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*Changes to legislation:* There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Cross Heading: Appointment of members. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### THE AUTHORITY: SUPPLEMENTARY PROVISIONS

##### *Appointment of members*

- 4 (1) All the members of the Authority (including the chairman and deputy chairman who shall be appointed as such) shall be appointed by the Secretary of State.
- (2) In making appointments the Secretary of State shall have regard to the desirability of ensuring that the proceedings of the Authority, and the discharge of its functions, are informed by the views of both men and women.
- (3) The following persons are disqualified for being appointed as chairman or deputy chairman of the Authority—
- (a) any person who is, or has been, a medical practitioner registered under the <sup>M1</sup>Medical Act 1983 (whether fully, provisionally or with limited registration), or under any repealed enactment from which a provision of that Act is derived,
  - (b) any person who is, or has been, concerned with keeping or using gametes or embryos outside the body, and
  - (c) any person who is, or has been, directly concerned with commissioning or funding any research involving such keeping or use, or who has actively participated in any decision to do so.
- (4) The Secretary of State shall secure that at least one-third but fewer than half of the other members of the Authority fall within sub-paragraph (3)(a), (b) or (c) above, and that at least one member falls within each of paragraphs (a) and (b).

#### **Marginal Citations**

**M1** 1983 c. 54.

- [<sup>F1</sup>4A (1) A person (“P”) is disqualified for being appointed as chairman, deputy chairman, or as any other member of the Authority if—
- (a) P is the subject of a bankruptcy restrictions order [<sup>F2</sup>or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986],
  - (b) a bankruptcy order has been made against P by a court in Northern Ireland, P's estate has been sequestered by a court in Scotland, or under the law of Northern Ireland or Scotland, P has made a composition or arrangement with, or granted a trust deed for, P's creditors, or
  - (c) in the last five years P has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has had a qualifying sentence passed on P.

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- (2) Where P is disqualified under sub-paragraph (1)(b) because a bankruptcy order has been made against P or P's estate has been sequestered, the disqualification ceases—
- (a) on P obtaining a discharge, or
  - (b) if the bankruptcy order is annulled or the sequestration of P's estate is recalled or reduced, on the date of that event.
- (3) Where P is disqualified under sub-paragraph (1)(b) because of P having made a composition or arrangement with, or granted a trust deed for, P's creditors, the disqualification ceases—
- (a) at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled, or
  - (b) if, before then, P pays P's debts in full, on the date on which the payment is completed.
- (4) For the purposes of sub-paragraph (1)(c), the date of conviction is to be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- (5) In sub-paragraph (1)(c), the reference to a qualifying sentence is to a sentence of imprisonment for a period of not less than three months (whether suspended or not) without the option of a fine.]

#### **Textual Amendments**

- F1** Sch. 1 para. 4A inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 1 para. 2](#); S.I. 2009/2232, art. 2(u)
- F2** Words in Sch. 1 para. 4A(1)(a) substituted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, [Sch. 2 para. 26](#) (with arts. 5, 6)

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