



# Human Fertilisation and Embryology Act 1990

## 1990 CHAPTER 37

### *Licence conditions*

#### **14 Conditions of storage licences.**

- (1) The following shall be conditions of every licence [<sup>F1</sup>authorising the storage of gametes, embryos or human admixed embryos]—
- [<sup>F2</sup>(a) that gametes of a person shall be placed in storage only if—
- (i) received from that person,
  - (ii) acquired in circumstances in which by virtue of paragraph 9 or 10 of Schedule 3 that person's consent to the storage is not required, or
  - (iii) acquired from a person to whom a licence or third party agreement applies,
- (aa) that an embryo taken from a woman shall be placed in storage only if—
- (i) received from that woman, or
  - (ii) acquired from a person to whom a licence or third party agreement applies,
- (ab) that an embryo the creation of which has been brought about *in vitro* otherwise than in pursuance of that licence shall be placed in storage only if acquired from a person to whom a licence or third party agreement applies,
- (ac) that a human admixed embryo the creation of which has been brought about *in vitro* otherwise than in pursuance of that licence shall be placed in storage only if acquired from a person to whom a licence under paragraph 2 or 3 of Schedule 2 applies,]
- (b) that gametes or embryos which are or have been stored shall not be supplied to a person otherwise than in the course of providing treatment services unless that person is a person to whom a licence applies,
- [<sup>F3</sup>(ba) that human admixed embryos shall not be supplied to a person unless that person is a person to whom a licence applies,]
- [<sup>F4</sup>(c) that the requirements of subsection (3) (maximum storage periods) are met,]

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*Changes to legislation:* There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 14. (See end of Document for details)

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- [<sup>F5</sup>(ca) that any gametes, embryos or human admixed embryos that have been kept in storage pursuant to the licence must, once they may no longer lawfully be so kept, be removed from storage and disposed of, and]
- (d) that such information as the Authority may specify in directions as to the persons whose consent is required under Schedule 3 to this Act, the terms of their consent and the circumstances of the storage and as to such other matters as the Authority may specify in directions shall be included in the records maintained in pursuance of the licence.
- (2) No information shall be removed from any records maintained in pursuance of such a licence before the expiry of such period as may be specified in directions for records of the class in question.
- [<sup>F6</sup>(3) The requirements referred to in subsection (1)(c) are as follows—
- (a) gametes must not be kept in storage for longer than such period not exceeding 55 years beginning with the day on which they are first placed in storage as the licence may specify;
  - (b) an embryo must not be kept in storage for treatment purposes for longer than such period not exceeding 55 years beginning with the day on which it is first so kept as the licence may specify;
  - (c) an embryo that is kept in storage for the research or training purpose but not for treatment purposes must not be so kept for longer than such period not exceeding 10 years beginning with the day on which consent was given under Schedule 3 to the storage of the embryo for that purpose as the licence may specify;
  - (d) a human admixed embryo must not be kept in storage for longer than such period not exceeding 10 years beginning with the day on which it is first placed in storage as the licence may specify.
- (4) Where under Schedule 3 consent is given to the storage of an embryo for the training or research purpose by different persons on different days, the reference in subsection (3) (c) to the day on which consent was given is to be taken as a reference to the last of those days.
- (5) For the purposes of this section—
- (a) “treatment purposes” are purposes referred to in paragraph 2(1)(a) or (b) of Schedule 3;
  - (b) the “training purpose” is the purpose referred to in paragraph 2(1)(ba) of that Schedule;
  - (c) the “research purpose” is the purpose referred to in paragraph 2(1)(c) of that Schedule.]

#### Textual Amendments

- F1** Words in s. 14(1) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 15(2)(a)**, 68(2); [S.I. 2009/2232](#), art. 2(e)
- F2** S. 14(1)(a)-(ac) substituted for s. 14(1)(a) (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 15(2)(b)**, 68(2); [S.I. 2009/2232](#), art. 2(e)
- F3** S. 14(1)(ba) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 15(2)(c)**, 68(2); [S.I. 2009/2232](#), art. 2(e)
- F4** S. 14(1)(c) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(3), **Sch. 17 para. 2(2)** (with [Sch. 17 Pt. 2](#))

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**Changes to legislation:** There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 14. (See end of Document for details)

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- F5** S. 14(1)(ca) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(3), **Sch. 17 para. 5** (with [Sch. 17 Pt. 2](#))
- F6** S. 14(3)-(5) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(3), **Sch. 17 para. 2(3)** (with [Sch. 17 Pt. 2](#))

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**Commencement Information**

- I1** S. 14 wholly in force; s. 14 not in force at Royal Assent see s. 49(2); s. 14(5) in force for certain purposes at 8.7.1991 and s. 14 fully in force at 1.8.1991 by [S.I. 1991/1400](#), **art. 2(1)(a)(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 14.