

*These notes refer to the Human Fertilisation and Embryology Act 2008 (c.22) which received Royal Assent on 13 November 2008*

# HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: Amendments of Human Fertilisation and Embryology Act 1990**

##### ***Section 26: Mitochondrial donation***

162. **Section 3** of the Act inserts new section 3ZA(5) into the 1990 Act to provide a regulation-making power to enable eggs and/or embryos with altered mitochondrial DNA to be classified as “permitted” eggs or embryos, and thus to be implanted in a woman (see note on section 3 above).
163. The provisions of the 1990 Act assume that only one woman’s egg has been used to produce a child. New section 35A (inserted by section 26) provides a further regulation-making power to amend specified sections of the 1990 Act if the power under new section 3ZA(5) is exercised. This enables provision to be made about cases where permitted embryos and/or eggs have been created using material from more than one woman. The relevant provisions are set out in section 35A(2).