

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

SCHEDULES

SCHEDULE 1

THE AUTHORITY: SUPPLEMENTARY PROVISIONS

Tenure of office

- 5 (1) Subject to the following provisions of this paragraph [^{F1}and paragraphs 5A and 5B], a person shall hold and vacate office as a member of the Authority in accordance with the terms of his appointment.
- (2) A person shall not be appointed as a member of the Authority for more than three years at a time.
- (3) A member may at any time resign his office by giving notice to the Secretary of State.
- (4) A person who ceases to be a member of the Authority shall be eligible for re-appointment (whether or not in the same capacity).
- [^{F2}(4A) A person holding office as chairman, deputy chairman or other member of the Authority is to cease to hold that office if the person becomes disqualified for appointment to it.]
- (5) If the Secretary of State is satisfied that a member of the Authority—
- (a) has been absent from meetings of the Authority for six consecutive months or longer without the permission of the Authority, or
 - ^{F3}(b)
 - (c) is unable or unfit to discharge the [^{F4}person's functions as chairman, deputy chairman or other member],
- the Secretary of State may [^{F5}remove the member from office as chairman, deputy chairman or other member].

Textual Amendments

- F1** Words in Sch. 1 para. 5(1) inserted (19.1.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 3 para. 3\(2\)](#) (with [Sch. 3 para. 19](#)); S.I. 2010/30, art. 2(d)
- F2** Sch. 1 para. 5(4A) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 1 para. 3\(a\)](#); S.I. 2009/2232, art. 2(u)
- F3** Sch. 1 para. 5(5)(b) repealed (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 1 para. 3\(b\)\(i\)](#), [Sch. 8 Pt. 1](#); S.I. 2009/2232, art. 2(u)
- F4** Words in Sch. 1 para. 5(5)(c) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 1 para. 3\(b\)\(ii\)](#); S.I. 2009/2232, art. 2(u)
- F5** Words in Sch. 1 para. 5(5) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 1 para. 3\(b\)\(iii\)](#); S.I. 2009/2232, art. 2(u)

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- [^{F6}5A The Secretary of State may suspend a member from office as chairman, deputy chairman or other member of the Authority if it appears to him that one of the conditions in paragraph 5(5) is or may be satisfied in relation to the member.

Textual Amendments

F6 Sch. 1 paras. 5A, 5B inserted (19.1.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 3 para. 3\(3\)](#) (with [Sch. 3 para. 19](#)); [S.I. 2010/30](#), art. 2(d)

- 5B (1) This paragraph applies where the Secretary of State decides to suspend a member under paragraph 5A.
- (2) The Secretary of State must give notice to the member of the decision and the suspension takes effect on receipt by the member of the notice.
- (3) A notice under subsection (2) is treated as being received by the member—
- (a) in a case where it is delivered in person or left at the member's proper address, at the time at which it is delivered or left;
 - (b) in a case where it is sent by post to the member at that address, on the third day after the day on which it was posted.
- (4) The initial period of suspension must not exceed 6 months.
- (5) The Secretary of State may review the member's suspension at any time.
- (6) The Secretary of State must review the member's suspension if requested in writing by the member to do so, but need not carry out a review less than 3 months after the beginning of the initial period of suspension.
- (7) Following a review the Secretary of State may—
- (a) revoke the suspension, or
 - (b) suspend the member for another period of not more than 6 months from the expiry of the current period.
- (8) The Secretary of State must revoke the suspension if at any time—
- (a) he decides that neither of the conditions mentioned in paragraph 5(5) is satisfied, or
 - (b) he decides that either of those conditions is satisfied but does not remove the member from office as chairman, deputy chairman or other member of the Authority.]

Textual Amendments

F6 Sch. 1 paras. 5A, 5B inserted (19.1.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 3 para. 3\(3\)](#) (with [Sch. 3 para. 19](#)); [S.I. 2010/30](#), art. 2(d)

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