



Human Fertilisation and Embryology Act 1990

1990 CHAPTER 37

Grant, revocation and suspension of licences

16 Grant of licence.

[^{F1}(1) The Authority may on application grant a licence to any person if the requirements of subsection (2) below are met.]

(2) The requirements mentioned in subsection (1) above are—

- (a) that the application is for a licence designating an individual as the person under whose supervision the activities to be authorised by the licence are to be carried on,
- (b) that either that individual is the applicant or—
 - (i) the application is made with the consent of that individual, and
 - (ii) the [^{F2}Authority] is satisfied that the applicant is a suitable person to hold a licence,

[^{F3}(c) in relation to a licence under paragraph 1 or 1A of Schedule 2 or a licence under paragraph 2 of that Schedule authorising the storage of gametes or embryos intended for human application [^{F4} or a licence under paragraph 3 of that Schedule authorising activities in connection with the derivation from embryos of stem cells that are intended for human application], that the individual—

- (i) possesses a diploma, certificate or other evidence of formal qualifications in the field of medical or biological sciences, awarded on completion of a university course of study, or other course of study recognised in the United Kingdom as equivalent, or is otherwise considered by the [^{F2}Authority] to be suitably qualified on the basis of academic qualifications in the field of nursing, and
- (ii) has at least two years' practical experience which is directly relevant to the activity to be authorised by the licence,

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- (ca) in relation to a licence under paragraph 2 of Schedule 2 authorising storage of gametes^{F5}, embryos or human admixed embryos] not intended for human application or a licence under paragraph 3 of that Schedule [^{F6}authorising activities otherwise than in connection with the derivation from embryos of stem cells that are intended for human application], that the [^{F2}Authority] is satisfied that the qualifications and experience of that individual are such as are required for the supervision of the activities,
 - (cb) that the [^{F2}Authority] is satisfied that the character of that individual is such as is required for the supervision of the activities and that the individual will discharge the duty under section 17 of this Act.]
 - ^{F3}(d) that the [^{F2}Authority] is satisfied that the premises in respect of which the licence is to be granted [^{F7}and any premises which will be relevant third party premises] are suitable for the activities, and
 - (e) that all the other requirements of this Act in relation to the granting of the licence are satisfied.
- (3) The grant of a licence to any person may be by way of renewal of a licence granted to that person, whether on the same or different terms.
- (4) Where the [^{F8}Authority] is of the opinion that the information provided in the application is insufficient to enable it to determine the application, it need not consider the application until the applicant has provided it with such further information as it may require him to provide.
- (5) The [^{F9}Authority] shall not grant a licence unless a copy of the conditions to be imposed by the licence has been shown to, and acknowledged in writing by, the applicant and (where different) the person under whose supervision the activities are to be carried on.

^{F10}(6)

^{F10}(7)

Textual Amendments

- F1** S. 16(1) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 16(2), 68(2)**; [S.I. 2009/2232](#), art. 2(f)
- F2** Word in s. 16(2) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 16(3)(a), 68(2)**; [S.I. 2009/2232](#), art. 2(f)
- F3** S. 16(2)(c)-(cb) substituted (25.5.2007 for certain purposes, otherwise 5.7.2007) for s. 16(2)(c) by [The Human Fertilisation and Embryology \(Quality and Safety\) Regulations 2007 \(S.I. 2007/1522\)](#), regs. 1, 19
- F4** Words in s. 16(2)(c) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 16(3)(b), 68(2)**; [S.I. 2009/2232](#), art. 2(f)
- F5** Words in s. 16(2)(ca) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 16(3)(c)(i), 68(2)**; [S.I. 2009/2232](#), art. 2(f)
- F6** Words in s. 16(2)(ca) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 16(3)(c)(ii), 68(2)**; [S.I. 2009/2232](#), art. 2(f)
- F7** Words in s. 16(2)(d) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 16(3)(d), 68(2)**; [S.I. 2009/2232](#), art. 2(f)
- F8** Word in s. 16(4) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 16(4), 68(2)**; [S.I. 2009/2232](#), art. 2(f)
- F9** Word in s. 16(5) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), **ss. 16(5), 68(2)**; [S.I. 2009/2232](#), art. 2(f)

Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 16. (See end of Document for details)

F10 S. 16(6)(7) repealed (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 16(6), 68(2), [Sch. 8 Pt. 1](#); S.I. 2009/2232, art. 2(f)

Commencement Information

I1 S. 16 wholly in force; s. 16 not in force at Royal Assent see s. 49(2); s. 16(1)(6) in force for certain purposes at 8.7.1991 and s. 16 fully in force at 1.8.1991 by s.I. 1991/1400, art. 2(1)(b)(c)(2)

Changes to legislation:

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 16.