

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

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3B

#### INSPECTION, ENTRY, SEARCH AND SEIZURE

##### Textual Amendments

- F1** Sch. 3B inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 5](#); [S.I. 2009/2232](#), art. 2(x)

##### *Supplementary provision*

- 8 (1) Power under this Schedule to enter and inspect or search any premises includes power to take such other persons and equipment as the person exercising the power reasonably considers necessary.
- (2) Power under this Schedule to inspect or search any premises includes, in particular—
- (a) power to inspect any equipment found on the premises,
  - (b) power to inspect and take copies of any [<sup>F2</sup>relevant documents or] records found on the premises, and
  - (c) in the case of premises to which a licence relates or premises which are relevant third party premises in relation to a licence, power to observe the carrying-on of the licensed activity on the premises.
- (3) Any power under this Schedule to enter, inspect or search premises includes power to require any person to afford such facilities and assistance with respect to matters under that person's control as are necessary to enable the power of entry, inspection or search to be exercised.

[ In this paragraph “relevant document” means a document relevant for the purposes of <sup>F3</sup>(4) ascertaining whether qualifying gametes or embryos imported from a third country meet standards of quality and safety equivalent to those laid down in this Act.]

##### Textual Amendments

- F2** Words in Sch. 3B para. 8(2)(b) inserted (6.3.2018 for specified purposes, 1.4.2018 in so far as not already in force) by [The Human Fertilisation and Embryology \(Amendment\) Regulations 2018 \(S.I. 2018/334\)](#), regs. 1(3), [5\(10\)](#)
- F3** Sch. 3B para. 8(4) inserted (6.3.2018 for specified purposes, 1.4.2018 in so far as not already in force) by [The Human Fertilisation and Embryology \(Amendment\) Regulations 2018 \(S.I. 2018/334\)](#), regs. 1(3), [5\(11\)](#)

- 9 (1) A person's right to exercise a power under this Schedule is subject to production of evidence of the person's entitlement to exercise it, if required.

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- (2) As soon as reasonably practicable after having inspected premises in pursuance of arrangements made under paragraph 2 or after having exercised a power under this Schedule to inspect or search premises, the duly authorised person shall—
- (a) prepare a written report of the inspection, or as the case may be, the inspection and search, and
  - (b) if requested to do so by the appropriate person, give the appropriate person a copy of the report.
- (3) In sub-paragraph (2), the “appropriate person” means—
- (a) in relation to premises to which a licence relates, the person responsible, or
  - (b) in relation to any other premises, the occupier.
- [ Sub-paragraph (5) applies [<sup>F5</sup>in relation to Northern Ireland] if the European
- <sup>F4</sup>(4) Commission or a competent authority in an EEA state <sup>F6</sup>... requests the Authority to provide it with a copy of a report or information on—
- (a) any inspection under paragraph 1 or 1A of records or documents,
  - (b) any inspection under paragraph 2 where the person to whom an application for authorisation relates also seeks a direction under section 24(4) authorising that person to import qualifying gametes or embryos into the United Kingdom from a third country, or
  - (c) any inspection under paragraph 3 of premises to which a licence held by an importing licensee relates or which are relevant third party premises in relation to an importing licensee.
- (5) The Authority must give a copy of the report or information to the person requesting it, unless the Authority considers that it would be inappropriate to do so in the particular circumstances of the case.]]

#### Textual Amendments

- F4** Sch. 3B para. 9(4)(5) inserted (6.3.2018 for specified purposes, 1.4.2018 in so far as not already in force) by [The Human Fertilisation and Embryology \(Amendment\) Regulations 2018 \(S.I. 2018/334\)](#), [regs. 1\(3\), 5\(12\)](#)
- F5** Words in Sch. 3B para. 9(4) inserted (31.12.2020) by [S.I. 2019/482](#), [reg. 2\(19\)\(c\)\(i\)](#) (as substituted by [The Human Fertilisation and Embryology \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1307\)](#), [regs. 1, 18](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F6** Words in Sch. 3B para. 9(4) omitted (31.12.2020) by [S.I. 2019/482](#), [reg. 2\(19\)\(c\)\(ii\)](#) (as substituted by [The Human Fertilisation and Embryology \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1307\)](#), [regs. 1, 18](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

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