
STATUTORY INSTRUMENTS

2009 No. 1582

The Human Fertilisation and Embryology (Statutory Storage Period for Embryos and Gametes) Regulations 2009

PART 4

Transitionals, Revocations and Saving

Transitional provision for embryos: original storage period

5.—(1) In regulations 5 and 6 “original storage period” means the five year statutory storage period under section 14(4) of the Act prior to its amendment by the Human Fertilisation and Embryology Act 2008(1).

(2) Except where regulation 6 applies, this paragraph applies to an embryo that is in storage on the date that these Regulations come into force in relation to which the original storage period has not expired.

(3) Where paragraph (2) applies the statutory storage period for the embryo in question shall be—

- (a) subject to paragraph (6), where the circumstances in paragraph (4) are met, the period beginning with the date on which the embryo was first placed in storage and ending ten years after the date of the most recent written opinion given under sub-paragraph (b) of paragraph (4); or
- (b) ten years where those circumstances are not met.

(4) The circumstances referred to in sub-paragraph (a) of paragraph (3) are that—

- (a) the relevant persons have consented in writing whether before or after the coming into force of these Regulations to the embryo in question being stored for a period in excess of ten years for the provision of treatment services; and
- (b) on any day within the relevant period, but after the coming into force of these Regulations, a registered medical practitioner has given a written opinion that one of the relevant persons, or, where they are not one of those persons, the person to be treated, is prematurely infertile or is likely to become prematurely infertile.

(5) For the purposes of sub-paragraph (b) of paragraph (4), “the relevant period” means—

- (a) five years from the date that the embryo in question was first placed in storage; or
- (b) if later, ten years from the date the most recent previous written opinion was given under sub-paragraph (b) of paragraph (4).

(6) Where the statutory storage period calculated in accordance with sub-paragraph (a) of paragraph (3) would be greater than fifty five years, the statutory storage period for the purpose of that sub-paragraph shall be fifty five years.

Status: *This is the original version (as it was originally made).*
