



# Human Fertilisation and Embryology Act 1990

## 1990 CHAPTER 37

### *Licence conditions*

#### **13 Conditions of licences for treatment.**

- (1) The following shall be conditions of every licence under paragraph 1 of Schedule 2 to this Act.
- (2) Such information shall be recorded as the Authority may specify in directions about the following—
  - (a) the persons for whom services are provided in pursuance of the licence,
  - (b) the services provided for them,
  - (c) the persons whose gametes are kept or used for the purposes of services provided in pursuance of the licence or whose gametes have been used in bringing about the creation of embryos so kept or used,
  - (d) any child appearing to the person responsible to have been born as a result of treatment in pursuance of the licence,
  - (e) any mixing of egg and sperm and any taking of an embryo from a woman or other acquisition of an embryo, and
  - (f) such other matters as the Authority may specify in directions.
- (3) The records maintained in pursuance of the licence shall include any information recorded in pursuance of subsection (2) above and any consent of a person whose consent is required under Schedule 3 to this Act.
- (4) No information shall be removed from any records maintained in pursuance of the licence before the expiry of such period as may be specified in directions for records of the class in question.
- (5) A woman shall not be provided with treatment services <sup>F1</sup>... unless account has been taken of the welfare of any child who may be born as a result of the treatment

---

*Changes to legislation:* There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 13. (See end of Document for details)

---

(including the need of that child for [F<sup>2</sup>supportive parenting]), and of any other child who may be affected by the birth.

[F<sup>3</sup>(6) A woman shall not be provided with treatment services of a kind specified in Part 1 of Schedule 3ZA unless she and any man or woman who is to be treated together with her have been given a suitable opportunity to receive proper counselling about the implications of her being provided with treatment services of that kind, and have been provided with such relevant information as is proper.

(6A) A woman shall not be provided with treatment services after the happening of any event falling within any paragraph of Part 2 of Schedule 3ZA unless (before or after the event) she and the intended second parent have been given a suitable opportunity to receive proper counselling about the implications of the woman being provided with treatment services after the happening of that event, and have been provided with such relevant information as is proper.

(6B) The reference in subsection (6A) to the intended second parent is a reference to—

- (a) any man as respects whom the agreed fatherhood conditions in section 37 of the Human Fertilisation and Embryology Act 2008 (“the 2008 Act”) are for the time being satisfied in relation to treatment provided to the woman mentioned in subsection (6A), and
- (b) any woman as respects whom the agreed female parenthood conditions in section 44 of the 2008 Act are for the time being satisfied in relation to treatment provided to the woman mentioned in subsection (6A).

(6C) In the case of treatment services falling within paragraph 1 of Schedule 3ZA (use of gametes of a person not receiving those services) or paragraph 3 of that Schedule (use of embryo taken from a woman not receiving those services), the information provided by virtue of subsection (6) or (6A) must include such information as is proper about—

- (a) the importance of informing any resulting child at an early age that the child results from the gametes of a person who is not a parent of the child, and
- (b) suitable methods of informing such a child of that fact.

(6D) Where the person responsible receives from a person (“X”) notice under section 37(1)(c) or 44(1)(c) of the 2008 Act of X’s withdrawal of consent to X being treated as the parent of any child resulting from the provision of treatment services to a woman (“W”), the person responsible—

- (a) must notify W in writing of the receipt of the notice from X, and
- (b) no person to whom the licence applies may place an embryo or sperm and eggs in W, or artificially inseminate W, until W has been so notified.

(6E) Where the person responsible receives from a woman (“W”) who has previously given notice under section 37(1)(b) or 44(1)(b) of the 2008 Act that she consents to another person (“X”) being treated as a parent of any child resulting from the provision of treatment services to W—

- (a) notice under section 37(1)(c) or 44(1)(c) of the 2008 Act of the withdrawal of W’s consent, or
- (b) a notice under section 37(1)(b) or 44(1)(b) of the 2008 Act in respect of a person other than X,

the person responsible must take reasonable steps to notify X in writing of the receipt of the notice mentioned in paragraph (a) or (b).]

(7) Suitable procedures shall be maintained—

---

*Changes to legislation:* There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 13. (See end of Document for details)

---

- (a) for determining the persons providing gametes or from whom embryos are taken for use in pursuance of the licence, and
  - (b) for the purpose of securing that consideration is given to the use of practices not requiring the authority of a licence as well as those requiring such authority.
- [<sup>F4</sup>(8) Subsections (9) and (10) apply in determining any of the following—
- (a) the persons who are to provide gametes for use in pursuance of the licence in a case where consent is required under paragraph 5 of Schedule 3 for the use in question;
  - (b) the woman from whom an embryo is to be taken for use in pursuance of the licence, in a case where her consent is required under paragraph 7 of Schedule 3 for the use of the embryo;
  - (c) which of two or more embryos to place in a woman.
- (9) Persons or embryos that are known to have a gene, chromosome or mitochondrion abnormality involving a significant risk that a person with the abnormality will have or develop—
- (a) a serious physical or mental disability,
  - (b) a serious illness, or
  - (c) any other serious medical condition,
- must not be preferred to those that are not known to have such an abnormality.
- (10) Embryos that are known to be of a particular sex and to carry a particular risk, compared with embryos of that sex in general, that any resulting child will have or develop—
- (a) a gender-related serious physical or mental disability,
  - (b) a gender-related serious illness, or
  - (c) any other gender-related serious medical condition,
- must not be preferred to those that are not known to carry such a risk.
- (11) For the purposes of subsection (10), a physical or mental disability, illness or other medical condition is gender-related if—
- (a) it affects only one sex, or
  - (b) it affects one sex significantly more than the other.
- (12) No embryo appropriated for the purpose mentioned in paragraph 1(1)(ca) of Schedule 2 (training in embryological techniques) shall be kept or used for the provision of treatment services.
- (13) The person responsible shall comply with any requirement imposed on that person by section 31ZD.]

#### Textual Amendments

- F1** Words in s. 13(5) repealed (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 14(2)(a), 68(2), [Sch. 8 Pt. 1](#); [S.I. 2009/2232](#), art. 2(d)
- F2** Words in s. 13(5) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 14(2)(b), 68(2) (with s. 14(6)); [S.I. 2009/2232](#), art. 2(d)
- F3** S. 13(6)-(6E) substituted for s. 13(6) (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 14(3), 68(2); [S.I. 2009/479](#), art. 4(a) (with art. 7Sch.)

---

**Changes to legislation:** There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 13. (See end of Document for details)

---

- F4** S. 13(8)-(13) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 14(4), 68(2)**; [S.I. 2009/2232](#), art. 2(d)

---

**Commencement Information**

- I1** S. 13 wholly in force at 1.8.1991 see s. 49(2) and [S.I. 1991/1400](#), **art. 2(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 13.