



# Human Fertilisation and Embryology Act 1990

## 1990 CHAPTER 37

### *Enforcement*

#### **39 Powers of members and employees of Authority**

- (1) Any member or employee of the Authority entering and inspecting premises to which a licence relates may—
  - (a) take possession of anything which he has reasonable grounds to believe may be required—
    - (i) for the purpose of the functions of the Authority relating to the grant, variation, suspension and revocation of licences, or
    - (ii) for the purpose of being used in evidence in any proceedings for an offence under this Act,and retain it for so long as it may be required for the purpose in question, and
  - (b) for the purpose in question, take such steps as appear to be necessary for preserving any such thing or preventing interference with it, including requiring any person having the power to do so to give such assistance as may reasonably be required.
- (2) In subsection (1) above—
  - (a) the references to things include information recorded in any form, and
  - (b) the reference to taking possession of anything includes, in the case of information recorded otherwise than in legible form, requiring any person having the power to do so to produce a copy of the information in legible form and taking possession of the copy.
- (3) Nothing in this Act makes it unlawful for a member or employee of the Authority to keep any embryo or gametes in pursuance of that person's functions as such.

#### **40 Power to enter premises**

- (1) A justice of the peace (including, in Scotland, a sheriff) may issue a warrant under this section if satisfied by the evidence on oath of a member or employee of the Authority that there are reasonable grounds for suspecting that an offence under this Act is being, or has been, committed on any premises.
- (2) A warrant under this section shall authorise any named member or employee of the Authority (who must, if so required, produce a document identifying himself), together with any constables—
  - (a) to enter the premises specified in the warrant, using such force as is reasonably necessary for the purpose, and
  - (b) to search the premises and—
    - (i) take possession of anything which he has reasonable grounds to believe may be required to be used in evidence in any proceedings for an offence under this Act, or
    - (ii) take such steps as appear to be necessary for preserving any such thing or preventing interference with it, including requiring any person having the power to do so to give such assistance as may reasonably be required.
- (3) A warrant under this section shall continue in force until the end of the period of one month beginning with the day on which it is issued.
- (4) Anything of which possession is taken under this section may be retained—
  - (a) for a period of six months, or
  - (b) if within that period proceedings to which the thing is relevant are commenced against any person for an offence under this Act, until the conclusion of those proceedings.
- (5) In this section—
  - (a) the references to things include information recorded in any form, and
  - (b) the reference in subsection (2)(b)(i) above to taking possession of anything includes, in the case of information recorded otherwise than in legible form, requiring any person having the power to do so to produce a copy of the information in legible form and taking possession of the copy.