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STATUTORY INSTRUMENTS

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**1991 No. 1889**

**The Human Fertilisation and Embryology Authority  
(Licence Committees and Appeals) Regulations 1991**

**PART II**

**Composition and procedure of licence committees**

**Composition of licence committees**

4.—(1) A licence committee<sup>(1)</sup> shall have five members, one of whom shall be its chairman who shall be appointed as such by the Chairman of the Authority.

(2) A member of the Authority may be a member of more than one licence committee.

(3) A licence committee may continue to act even if there is a temporary vacancy among its members.

(4) If the chairman of a licence committee is unable to attend a meeting, or part of a meeting, of the committee, the committee shall appoint another member of the committee to act as substitute chairman in the chairman's absence.

**Quorum and voting**

5.—(1) The quorum for a meeting of a licence committee is 3.

(2) A member who has not been present throughout the committee's deliberations preceding a determination may not take part in the determination and does not count towards the quorum.

(3) A determination of a licence committee is that of the majority of the members present and entitled to take part in the determination, except in the case of a determination to grant a licence, when all such members must agree.

(4) Subject to paragraphs (5) and (6) below, a determination or resolution which is in writing and signed by at least three of the members of the licence committee is as valid as if the determination or resolution had been made at a meeting of the committee, and may consist of several documents in the same form each signed by one or more members; and the date of such a written determination or resolution is the date on which the last member signs it.

(5) Where deliberations relevant to a determination or resolution have taken place at a meeting, such a determination or resolution in writing as is referred to in paragraph (4) above is valid only if all the members signing it were present throughout those deliberations.

(6) Paragraph (4) above does not apply to—

(a) a determination to grant a licence, or

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(1) Licence committees are provided for in section 9(1) of the Act, and the functions and certain elements of the procedure of licence committees relating to the grant, refusal, revocation, variation and suspension of licences are set out in sections 9, 16, 18, 19 and 22 of the Act.

- (b) a determination following representations made to the committee by virtue of section 19(3) of the Act(2)or of Regulation 7 below.

### **Multiple applications**

6. A licence committee may consider and determine together two or more applications made by the same applicant, unless the applicant objects.

### **Objection to conditions to be imposed by licence**

7.—(1) This regulation applies where—

- (a) a copy of the conditions to be imposed by a licence has (pursuant to section 16(5) of the Act(3)) been shown to the applicant and (where different) the person under whose supervision the activities are to be carried on, and
- (b) within the period of 28 days (or more with the consent of the licence committee) beginning with the day on which that was done, either of those persons gives notice to the committee of a wish to make to the committee representations about the proposed conditions in any way mentioned in paragraph (3) below.

(2) In such a case the committee must, before determining whether or not to grant the licence, give the person an opportunity to make representations in that way within the period of 42 days (or more with the consent of the committee) beginning with the day on which his notice was given.

(3) The representations referred to in paragraph (1) above may be—

- (a) oral representations made by the person, or another acting on behalf of the person, at a meeting of the committee, and
- (b) written representations made by the person.

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(2) Section 19(3) of the Act confers upon—

- (a) the person responsible under a licence, and the nominal licensee, the right in certain circumstances to make representations about a licence committee's proposal to vary or revoke a licence; and
- (b) an applicant for a licence, or for a variation of a licence so as to designate another individual in place of the person responsible, the right to make representations about a licence committee's proposal to refuse the application.

(3) Section 16(5) of the Act provides that a licence committee shall not grant a licence unless a copy of the conditions to be imposed by the licence has been shown to, and acknowledged in writing by, the applicant and (where different) the person under whose supervision the activities are to be carried on.