

SCHEDULES

SCHEDULE 3

Section 12 etc.

CONSENTS TO USE OF GAMETES OR EMBRYOS

Consent

- 1 A consent under this Schedule must be given in writing and, in this Schedule, “effective consent” means a consent under this Schedule which has not been withdrawn.
- 2 (1) A consent to the use of any embryo must specify one or more of the following purposes—
- (a) use in providing treatment services to the person giving consent, or that person and another specified person together,
 - (b) use in providing treatment services to persons not including the person giving consent, or
 - (c) use for the purposes of any project of research,
- and may specify conditions subject to which the embryo may be so used.
- (2) A consent to the storage of any gametes or any embryo must—
- (a) specify the maximum period of storage (if less than the statutory storage period), and
 - (b) state what is to be done with the gametes or embryo if the person who gave the consent dies or is unable because of incapacity to vary the terms of the consent or to revoke it,
- and may specify conditions subject to which the gametes or embryo may remain in storage.
- (3) A consent under this Schedule must provide for such other matters as the Authority may specify in directions.
- (4) A consent under this Schedule may apply—
- (a) to the use or storage of a particular embryo, or
 - (b) in the case of a person providing gametes, to the use or storage of any embryo whose creation may be brought about using those gametes,
- and in the paragraph (b) case the terms of the consent may be varied, or the consent may be withdrawn, in accordance with this Schedule either generally or in relation to a particular embryo or particular embryos.

Procedure for giving consent

- 3 (1) Before a person gives consent under this Schedule—
- (a) he must be given a suitable opportunity to receive proper counselling about the implications of taking the proposed steps, and
 - (b) he must be provided with such relevant information as is proper.

Status: This is the original version (as it was originally enacted).

- (2) Before a person gives consent under this Schedule he must be informed of the effect of paragraph 4 below.

Variation and withdrawal of consent

- 4 (1) The terms of any consent under this Schedule may from time to time be varied, and the consent may be withdrawn, by notice given by the person who gave the consent to the person keeping the gametes or embryo to which the consent is relevant.
- (2) The terms of any consent to the use of any embryo cannot be varied, and such consent cannot be withdrawn, once the embryo has been used—
- (a) in providing treatment services, or
 - (b) for the purposes of any project of research.

Use of gametes for treatment of others

- 5 (1) A person's gametes must not be used for the purposes of treatment services unless there is an effective consent by that person to their being so used and they are used in accordance with the terms of the consent.
- (2) A person's gametes must not be received for use for those purposes unless there is an effective consent by that person to their being so used.
- (3) This paragraph does not apply to the use of a person's gametes for the purpose of that person, or that person and another together, receiving treatment services.

In vitro fertilisation and subsequent use of embryo

- 6 (1) A person's gametes must not be used to bring about the creation of any embryo *in vitro* unless there is an effective consent by that person to any embryo the creation of which may be brought about with the use of those gametes being used for one or more of the purposes mentioned in paragraph 2(1) above.
- (2) An embryo the creation of which was brought about *in vitro* must not be received by any person unless there is an effective consent by each person whose gametes were used to bring about the creation of the embryo to the use for one or more of the purposes mentioned in paragraph 2(1) above of the embryo.
- (3) An embryo the creation of which was brought about *in vitro* must not be used for any purpose unless there is an effective consent by each person whose gametes were used to bring about the creation of the embryo to the use for that purpose of the embryo and the embryo is used in accordance with those consents.
- (4) Any consent required by this paragraph is in addition to any consent that may be required by paragraph 5 above.

Embryos obtained by lavage, etc.

- 7 (1) An embryo taken from a woman must not be used for any purpose unless there is an effective consent by her to the use of the embryo for that purpose and it is used in accordance with the consent.

Status: This is the original version (as it was originally enacted).

- (2) An embryo taken from a woman must not be received by any person for use for any purpose unless there is an effective consent by her to the use of the embryo for that purpose.
- (3) This paragraph does not apply to the use, for the purpose of providing a woman with treatment services, of an embryo taken from her.

Storage of gametes and embryos

- 8 (1) A person's gametes must not be kept in storage unless there is an effective consent by that person to their storage and they are stored in accordance with the consent.
- (2) An embryo the creation of which was brought about *in vitro* must not be kept in storage unless there is an effective consent, by each person whose gametes were used to bring about the creation of the embryo, to the storage of the embryo and the embryo is stored in accordance with those consents.
- (3) An embryo taken from a woman must not be kept in storage unless there is an effective consent by her to its storage and it is stored in accordance with the consent.