



# Human Fertilisation and Embryology Act 1990

## 1990 CHAPTER 37

*The Human Fertilisation and Embryology Authority, its functions and procedure*

### **5 The Human Fertilisation and Embryology Authority**

- (1) There shall be a body corporate called the Human Fertilisation and Embryology Authority.
- (2) The Authority shall consist of—
  - (a) a chairman and deputy chairman, and
  - (b) such number of other members as the Secretary of State appoints.
- (3) Schedule 1 to this Act (which deals with the membership of the Authority, etc.) shall have effect.

### **6 Accounts and audit**

- (1) The Authority shall keep proper accounts and proper records in relation to the accounts and shall prepare for each accounting year a statement of accounts.
- (2) The annual statement of accounts shall comply with any direction given by the Secretary of State, with the approval of the Treasury, as to the information to be contained in the statement, the way in which the information is to be presented or the methods and principles according to which the statement is to be prepared.
- (3) Not later than five months after the end of an accounting year, the Authority shall send a copy of the statement of accounts for that year to the Secretary of State and to the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General shall examine, certify and report on every statement of accounts received by him under subsection (3) above and shall lay a copy of the statement and of his report before each House of Parliament.

- (5) The Secretary of State and the Comptroller and Auditor General may inspect any records relating to the accounts.
- (6) In this section “accounting year” means the period beginning with the day when the Authority is established and ending with the following 31st March, or any later period of twelve months ending with the 31st March.

## **7 Reports to Secretary of State**

- (1) The Authority shall prepare a report for the first twelve months of its existence, and a report for each succeeding period of twelve months, and shall send each report to the Secretary of State as soon as practicable after the end of the period for which it is prepared.
- (2) A report prepared under this section for any period shall deal with the activities of the Authority in the period and the activities the Authority proposes to undertake in the succeeding period of twelve months.
- (3) The Secretary of State shall lay before each House of Parliament a copy of every report received by him under this section.

## **8 General functions of the Authority**

The Authority shall—

- (a) keep under review information about embryos and any subsequent development of embryos and about the provision of treatment services and activities governed by this Act, and advise the Secretary of State, if he asks it to do so, about those matters,
- (b) publicise the services provided to the public by the Authority or provided in pursuance of licences,
- (c) provide, to such extent as it considers appropriate, advice and information for persons to whom licences apply or who are receiving treatment services or providing gametes or embryos for use for the purposes of activities governed by this Act, or may wish to do so, and
- (d) perform such other functions as may be specified in regulations.

## **9 Licence committees and other committees**

- (1) The Authority shall maintain one or more committees to discharge the Authority’s functions relating to the grant, variation, suspension and revocation of licences, and a committee discharging those functions is referred to in this Act as a “licence committee”.
- (2) The Authority may provide for the discharge of any of its other functions by committees or by members or employees of the Authority.
- (3) A committee (other than a licence committee) may appoint sub-committees.
- (4) Persons, committees or sub-committees discharging functions of the Authority shall do so in accordance with any general directions of the Authority.
- (5) A licence committee shall consist of such number of persons as may be specified in or determined in accordance with regulations, all being members of the Authority, and

shall include at least one person who is not authorised to carry on or participate in any activity under the authority of a licence and would not be so authorised if outstanding applications were granted.

- (6) A committee (other than a licence committee) or a sub-committee may include a minority of persons who are not members of the Authority.
- (7) Subject to subsection (10) below, a licence committee, before considering an application for authority—
  - (a) for a person to carry on an activity governed by this Act which he is not then authorised to carry on, or
  - (b) for a person to carry on any such activity on premises where he is not then authorised to carry it on,shall arrange for the premises where the activity is to be carried on to be inspected on its behalf, and for a report on the inspection to be made to it.
- (8) Subject to subsection (9) below, a licence committee shall arrange for any premises to which a licence relates to be inspected on its behalf once in each calendar year, and for a report on the inspection to be made to it.
- (9) Any particular premises need not be inspected in any particular year if the licence committee considers an inspection in that year unnecessary.
- (10) A licence committee need not comply with subsection (7) above where the premises in question have been inspected in pursuance of that subsection or subsection (8) above at some time during the period of one year ending with the date of the application, and the licence committee considers that a further inspection is not necessary.
- (11) An inspection in pursuance of subsection (7) or (8) above may be carried out by a person who is not a member of a licence committee.

## **10 Licensing procedure**

- (1) Regulations may make such provision as appears to the Secretary of State to be necessary or desirable about the proceedings of licence committees and of the Authority on any appeal from such a committee.
- (2) The regulations may in particular include provision—
  - (a) for requiring persons to give evidence or to produce documents, and
  - (b) about the admissibility of evidence.