

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]Cases where consent not required for storage

Textual Amendments

- F1** Sch. 3 paras. 9-11 and cross-heading inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008](#) (c. 22), s. 68(2), [Sch. 3 para. 12](#); [S.I. 2009/2232](#), art. 2(w)

- 9 (1) The gametes of a person (“C”) may be kept in storage without C's consent if the following conditions are met.
- (2) Condition A is that the gametes are lawfully taken from or provided by C before C attains the age of 18 years.
- (3) Condition B is that, before the gametes are first stored, a registered medical practitioner certifies in writing that C is expected to undergo medical treatment and that in the opinion of the registered medical practitioner—
- the treatment is likely to cause a significant impairment of C's fertility, and
 - the storage of the gametes is in C's best interests.
- (4) Condition C is that, at the time when the gametes are first stored, either—
- C has not attained the age of 16 years and is not competent to deal with the issue of consent to the storage of the gametes, or
 - C 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.
- (5) Condition D is that C has not, since becoming competent to deal with the issue of consent to the storage of the gametes—
- given consent under this Schedule to the storage of the gametes, or
 - given written notice to the person keeping the gametes that C does not wish them to continue to be stored.

Changes to legislation: *There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Paragraph 9. (See end of Document for details)*

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

(a) for sub-paragraph (4), substitute—

“(4) Condition C is that, at the time when the gametes are first stored, C does not have capacity (within the meaning of section 2(4) of the Age of Legal Capacity (Scotland) Act 1991) to consent to the storage of the gametes.”, and

(b) in sub-paragraph (5), for “becoming competent to deal with the issue of consent to the storage of the gametes” substitute “acquiring such capacity”.]

Changes to legislation:

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Paragraph 9.