SCHEDULES

SCHEDULE 3 U.K.

CONSENTS TO USE [F1OR STORAGE OF GAMETES, EMBRYOS OR HUMAN ADMIXED EMBRYOS ETC]

Textual Amendments

F1 Words in Sch. 3 heading substituted (1.10.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), s. 68(2), **Sch. 3 para. 2**; S.I. 2009/2232, art. 2(w)

Modifications etc. (not altering text)

C1 Sch. 3 modified (10.5.2024) by The Health and Care Act 2022 (Storage of Gametes and Embryos) (Transitional Provision) Regulations 2024 (S.I. 2024/625), regs. 1(1), **2**, 3

Commencement Information

I1 Schedule 3 wholly in force at 1.8.1991 see s. 49(2) and S.I. 1991/1400, **art. 2(2)**

[F1Cases where consent not required for storage

Textual Amendments

F1 Sch. 3 paras. 9-11 and cross-heading inserted (1.10.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), s. 68(2), **Sch. 3 para. 12**; S.I. 2009/2232, art. 2(w)

10 (1) The gametes of a person ("P") may be kept in storage without P's consent if the following conditions are met.

(2) Condition A is that the gametes are lawfully taken from or provided by P after P has attained the age of 16 years.

(3) Condition B is that, before the gametes are first stored, a registered medical practitioner certifies in writing that P is expected to undergo medical treatment and that in the opinion of the registered medical practitioner—

(a) the treatment is likely to cause a significant impairment of P's fertility,

(b) P lacks capacity to consent to the storage of the gametes,

(c) P is likely at some time to have that capacity, and

(d) the storage of the gametes is in P's best interests.

(4) Condition C is that, at the time when the gametes are first stored, P lacks capacity to consent to their storage.

(5) Condition D is that P has not subsequently, at a time when P has capacity to give a consent under this Schedule—

(a) given consent to the storage of the gametes, or

(b) given written notice to the person keeping the gametes that P does not wish them to continue to be stored.

(6) In relation to Scotland—

(a) references in sub-paragraphs (3) and (4) to P lacking capacity to consent are to be read as references to P being incapable, within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000, of giving such consent,

(b) the references in sub-paragraphs (3) and (5) to P having capacity are to be read as references to P not being so incapable, and

(c) that Act applies to the storage of gametes under this paragraph to the extent specified in section 84A of that Act.**]**

Changes to legislation:
There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Paragraph 10.