
STATUTORY INSTRUMENTS

2015 No. 572

The Human Fertilisation and Embryology
(Mitochondrial Donation) Regulations 2015

PART 3

Related modifications and amendments

Modification of section 31ZA of the Act

- 11.** In a case where this regulation has effect, section 31ZA of the Act⁽¹⁾ applies as if—
- (a) for the heading there were substituted “Request for information as to genetic parentage or mitochondrial donors etc”;
 - (b) in subsection (1) at the end there were inserted “or (2A)”;
 - (c) after subsection (2) there were inserted—

“(2A) The applicant may request the Authority to give the applicant notice stating whether or not the information contained in the register shows that a person is the applicant’s mitochondrial donor, and if it does show that, giving the applicant the following information contained in the register—

 - (a) the screening tests carried out on the mitochondrial donor and information on that donor’s personal and family medical history,
 - (b) matters contained in any description of the mitochondrial donor as a person which that donor has provided, and
 - (c) any additional matter which the mitochondrial donor has provided with the intention that it be made available to a person who requests information under this section,

but not giving any information which may identify the mitochondrial donor or any person who was or may have been born in consequence of treatment services using genetic material from the applicant’s mitochondrial donor, by itself or in combination with any other information which is in, or is likely to come into, the possession of the applicant.”;
 - (d) after subsection (3) there were inserted—

“(3A) The Authority must comply with a request under subsection (2A) if—

 - (a) the information contained in the register shows that the applicant is a mitochondrial donor-conceived person, and
 - (b) the applicant has been given a suitable opportunity to receive proper counselling about the implications of compliance with the request.”;
 - (e) in subsection (5), after “Regulations” there were inserted “under subsection (2)(a)”;
 - (f) after subsection (7) there were inserted—

⁽¹⁾ Section 31ZA was inserted by section 24 of the 2008 Act.

“(8) In this section and sections 31ZB to 31ZE—

“mitochondrial donor-conceived person” means a person who was or may have been born in consequence of treatment services using—

- (a) an egg which is a permitted egg for the purposes of section 3(2) by virtue of regulations under section 3ZA(5), or
- (b) an embryo which is a permitted embryo for those purposes by virtue of such regulations;

the “mitochondrial donor” in respect of a person who was or may have been born in consequence of treatment services using such a permitted egg or such a permitted embryo is the person whose mitochondrial DNA (but not nuclear DNA) was used to create that egg or embryo.”.