

---

STATUTORY INSTRUMENTS

---

**2009 No. 1891**

**The Human Fertilisation and  
Embryology (Appeals) Regulations 2009**

**PART 3**

**Advisers to the Committee**

**Appointment of advisers to the Committee**

**10.** The Authority may make arrangements to appoint one or more advisers to the Committee as it deems appropriate from time to time.

**Functions of advisers**

**11.**—(1) At the request of the Chair an adviser may attend any meeting of the Committee or any hearing before the Committee.

(2) The function of an adviser shall be to—

- (a) advise the Committee on any areas within the adviser's expertise; and
- (b) intervene to advise the Committee on an issue where it appears that without an intervention there is the possibility of an error being made.

(3) At the request of the Chair, an adviser who is present at a meeting or hearing referred to in paragraph (1) may be present during the private deliberations of the Committee, but the adviser shall not participate in the decision making of the Committee (and is not entitled to vote).

**Requirement to give or repeat advice in public**

**12.**—(1) Subject to paragraph (2), any advice tendered by an adviser at a hearing shall be tendered in the presence of each of the parties in attendance at the hearing.

(2) Where the Committee has begun to deliberate on its decision and needs to obtain advice in the course of its deliberations, an adviser may tender advice to the Committee notwithstanding the absence of the parties.

(3) Where the advice is tendered in the absence of the parties in accordance with paragraph (2)—

- (a) the adviser shall repeat the advice tendered to the Committee before the parties in attendance at the hearing; and
- (b) the parties in attendance at the hearing shall be provided with reasonable opportunity to comment on the advice given by the adviser, before the Committee makes its decision on the issue under consideration.

**Requirement to keep records of advice and interventions**

**13.**—(1) The Chair shall ensure that a written record is kept of any advice tendered to the Committee by an adviser.

(2) The Chair shall ensure that a written record is kept of any interventions made by an adviser during the private deliberations of the Committee.

(3) The Chair shall ensure that a copy of any advice tendered by an adviser to the Committee is sent to the parties to the proceedings.

**Advice of an adviser not accepted by the Committee**

**14.** Where any advice tendered by an adviser to the Committee is not accepted by the Committee—

- (a) if the advice is tendered at a hearing before the Committee, the Chair shall announce the reasons for not accepting the advice tendered;
- (b) the Chair shall ensure that a written record is kept of the advice tendered, and the reasons why the Committee did not accept that advice; and
- (c) a copy of the record of the advice tendered and the reasons why the Committee did not accept that advice shall be sent to the parties.

**Questioning of witnesses by advisers**

**15.** An adviser advising the Committee in accordance with these Regulations may, with the permission of the Chair, question any witness appearing before the Committee.