

**Changes to legislation:** There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Paragraph 1ZA. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### ACTIVITIES FOR WHICH LICENCES MAY BE GRANTED

##### Commencement Information

- II** Schedule 2 wholly in force at 1.8.1991 see s. 49(2) and [S.I. 1991/1400, art. 2\(2\)](#)

#### *[<sup>F1</sup>Embryo testing*

##### Textual Amendments

- F1** Sch. 2 paras. 1ZA-1ZC and cross-headings inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 2 para. 3](#); [S.I. 2009/2232, art. 2\(v\)](#)

- 1ZA (1) A licence under paragraph 1 cannot authorise the testing of an embryo, except for one or more of the following purposes—
- (a) establishing whether the embryo has a gene, chromosome or mitochondrion abnormality that may affect its capacity to result in a live birth,
  - (b) in a case where there is a particular risk that the embryo may have any gene, chromosome or mitochondrion abnormality, establishing whether it has that abnormality or any other gene, chromosome or mitochondrion abnormality,
  - (c) in a case where there is a particular risk that any resulting child will have or develop—
    - (i) a gender-related serious physical or mental disability,
    - (ii) a gender-related serious illness, or
    - (iii) any other gender-related serious medical condition,establishing the sex of the embryo,
  - (d) in a case where a person (“the sibling”) who is the child of the persons whose gametes are used to bring about the creation of the embryo (or of either of those persons) suffers from a serious medical condition which could be treated by umbilical cord blood stem cells, bone marrow or other tissue of any resulting child, establishing whether the tissue of any resulting child would be compatible with that of the sibling, and
  - (e) in a case where uncertainty has arisen as to whether the embryo is one of those whose creation was brought about by using the gametes of particular persons, establishing whether it is.
- (2) A licence under paragraph 1 cannot authorise the testing of embryos for the purpose mentioned in sub-paragraph (1)(b) unless the Authority is satisfied—
- (a) in relation to the abnormality of which there is a particular risk, and

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- (b) in relation to any other abnormality for which testing is to be authorised under sub-paragraph (1)(b),  
that there is a significant risk that a person with the abnormality will have or develop a serious physical or mental disability, a serious illness or any other serious medical condition.
- (3) For the purposes of sub-paragraph (1)(c), a physical or mental disability, illness or other medical condition is gender-related if the Authority is satisfied that—
  - (a) it affects only one sex, or
  - (b) it affects one sex significantly more than the other.
- (4) In sub-paragraph (1)(d) the reference to “other tissue” of the resulting child does not include a reference to any whole organ of the child.]

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