

SCHEDULES

SCHEDULE 3

CONSENTS TO USE ^{F1}OR STORAGE OF GAMETES, EMBRYOS OR HUMAN ADMIXED EMBRYOS ETC]

Textual Amendments

- F1** Words in Sch. 3 heading substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008](#) (c. 22), s. 68(2), [Sch. 3 para. 2](#); [S.I. 2009/2232](#), art. 2(w)

Commencement Information

- I1** Schedule 3 wholly in force at 1.8.1991 see s. 49(2) and [S.I. 1991/1400](#), art. 2(2)

^{F1}Creation, use and storage of human admixed embryos

Textual Amendments

- F1** Sch. 3 paras. 12-14 and cross-heading inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008](#) (c. 22), s. 68(2), [Sch. 3 para. 13](#); [S.I. 2009/2232](#), art. 2(w)

- 12 (1) A person's gametes or human cells must not be used to bring about the creation of any human admixed embryo *in vitro* unless there is an effective consent by that person to any human admixed embryo, the creation of which may be brought about with the use of those gametes or human cells, being used for the purposes of any project of research.
- (2) A human admixed 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 relevant person in relation to the human admixed embryo to the use of the human admixed embryo for the purposes of any project of research.
- (3) A human admixed embryo the creation of which was brought about *in vitro* must not be used for the purposes of a project of research unless—
- there is an effective consent by each relevant person in relation to the human admixed embryo to the use of the human admixed embryo for that purpose, and
 - the human admixed embryo is used in accordance with those consents.
- (4) If the Authority is satisfied that the parental consent conditions in paragraph 15 are met in relation to the proposed use under a licence of the human cells of a person who has not attained the age of 18 years (“C”), the Authority may in the licence authorise the application of sub-paragraph (5) in relation to C.
- (5) Where the licence authorises the application of this sub-paragraph, the effective consent of a person having parental responsibility for C—

Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Cross Heading: Creation, use and storage of human admixed embryos. (See end of Document for details)

- (a) to the use of C's human cells to bring about the creation of a human admixed embryo *in vitro* for use for the purposes of a project of research, or
 - (b) to the use for those purposes of a human admixed embryo in relation to which C is a relevant person by reason only of the use of C's human cells,

is to be treated for the purposes of sub-paragraphs (1) to (3) as the effective consent of C.
- (6) If C attains the age of 18 years or the condition in paragraph 15(3) ceases to be met in relation to C, paragraph 4 has effect in relation to C as if any effective consent previously given under sub-paragraphs (1) to (3) by a person having parental responsibility for C had been given by C but, subject to that, sub-paragraph (5) ceases to apply in relation to C.
- (7) Sub-paragraphs (1) to (3) have effect subject to paragraphs 16 and 20.
- 13 (1) A human admixed embryo the creation of which was brought about *in vitro* must not be kept in storage unless—
 - (a) there is an effective consent by each relevant person in relation to the human admixed embryo to the storage of the human admixed embryo, and
 - (b) the human admixed embryo is stored in accordance with those consents.
- (2) Where a licence authorises the application of paragraph 12(5) in relation to a person who has not attained the age of 18 years (“C”), the effective consent of a person having parental responsibility for C to the storage of a human admixed embryo in relation to which C is a relevant person by reason only of the use of C's human cells is to be treated for the purposes of sub-paragraph (1) as the effective consent of C.
- (3) If C attains the age of 18 years or the condition in paragraph 15(3) ceases to be met in relation to C, paragraph 4 has effect in relation to C as if any effective consent previously given under sub-paragraph (1) by a person having parental responsibility for C had been given by C but, subject to that, sub-paragraph (2) ceases to apply in relation to C.
- (4) Sub-paragraph (1) has effect subject to paragraphs 16 and 20.
- 14 For the purposes of paragraphs 12 and 13, each of the following is a relevant person in relation to a human admixed embryo the creation of which was brought about *in vitro* (“human admixed embryo A”)—
 - (a) each person whose gametes or human cells were used to bring about the creation of human admixed embryo A,
 - (b) each person whose gametes or human cells were used to bring about the creation of any embryo, the creation of which was brought about *in vitro*, which was used to bring about the creation of human admixed embryo A, and
 - (c) each person whose gametes or human cells were used to bring about the creation of any other human admixed embryo, the creation of which was brought about *in vitro*, which was used to bring about the creation of human admixed embryo A.]

Changes to legislation:

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Cross Heading: Creation, use and storage of human admixed embryos.