

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}Renewal of consent to storage of gametes

Textual Amendments

- F1** Sch. 3 paras. 11A-11D and cross-headings inserted (1.7.2022) by [Health and Care Act 2022](#) (c. 31), s. 186(3), [Sch. 17 para. 7\(4\)](#) (with [Sch. 17 Pt. 2](#))

- 11B (1) For the purposes of paragraph 11A, each of the following is a “consent period”—
- the period of 10 years beginning with the relevant day, and
 - each successive period of 10 years.
- (2) In sub-paragraph (1)(a) “relevant day” means—
- the day on which the gametes are first placed in storage, or
 - in a case where sub-paragraph (3) or (5) applies, the day on which P gives consent to the storage of the gametes.
- (3) This sub-paragraph applies where the gametes are taken from or provided by P before P attains the age of 18 years and, at the time the gametes are first stored—
- P has not attained the age of 16 years and is not competent to deal with the issue of consent to storage of the gametes, or
 - P has attained that age but, although not lacking capacity to consent to the storage of the gametes, is not competent to deal with the issue of consent to their storage.
- (4) In relation to Scotland, sub-paragraph (3) is to be read as if, for paragraphs (a) and (b), there were substituted “P does not have capacity (within the meaning of section 2(4) of the Age of Legal Capacity (Scotland) Act 1991) to consent to storage of the gametes”.

Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Paragraph 11B. (See end of Document for details)

- (5) This sub-paragraph applies where the gametes are taken from or provided by P after P attains the age of 16 years and, at the time the gametes are first stored, P lacks capacity to consent to their storage.
- (6) In paragraph 11A “the renewal period”, in relation to a consent period, means the period which—
 - (a) begins 12 months before the end of the consent period, and
 - (b) ends 6 months after the end of the consent period.
- (7) In paragraph 11A “certified” means certified in writing by a registered medical practitioner.
- (8) In paragraph 11A and this paragraph, in relation to Scotland, references to a person lacking or having capacity to consent or renew consent are to be read as references to the person being or not being incapable (within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000) of consenting or renewing consent.]

Changes to legislation:

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Paragraph 11B.