

SCHEDULES

SCHEDULE 3

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)

Commencement Information

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

Storage of gametes and embryos

- 8 (1) A person's gametes must not be kept in storage unless there is an effective consent by that person to their storage and they are stored in accordance with the consent.
- (2) An embryo the creation of which was brought about *in vitro* must not be kept in storage unless there is an effective consent, by each [F1relevant person in relation to] the embryo, to the storage of the embryo and the embryo is stored in accordance with those consents.
- [F2(2A) Where a licence authorises the application of paragraph 6(3B) in relation to a person who has not attained the age of 18 years ("C"), the effective consent of a person having parental responsibility for C to the storage of an embryo in relation to which C is a relevant person by reason only of the use of C's human cells is to be treated for the purposes of sub-paragraph (2) as the effective consent of C.
- (2B) If C attains the age of 18 years or the condition in paragraph 15(3) ceases to be met in relation to C, paragraph 4 has effect in relation to C as if any effective consent previously given under sub-paragraph (2) by a person having parental responsibility for C had been given by C but, subject to that, sub-paragraph (2A) ceases to apply in relation to C.
- (2C) For the purposes of sub-paragraphs (2) and (2A), each of the following is a relevant person in relation to an embryo the creation of which was brought about *in vitro* ("embryo A")—
- each person whose gametes or human cells were used to bring about the creation of embryo A,
 - each person whose gametes or human cells were used to bring about the creation of any other embryo, the creation of which was brought about *in vitro*, which was used to bring about the creation of embryo A, and

Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Cross Heading: Storage of gametes and embryos. (See end of Document for details)

- (c) each person whose gametes or human cells were used to bring about the creation of any human admixed embryo, the creation of which was brought about *in vitro*, which was used to bring about the creation of embryo A.]
- (3) An embryo taken from a woman must not be kept in storage unless there is an effective consent by her to its storage and it is stored in accordance with the consent.
- [^{F3}(4) Sub-paragraph (1) has effect subject to paragraphs 9 and 10; and sub-paragraph (2) has effect subject to paragraphs 4A(4), 16 and 20.]

Textual Amendments

- F1** Words in Sch. 3 para. 8(2) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 11\(2\)](#); S.I. 2009/2232, art. 2(w)
- F2** Sch. 3 para. 8(2A)-(2C) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 11\(3\)](#); S.I. 2009/2232, art. 2(w)
- F3** Sch. 3 para. 8(4) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 11\(4\)](#); S.I. 2009/2232, art. 2(w)
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Commencement Information

- I1** Schedule 3 para. 8 wholly in force at 1.8.1991 see s. 49(2) and [S.I. 1991/1400](#), [art. 2\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Cross Heading: Storage of gametes and embryos.