

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)

Variation and withdrawal of consent

- 4 (1) The terms of any consent under this Schedule may from time to time be varied, and the consent may be withdrawn, by notice given by the person who gave the consent to the person keeping the gametes^[F1], human cells, embryo or human admixed embryo[]] to which the consent is relevant.
- (2) ^[F2]Subject to sub-paragraph (3), the [[] terms of any consent to the use of any embryo cannot be varied, and such consent cannot be withdrawn, once the embryo has been used—
- in providing treatment services,
 - ^[F3](aa) in training persons in embryo biopsy, embryo storage or other embryological techniques, or[]]
 - for the purposes of any project of research.
- ^[F4](3) Where the terms of any consent to the use of an embryo (“embryo A”) include consent to the use of an embryo or human admixed embryo whose creation may be brought about *in vitro* using embryo A, that consent to the use of that subsequent embryo or human admixed embryo cannot be varied or withdrawn once embryo A has been used for one or more of the purposes mentioned in sub-paragraph (2)(a) or (b).
- (4) Subject to sub-paragraph (5), the terms of any consent to the use of any human admixed embryo cannot be varied, and such consent cannot be withdrawn, once the human admixed embryo has been used for the purposes of any project of research.
- (5) Where the terms of any consent to the use of a human admixed embryo (“human admixed embryo A”) include consent to the use of a human admixed embryo or embryo whose creation may be brought about *in vitro* using human admixed embryo A, that consent to the use of that subsequent human admixed embryo or embryo cannot be varied or withdrawn once human admixed embryo A has been used for the purposes of any project of research.]

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

Textual Amendments

- F1** Words in Sch. 3 para. 4(1) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 6\(2\)](#); S.I. 2009/2232, art. 2(w)
- F2** Words in Sch. 3 para. 4(2) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 6\(3\)\(a\)](#); S.I. 2009/2232, art. 2(w)
- F3** Sch. 3 para. 4(2)(aa) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 6\(3\)\(b\)](#); S.I. 2009/2232, art. 2(w)
- F4** Sch. 3 para. 4(3)–(5) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 6\(4\)](#); S.I. 2009/2232, art. 2(w)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 4 applied (with modifications) (29.10.2015) by [The Human Fertilisation and Embryology \(Mitochondrial Donation\) Regulations 2015 \(S.I. 2015/572\)](#), regs. 1, 16

Commencement Information

- II** Schedule 3 para. 4 wholly in force at 1.8.1991 see s. 49(2) and [S.I. 1991/1400](#), [art. 2\(2\)](#)

[^{F5}4A (1) This paragraph applies where—

- (a) a permitted embryo, the creation of which was brought about *in vitro*, is in storage,
 - (b) it was created for use in providing treatment services,
 - (c) before it is used in providing treatment services, one of the persons whose gametes were used to bring about its creation (“P”) gives the person keeping the embryo notice withdrawing P’s consent to the storage of the embryo, and
 - (d) the embryo was not to be used in providing treatment services to P alone.
- (2) The person keeping the embryo must as soon as possible take all reasonable steps to notify each interested person in relation to the embryo of P’s withdrawal of consent.
- (3) For the purposes of sub-paragraph (2), a person is an interested person in relation to an embryo if the embryo was to be used in providing treatment services to that person.
- (4) Storage of the embryo remains lawful until—
- (a) the end of the period of 12 months beginning with the day on which the notice mentioned in sub-paragraph (1) was received from P, or
 - (b) if, before the end of that period, the person keeping the embryo receives a notice from each person notified of P’s withdrawal under sub-paragraph (2) stating that the person consents to the destruction of the embryo, the time at which the last of those notices is received.
- (5) The reference in sub-paragraph (1)(a) to a permitted embryo is to be read in accordance with section 3ZA.]

Textual Amendments

- F5** Sch. 3 para. 4A inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 3 para. 7](#); S.I. 2009/2232, art. 2(w)

Changes to legislation:

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