



# Human Fertilisation and Embryology Act 1990

## 1990 CHAPTER 37

### *Information*

#### **[<sup>F1</sup>33B Consent required to authorise certain disclosures**

- (1) This section has effect for the purposes of section 33A(2)(h).
- (2) Subject to subsection (5), the consent required by this section is the consent of each individual who can be identified from the information.
- (3) Consent in respect of a person who has not attained the age of 18 years (“C”) may be given—
  - (a) by C, in a case where C is competent to deal with the issue of consent, or
  - (b) by a person having parental responsibility for C, in any other case.
- (4) Consent to disclosure given at the request of another shall be disregarded unless, before it is given, the person requesting it takes reasonable steps to explain to the individual from whom it is requested the implications of compliance with the request.
- (5) In the case of information which shows that any identifiable individual (“A”) was, or may have been, born in consequence of treatment services, the consent required by this section does not include A's consent if the disclosure is necessarily incidental to the disclosure of information falling within section 31(2)(a).
- (6) The reference in subsection (3) to parental responsibility is—
  - (a) in relation to England and Wales, to be read in accordance with the Children Act 1989;
  - (b) in relation to Northern Ireland, to be read in accordance with the Children (Northern Ireland) Order 1995;
  - (c) in relation to Scotland, to be read as a reference to parental responsibilities and parental rights within the meaning of the Children (Scotland) Act 1995.]

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**Changes to legislation:** There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 33B. (See end of Document for details)

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#### Textual Amendments

- F1** Ss. 33A-33D substituted for s. 33 (6.4.2009 for specified purposes, 1.10.2009 for specified purposes, 6.4.2010 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 25, 68(2); [S.I. 2009/479](#), art. 5(e)(h) (with art. 7 Sch.); [S.I. 2009/2232](#), art. 2(l); [S.I. 2010/987](#), **art. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 33B.