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STATUTORY INSTRUMENTS

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**1996 No. 375**

**HUMAN FERTILISATION AND EMBRYOLOGY**

**The Human Fertilisation and Embryology (Statutory  
Storage Period for Embryos) Regulations 1996**

<i>Made</i>	- - - -	<i>22nd February 1996</i>
<i>Laid before Parliament</i>		<i>23rd February 1996</i>
<i>Coming into force</i>	- -	<i>1st May 1996</i>

The Secretary of State, in exercise of the powers conferred on him 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, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Human Fertilisation and Embryology (Statutory Storage Period for Embryos) Regulations 1996 and shall come into force on 1st May 1996.

(2) In these Regulations—

“the Act” means the Human Fertilisation and Embryology Act 1990;

“the relevant date” is either 1st August 1991 or the date on which the embryo in question is first placed in storage, whichever is the later;

“the relevant persons” means the two persons whose gametes are used to bring about the creation of an embryo; and

“the woman being treated” means the woman in whom, at the relevant date, it is intended that such an embryo may be placed, whether or not she is one of the relevant persons.

**Extension of statutory storage period in respect of embryos**

**2.**—(1) In the circumstances specified in paragraph (2) below, section 14(4) of the Act (statutory storage period in respect of embryos) shall have effect as if for five years there were substituted the appropriate period specified in the Schedule to these Regulations.

(2) Those circumstances are that—

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(1) 1990 c. 37.

- (a) each of the relevant persons has confirmed in writing that that person has no objection to any embryo which is created using gametes provided by that person being stored for a period in excess of five years for use in the provision of treatment services;
  - (b) the woman being treated is aged under 50 on the relevant date and the treatment in question would not result in her being a surrogate mother within the meaning of section 1(2) of the Surrogacy Arrangements Act 1985(2); and
  - (c) in the written opinion of two registered medical practitioners, one of the relevant persons, or, where she is not one of those persons, the woman being treated, has or is likely to become prematurely and completely infertile.
- (3) In the circumstances mentioned in paragraph (4) below, section 14(4) of the Act shall have effect as if for five years there were substituted—
- (a) if the woman being treated is aged 45 or under on the relevant date, ten years; or
  - (b) if she is aged 46 or over, the appropriate period specified in the Schedule to these Regulations.
- (4) Those circumstances are—
- (a) the circumstances specified in paragraph (2)(a) and (b) above; and
  - (b) that in the written opinion of a registered medical practitioner one of the relevant persons or, where she is not one of those persons, the woman being treated—
    - (i) has, or is likely to develop, significantly impaired fertility, or
    - (ii) has a gene or genes such that a child born with that gene or those genes may suffer from such physical or mental abnormalities as to be seriously disabled.

Signed by authority of the Secretary of State for Health

22nd February 1996

*John Horam*  
Parliamentary Under Secretary of State  
Department of Health

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(2) 1985 c. 49; section 1 was amended by section 36 of the Human Fertilisation and Embryology Act 1990 (c. 37).

## SCHEDULE

Regulation 2(1) and (3)

The appropriate period mentioned in regulation 2(1) and (3) in respect of any embryo is the period of years specified in the second column of this Schedule corresponding to the age on the relevant date of the woman being treated and which is specified in the first column of this Schedule.

<i>Column 1</i>	<i>Column 2</i>
Age on relevant date of the woman being treated	Appropriate period (in years)
16	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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**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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<i>Column 1</i>	<i>Column 2</i>
Age on relevant date of the woman being treated	Appropriate period (in years)
45	10
46	9
47	8
48	7
49	6

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### EXPLANATORY NOTE

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

These Regulations provide for embryos to be stored in certain circumstances for longer than the period of 5 years laid down by section 14(4) of the Human Fertilisation and Embryology Act 1990.

Both of the persons whose gametes are used to create the embryos to be stored are required to confirm in writing that they do not object to extended storage for the purposes of future treatment. The woman in whom any such embryo may be placed must be under 50 when storage commences.

Where, in the opinion of two medical practitioners, the woman in whom the embryo may be placed, or, where she is not one of the persons whose gametes are used to create the embryo, one of those persons, is, or is likely to become, completely infertile prematurely, the storage period is extended until that woman is 55.

Where in the opinion of a single medical practitioner, the woman in whom the embryo may be placed, or, where she is not one of the persons whose gametes are used to create the embryo, one of those persons, has or is likely to have significantly impaired fertility or has a significant genetic defect, the storage period is extended to 10 years, or until that woman is 55, whichever period is the shorter.