
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 gametes: statutory storage period

7.—(1) Except where regulation 8 applies, this paragraph applies to any gamete that is in storage on the date that these Regulations come into force.

(2) Where paragraph (1) applies, the statutory storage period for any gamete shall be—

(a) subject to paragraph (5), where the circumstances in paragraph (3) are met, the period beginning with the date on which the gamete 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 (3); or

(b) ten years where those circumstances are not met.

(3) The circumstances referred to in sub-paragraph (a) of paragraph (2) are that—

(a) the person who provided the gamete in question has consented in writing, whether before or after the coming into force of these Regulations, to the gamete 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 the gamete provider, or, where they are not that person, the person to be treated, is prematurely infertile or is likely to become prematurely infertile.

(4) For the purposes of sub-paragraph (b) of paragraph (3), “the relevant period” means ten years from the date that—

(a) the gamete in question was first placed in storage; or

(b) if later, the most recent previous written opinion was given under sub-paragraph (b) of paragraph (3).

(5) Where the statutory storage period calculated in accordance with sub-paragraph (a) of paragraph (2) would be greater than fifty five years, the statutory storage period for the purpose of that paragraph shall be fifty five years.