

“**1A.** Unrhyw un neu ragor o’r troseddau a ganlyn—

- (a) trosedd profi gwryfyddod o dan adran 136 o Ddeddf Iechyd a Gofal 2022,
- (b) trosedd cynnig cynnal prawf gwryfyddod o dan adran 137 o’r Ddeddf honno,
- (c) trosedd helpu neu annog etc person i gynnal prawf gwryfyddod o dan adran 138 o’r Ddeddf honno,
- (d) trosedd cynnal hymenoplasti o dan adran 148 o’r Ddeddf honno,
- (e) trosedd cynnig cynnal hymenoplasti o dan adran 149 o’r Ddeddf honno, ac
- (f) trosedd helpu neu annog etc person i gynnal hymenoplasti o dan adran 150 o’r Ddeddf honno.”;

(b) under the heading “Troseddau yn yr Alban”, before paragraph 7 insert—

“**6A.** Unrhyw un neu ragor o’r troseddau a ganlyn—

- (a) trosedd profi gwryfyddod o dan adran 140 o Ddeddf Iechyd a Gofal 2022,
- (b) trosedd cynnig cynnal prawf gwryfyddod o dan adran 141 o’r Ddeddf honno,
- (c) trosedd helpu neu annog etc person i gynnal prawf gwryfyddod o dan adran 142 o’r Ddeddf honno,
- (d) trosedd cynnal hymenoplasti o dan adran 152 o’r Ddeddf honno,
- (e) trosedd cynnig cynnal hymenoplasti o dan adran 153 o’r Ddeddf honno, ac
- (f) trosedd helpu neu annog etc person i gynnal hymenoplasti o dan adran 154 o’r Ddeddf honno.”;

(c) under the heading “Troseddau yng Ngogledd Iwerddon”, after paragraph 10 insert—

“**10A.** Unrhyw un neu ragor o’r troseddau a ganlyn

- (a) trosedd profi gwryfyddod o dan adran 144 o Ddeddf Iechyd a Gofal 2022,
- (b) trosedd cynnig cynnal prawf gwryfyddod o dan adran 145 o’r Ddeddf honno,
- (c) trosedd helpu neu annog etc person i gynnal prawf gwryfyddod o dan adran 146 o’r Ddeddf honno,
- (d) trosedd cynnal hymenoplasti o dan adran 156 o’r Ddeddf honno,
- (e) trosedd cynnig cynnal hymenoplasti o dan adran 157 o’r Ddeddf honno, ac
- (f) trosedd helpu neu annog etc person i gynnal hymenoplasti o dan adran 158 o’r Ddeddf honno.”.