

*These notes refer to the Human Reproductive Cloning Act 2001
(c.23) which received Royal Assent on 4th December 2001*

HUMAN REPRODUCTIVE CLONING ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Offence

5. This section consists of three subsections.
6. *Subsection (1)* makes it an offence to place in a woman a human embryo that has been created by a method other than by fertilisation.
7. *Subsection (2)* provides that a person who is guilty of an offence under subsection (1) is liable on conviction on indictment to a term of imprisonment not exceeding 10 years or a fine or both.
8. *Subsection (3)* provides that proceedings in respect of the offence may not be instituted in England and Wales without the consent of the Director of Public Prosecutions and may not be instituted in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland. In Scotland all prosecutions are undertaken either by the procurator fiscal or the Lord Advocate and the Lord Advocate retains ultimate responsibility for, and supervision of, the system for prosecuting crime. There is therefore no need for provision relating to Scotland equivalent to that made for England and Wales and Northern Ireland by subsection (3).