

HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Amendments of Human Fertilisation and Embryology Act 1990

Section 21: Reconsideration and appeals

135. **Section 21** substitutes sections 20 and 21, and inserts new section 20A and 20B into, the 1990 Act.
136. Substituted section 20 sets out the rights of appeal against licensing decisions of the HFEA.
137. New section 20A provides that the HFEA must maintain one or more appeals committees. The constitution of appeals committees will be set out in regulations made by the Secretary of State, that are subject to the affirmative procedure. The regulations may also provide for the appeals committee to appoint advisors to give specialist scientific, legal and other advice.
138. New section 20B provides that reconsideration of licensing decisions and suspension notices will be by way of a fresh decision. It provides for regulations to make provision about the procedure to be followed. Those regulations may in particular make provision about the right of the appellant and the HFEA to appear before the committee; the consideration of written representations by the committee; the giving and admissibility of evidence and the production of documents; the taking of decisions by the committee and the notification of those decisions.
139. New section 21 provides that a further appeal may be made to the High Court (or, in Scotland, the Court of Session) by a person aggrieved by the appeals committee's decision, but only on a point of law.