



Human Fertilisation and Embryology Act 1990

1990 CHAPTER 37

Information

[^{F1}31ZD] Provision to donor of information about resulting children

- (1) This section applies where a person (“the donor”) has consented under Schedule 3 (whether before or after the coming into force of this section) to—
 - (a) the use of the donor's gametes, or an embryo the creation of which was brought about using the donor's gametes, for the purposes of treatment services provided under a licence, or
 - (b) the use of the donor's gametes for the purposes of non-medical fertility services provided under a licence.
- (2) In subsection (1)—
 - (a) “treatment services” do not include treatment services provided to the donor, or to the donor and another person together, and
 - (b) “non-medical fertility services” do not include any services involving partner-donated sperm.
- (3) The donor may by notice request the appropriate person to give the donor notice stating—
 - (a) the number of persons of whom the donor is not a parent but would or might, but for the relevant statutory provisions, be a parent by virtue of the use of the gametes or embryos to which the consent relates,
 - (b) the sex of each of those persons, and
 - (c) the year of birth of each of those persons.
- (4) Subject to subsections (5) to (7), the appropriate person shall notify the donor whether the appropriate person holds the information mentioned in subsection (3) and, if the appropriate person does so, shall comply with the request.

Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 31ZD. (See end of Document for details)

- (5) The appropriate person need not comply with a request under subsection (3) if the appropriate person considers that special circumstances exist which increase the likelihood that compliance with the request would enable the donor to identify any of the persons falling within paragraphs (a) to (c) of subsection (3).
- (6) In the case of a donor who consented as described in subsection (1)(a), the Authority need not comply with a request made to it under subsection (3) where the person who held the licence referred to in subsection (1)(a) continues to hold a licence under paragraph 1 of Schedule 2, unless the donor has previously made a request under subsection (3) to the person responsible and the person responsible—
- (a) has notified the donor that the information concerned is not held, or
 - (b) has failed to comply with the request within a reasonable period.
- (7) In the case of a donor who consented as described in subsection (1)(b), the Authority need not comply with a request made to it under subsection (3) where the person who held the licence referred to in subsection (1)(b) continues to hold a licence under paragraph 1A of Schedule 2, unless the donor has previously made a request under subsection (3) to the person responsible and the person responsible—
- (a) has notified the donor that the information concerned is not held, or
 - (b) has failed to comply with the request within a reasonable period.
- (8) In this section “the appropriate person” means—
- (a) in the case of a donor who consented as described in paragraph (a) of subsection (1)—
 - (i) where the person who held the licence referred to in that paragraph continues to hold a licence under paragraph 1 of Schedule 2, the person responsible, or
 - (ii) the Authority, and
 - (b) in the case of a donor who consented as described in paragraph (b) of subsection (1)—
 - (i) where the person who held the licence referred to in that paragraph continues to hold a licence under paragraph 1A of Schedule 2, the person responsible, or
 - (ii) the Authority.
- (9) In this section “the relevant statutory provisions” has the same meaning as in section 31ZA.]

Textual Amendments

F1 Ss. 31-31ZG substituted for s. 31 (6.4.2009 for specified purposes, 1.10.2009 for remaining purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), [ss. 24, 68\(2\)](#); [S.I. 2009/479](#), [art. 5\(d\)\(h\)](#) (with [art. 7 Sch.](#)); [S.I. 2009/2232](#), [art. 2\(k\)](#); for savings see [S.I. 2009/1892](#), art. 1(1)(b), Sch. 4 para. 13

Modifications etc. (not altering text)

C1 S. 31ZD applied (with modifications) (29.10.2015) by [The Human Fertilisation and Embryology \(Mitochondrial Donation\) Regulations 2015 \(S.I. 2015/572\)](#), [regs. 1, 14](#)

Changes to legislation:

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 31ZD.