

---

DRAFT STATUTORY INSTRUMENTS

---

**2009 No.**

**The Human Fertilisation and Embryology  
(Special Exemption) Regulations 2009**

**Keeping and examining gametes and embryos in connection with crime**

2.—(1) Subject to the provisions of this regulation a person to whom a licence applies<sup>(1)</sup> or a person specified by the Authority may—

- (a) keep or examine embryos; and
- (b) store gametes,

in connection with the investigation of, or proceedings for, an offence under the Act.

(2) This regulation applies only to embryos and gametes—

- (a) of which the Authority has taken possession; or
- (b) which are being or have been transferred from the person by whom they were being kept to another person in accordance either with directions<sup>(2)</sup> or with other arrangements made by the Authority in connection with the investigation of, or proceedings for, an offence under the Act.

(3) Embryos and gametes to which this regulation applies shall be kept or examined in accordance with paragraphs (4), (5) and (6).

(4) Embryos and gametes shall be kept so as to secure, so far as reasonably practicable, that their condition does not deteriorate.

(5) Where embryos or gametes are kept or examined in any place where—

- (a) any activity governed by the Act is carried out in pursuance of a licence; or
- (b) gametes are stored under regulation 3,

the containers of embryos or gametes to which this regulation applies shall be labelled in such a way as to make them easily distinguishable from containers of embryos or gametes kept in pursuance of a licence or referred to in sub-paragraph (b).

(6) Embryos and gametes shall be kept or examined in such conditions as are reasonable to secure that access to them is denied to persons other than those referred to in paragraph (1) who are concerned with the particular investigation or proceedings in connection with which those embryos or gametes are being kept or examined.

---

(1) “A person to whom a licence applies” is defined in section 17(2) of the Act.

(2) See sections 23 and 24 of the Act.