

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]Parental consent conditions

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)

- 15 (1) In relation to a person who has not attained the age of 18 years (“C”), the parental consent conditions referred to in paragraphs 6(3A) and 12(4) are as follows.
- (2) Condition A is that C suffers from, or is likely to develop, a serious disease, a serious physical or mental disability or any other serious medical condition.
- (3) Condition B is that either—
- C is not competent to deal with the issue of consent to the use of C's human cells to bring about the creation *in vitro* of an embryo or human admixed embryo for use for the purposes of a project of research, or
 - C has attained the age of 16 years but lacks capacity to consent to such use of C's human cells.
- (4) Condition C is that any embryo or human admixed embryo to be created *in vitro* is to be used for the purposes of a project of research which is intended to increase knowledge about—
- the disease, disability or medical condition mentioned in sub-paragraph (2) or any similar disease, disability or medical condition, or
 - the treatment of, or care of persons affected by, that disease, disability or medical condition or any similar disease, disability or medical condition.
- (5) Condition D is that there are reasonable grounds for believing that research of comparable effectiveness cannot be carried out if the only human cells that can be

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

used to bring about the creation *in vitro* of embryos or human admixed embryos for use for the purposes of the project are the human cells of persons who—

- (a) have attained the age of 18 years and have capacity to consent to the use of their human cells to bring about the creation *in vitro* of an embryo or human admixed embryo for use for the purposes of the project, or
- (b) have not attained that age but are competent to deal with the issue of consent to such use of their human cells.

(6) In relation to Scotland, sub-paragraphs (1) to (5) are to be read with the following modifications—

- (a) for sub-paragraph (3) substitute—

“(3) Condition B is that C does not have capacity (within the meaning of section 2(4ZB) of the Age of Legal Capacity (Scotland) Act 1991) to consent to the use of C's human cells to bring about the creation *in vitro* of an embryo or human admixed embryo for use for the purposes of a project of research.”,

- (b) in sub-paragraph (5)(a), for “have capacity to consent” substitute “ are not incapable (within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000) of giving consent ”, and
- (c) in sub-paragraph (5)(b), for “are competent to deal with the issue of” substitute “ have capacity (within the meaning of section 2(4ZB) of the Age of Legal Capacity (Scotland) Act 1991) to ”.]

Changes to legislation:

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Cross Heading: Parental consent conditions.