

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]Effect of acquiring capacity

Textual Amendments

- F1** Sch. 3 paras. 15-21 and cross-headings inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 14](#); [S.I. 2009/2232](#), art. 2(w)

- 19 (1) Paragraph 16 does not apply to the use of P's human cells to bring about the creation *in vitro* of an embryo or human admixed embryo if, at a time before the human cells are used for that purpose, P—
- has capacity to consent to their use, and
 - gives written notice to the person keeping the human cells that P does not wish them to be used for that purpose.
- (2) Paragraph 16 does not apply to the storage or use of an embryo or human admixed embryo whose creation *in vitro* was brought about with the use of P's human cells if, at a time before the embryo or human admixed embryo is used for the purposes of the project of research, P—
- has capacity to consent to the storage or use, and
 - gives written notice to the person keeping the human cells that P does not wish them to be used for that purpose.
- (3) In relation to Scotland, the references in sub-paragraphs (1)(a) and (2)(a) to P having capacity to consent are to be read as references to P not being incapable (within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000) of giving such consent.]

Changes to legislation:

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Cross Heading: Effect of acquiring capacity.