

# Human Fertilisation and Embryology Act 2008

## **2008 CHAPTER 22**

#### PART 1

AMENDMENTS OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Activities governed by the 1990 Act

## 3 Prohibitions in connection with embryos

- (1) Section 3 of the 1990 Act (prohibitions in connection with embryos) is amended as follows.
- (2) For subsection (2) substitute—
  - "(2) No person shall place in a woman—
    - (a) an embryo other than a permitted embryo (as defined by section 3ZA), or
    - (b) any gametes other than permitted eggs or permitted sperm (as so defined)."
- (3) In subsection (3)—
  - (a) at the end of paragraph (b), insert " or ", and
  - (b) omit paragraph (d) and the word "or" immediately before it.
- (4) In subsection (4), for "the day when the gametes are mixed" substitute "the day on which the process of creating the embryo began".
- (5) After section 3 insert—

# "3ZA Permitted eggs, permitted sperm and permitted embryos

(1) This section has effect for the interpretation of section 3(2).

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Changes to legislation: Human Fertilisation and Embryology Act 2008, Section 3 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## (2) A permitted egg is one—

- (a) which has been produced by or extracted from the ovaries of a woman, and
- (b) whose nuclear or mitochondrial DNA has not been altered.

## (3) Permitted sperm are sperm—

- (a) which have been produced by or extracted from the testes of a man, and
- (b) whose nuclear or mitochondrial DNA has not been altered.

#### (4) An embryo is a permitted embryo if—

- (a) it has been created by the fertilisation of a permitted egg by permitted sperm,
- (b) no nuclear or mitochondrial DNA of any cell of the embryo has been altered, and
- (c) no cell has been added to it other than by division of the embryo's own cells.

#### (5) Regulations may provide that—

- (a) an egg can be a permitted egg, or
- (b) an embryo can be a permitted embryo,

even though the egg or embryo has had applied to it in prescribed circumstances a prescribed process designed to prevent the transmission of serious mitochondrial disease.

#### (6) In this section—

- (a) "woman" and "man" include respectively a girl and a boy (from birth), and
- (b) "prescribed" means prescribed by regulations."
- (6) The Human Reproductive Cloning Act 2001 (c. 23) (which is superseded by the preceding provisions of this section) ceases to have effect.

#### **Changes to legislation:**

Human Fertilisation and Embryology Act 2008, Section 3 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 55(3)(e) and word inserted by 2022 c. 18 (N.I.) Sch. 3 para. 75(b)