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STATUTORY INSTRUMENTS

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**1991 No. 1540**

**HUMAN FERTILISATION AND EMBRYOLOGY**

**The Human Fertilisation and Embryology  
(Statutory Storage Period) Regulations 1991**

<i>Made</i>	- - - -	<i>8th July 1991</i>
<i>Laid before Parliament</i>		<i>11th July 1991</i>
<i>Coming into force</i>	- -	<i>1st August 1991</i>

The Secretary of State, in exercise of the powers conferred by sections 14(5) and 45 of the Human Fertilisation and Embryology Act 1990<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Human Fertilisation and Embryology (Statutory Storage Period) Regulations 1991 and shall come into force on 1st August 1991.

**Extension of statutory storage period for gametes**

2.—(1) In the circumstances specified in paragraph (2) below, section 14(3) of the Human Fertilisation and Embryology Act 1990 (statutory storage period in respect of gametes) shall have effect in respect of any gametes as if for ten years there were substituted the appropriate period specified in the Schedule to these Regulations.

(2) The circumstances referred to in paragraph (1) are that the gametes were provided by a person

- (a) whose fertility since providing them has or is likely to become, in the written opinion of a registered medical practitioner, significantly impaired,
- (b) who was aged under 45 on the date on which the gametes were provided, and
- (c) who does not consent to the gametes' being used for the purpose of providing treatment services to persons other than that person, or that person and another together, and never has so consented while the gametes were ones to which this regulation applied.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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8th July 1991

*William Waldegrave*  
One of Her Majesty's Principal Secretaries of  
State

## SCHEDULE

Regulation 2(1)

The appropriate period mentioned in Regulation 2(1) in respect of any gametes is the period of years specified in the second column of this Schedule corresponding to the age, specified in the first column of this Schedule, of the person who provided the gametes on the date on which they were provided.

Column 1 Age of person providing gametes on date when they were provided:	Column 2 Appropriate period (in years):
16 or under	39
17	38
18	37
19	36
20	35
21	34
22	33
23	32
24	31
25	30
26	29
27	28
28	27
29	26
30	25
31	24
32	23
33	22
34	21
35	20
36	19
37	18
38	17
39	16
40	15
41	14
42	13
43	12
44	11

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide that where a person who has provided gametes becomes infertile, or is likely to, the gametes may (in the circumstances laid down in the Regulations) be stored for a period longer than the period of 10 years for which gametes may ordinarily be stored. The storage period can be extended in this way only if the person who provided the gametes was aged under 45 at the time.

Gametes stored for an extended period in accordance with these Regulations may not be used for providing treatment services except to the person who provided them, or that person and another together.

The usual 10-year maximum storage period is laid down by section 14(3) of the Human Fertilisation and Embryology Act 1990. The extended period is specified in the Schedule to the Regulations and depends upon how old the person was when the gametes were provided.