

These notes refer to the Human Fertilisation and Embryology Act 2008 (c.22) which received Royal Assent on 13 November 2008

HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Amendments of Human Fertilisation and Embryology Act 1990

Section 14: Conditions of licences for treatment

Welfare of the Child

115. Section 13(5) of the 1990 Act requires that:

“A woman shall not be provided with treatment services, other than basic partner treatment services, unless account has been taken of the welfare of any child who may be born as a result of the treatment (including the need of that child for a father), and of any other child who may be affected by the birth.
116. The HFEA is required by section 25(2) of the 1990 Act to provide guidance on this duty, and does so in its Code of Practice to licence holders.
117. Section 14(2)(b) of the Act amends the reference to a child’s need for a father so that the licence condition to be imposed under section 13(5) of the 1990 Act will refer instead to the child’s need for “supportive parenting”. Section 23 makes the same amendment to section 25(2) which concerns the guidance to be given about that licence condition. Section 13(5) as amended will therefore require licence holders, before providing treatment services, to consider the welfare of a child who may be born as a result of the treatment (including the need of that child for supportive parenting) and the welfare of any other child who may be affected by the birth. This will continue to be a matter on which the HFEA must provide guidance.
118. [Section 14\(6\)](#) makes transitional arrangements so that licences which are in force at the date of commencement of the amendment made by section 14(2)(b) will have effect as if they include the condition relating to consideration of welfare.