

*These notes refer to the Human Reproductive Cloning Act 2001
(c.23) which received Royal Assent on 4th December 2001*

HUMAN REPRODUCTIVE CLONING ACT 2001

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Human Reproductive Cloning Act 2001 which received Royal Assent on 4th December 2001. They have been prepared by the Department of Health in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. These notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

BACKGROUND

3. This Act fulfils the Government's commitment to bring in legislation to put the ban on human reproductive cloning onto a statutory footing. It is brought forward following the judgement of the High Court on 15th November 2001. This held that embryos created by cell nuclear replacement were not governed by the Human Fertilisation and Embryology Act 1990. As a consequence the Human Fertilisation and Embryology Authority could not implement a ban on reproductive cloning by refusing to licence any application for this purpose.

THE ACT

4. The purpose of the Act is to prevent human reproductive cloning taking place in the United Kingdom by rendering it a criminal offence to place in the womb of a woman a human embryo that has been created other than by fertilisation.

COMMENTARY ON SECTIONS

Section 1: Offence

5. This section consists of three subsections.
6. *Subsection (1)* makes it an offence to place in a woman a human embryo that has been created by a method other than by fertilisation.
7. *Subsection (2)* provides that a person who is guilty of an offence under subsection (1) is liable on conviction on indictment to a term of imprisonment not exceeding 10 years or a fine or both.
8. *Subsection (3)* provides that proceedings in respect of the offence may not be instituted in England and Wales without the consent of the Director of Public Prosecutions and may not be instituted in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland. In Scotland all prosecutions are undertaken either by the procurator fiscal or the Lord Advocate and the Lord Advocate retains ultimate responsibility for, and supervision of, the system for prosecuting crime. There is therefore no need for provision relating to Scotland equivalent to that made for England and Wales and Northern Ireland by subsection (3).

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COMMENCEMENT

9. The Act will come into force on Royal Assent.

DETAILS OF THE BILL'S PASSAGE THROUGH PARLIAMENT WERE AS FOLLOWS:

House of Lords	Date	HOUSE OF LORDS HANSARD
Introduction	21 st November 2001	Vol 628 Col 1132
Second Reading Committee Report Third Reading	26 th November 2001	Vol 629 Col 10 Vol 629 Col 106 Vol 629 Col 130 Vol 629 Col 130

House of Commons	Date	HOUSE OF COMMONS HANSARD
Introduction	29 th November 2001	Vol 375 Col 1122
Second Reading Committee Report and Third Reading	29 th November 2001	Vol 375 Col 1157 Committee of the whole House Vol 375 Col 1213 Vol 375 Col 1213

Royal Assent – 4 th December 2001	House of Lords Hansard Vol 629 Col 697 and
	House of Commons Hansard Vol 376 Col 166