

SCHEDULE 3

Article 3

Other Consequential Amendments Not Relating to Parenthood

Data Protection (Miscellaneous Subject Access Exemptions) Order 2000

1. For Part 1 of the Schedule to the Data Protection (Miscellaneous Subject Access Exemptions) Order 2000(1) (enactments and instruments extending to the United Kingdom) substitute—

“Part 1

Enactments and Instruments Extending to the United Kingdom

Human fertilisation and embryology: information.

Sections 31, 31ZA to 31ZE and 33A to 33D of the Human Fertilisation and Embryology Act 1990(2).”.

Genetically Modified Organisms (Contained Use) Regulations 2000

2. Regulation 2 of the Genetically Modified Organisms (Contained Use) Regulations 2000(3) (interpretation) is amended as follows—

- (a) in the definition of “organism” for “or a human embryo” substitute “, human embryo or human admixed embryo”; and
- (b) after the definition of “genetic modification” insert—

““human admixed embryo” has the same meaning as it has in the Human Fertilisation and Embryology Act 1990 by virtue of section 4A(6) and (11) of that Act(4);

“human embryo” means an embryo within the meaning given in the provisions of the Human Fertilisation and Embryology Act 1990(5) (apart from section 4A) by virtue of section 1(1) and (6) of that Act;”.

Private and Voluntary Health Care (England) Regulations 2001

3.—(1) The Private and Voluntary Health Care (England) Regulations 2001(6) are amended as follows.

(2) In regulation 3(2)(d) (prescribed techniques or technology and exceptions to the definition of independent hospital) at the end add “as amended by the Human Fertilisation and Embryology Act 2008(7)”.

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- (1) S.I. 2000/419; there are no relevant amending instruments.
 - (2) 1990 c. 37. Section 31 was substituted by and sections 31ZA to 31ZE were inserted into the 1990 Act by section 24 of the Human Fertilisation and Embryology Act 2008 (c. 22). Sections 33A to 33D were inserted into the 1990 Act by section 25 of the 2008 Act.
 - (3) S.I. 2000/2831; there are no relevant amending instruments.
 - (4) 1990 c. 37. Section 4A was inserted into the 1990 Act by section 4 of the Human Fertilisation and Embryology Act 2008 (c. 22) (“the 2008 Act”).
 - (5) Section 1(1) was substituted by section 1(2) of the 2008 Act and section 1(6) was inserted into the 1990 Act by section 1(5) of the 2008 Act.
 - (6) S.I. 2001/3968; sub-paragraph (d) was inserted into regulation 3(2) by regulation 3(b) of S.I. 2008/2352.
 - (7) 2008 c. 22. Relevant amendments have been made to paragraph 1 of Schedule 2 to the 1990 Act by section 11 and Schedule 2 to the 2008 Act.

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

(3) In paragraph 2(f) of Schedule 3 Part II (records to be maintained for inspection) for “section 33(5)” to the end substitute “section 33A(1)(e), (f) and (g) of the Human Fertilisation and Embryology Act 1990(8) (disclosure of information).”.

Private and Voluntary Health Care (Wales) Regulations 2002

4.—(1) The Private and Voluntary Health Care (Wales) Regulations 2002(9) are amended as follows.

(2) In regulation 3(1)(f) (meaning of “independent hospital”) at the end add “as amended by the Human Fertilisation and Embryology Act 2008(10)”.

(3) In paragraph 2(f) of Schedule 3 Part II (records to be maintained for inspection) for “section 33(5)” substitute “section 33A(1)(e), (f) and (g) of the Human Fertilisation and Embryology Act 1990(11) (disclosure of information).”.

Genetically Modified Organisms (Deliberate Release) Regulations 2002

5. In regulation 2 of the Genetically Modified Organisms (Deliberate Release) Regulations 2002(12) (interpretation), insert the following definitions in the appropriate alphabetical place—

““biological matter” means anything (other than an entity mentioned in the definition of organism) which consists of or includes—

- (a) tissue or cells (including gametes or propagules) or subcellular entities, of any kind, capable of replication or of transferring genetic material, or
- (b) genes or other genetic material, in any form, which are so capable,

and it is immaterial, in determining if something is or is not biological matter, whether it is the product of natural or artificial processes of reproduction or whether or not it has ever been part of a whole organism;”;

“human admixed embryo” has the same meaning as it has in the Human Fertilisation and Embryology Act 1990 by virtue of section 4A(6) and (11) of that Act(13);

“human embryo” means an embryo within the meaning given in the provisions of the Human Fertilisation and Embryology Act 1990(14) (apart from section 4A) by virtue of section 1(1) and (6) of that Act; and

“organism” means any acellular, unicellular or multicellular entity (in any form and whether or not it is the product of natural or artificial processes of reproduction), other than humans, human embryos or human admixed embryos; and, unless the context otherwise requires, the term also includes any article or substance consisting of or including biological matter;”.

(8) 1990 c. 37. Section 33 of the 1990 Act was substituted by section 33A of the Human Fertilisation and Embryology Act 2008 (c. 22).

(9) S.I. 2002/325 (W 38); there are no relevant amending instruments.

(10) 2008 c. 22. Relevant amendments have been made to paragraph 1 of Schedule 2 to the 1990 Act by section 11 and Schedule 2 to the 2008 Act.

(11) 1990 c. 37. Section 33 of the 1990 Act was substituted by section 33A of the Human Fertilisation and Embryology Act 2008 (c. 22).

(12) S.I. 2002/2443; there are no relevant amending instruments.

(13) 1990 c. 37. Section 4A was inserted into the 1990 Act by section 4 of the Human Fertilisation and Embryology Act 2008 (c. 22) (“the 2008 Act”).

(14) Section 1(1) was substituted by section 1(2) of the 2008 Act and section 1(6) was inserted into the 1990 Act by section 1(5) of the 2008 Act.

Human Fertilisation and Embryology Authority (Disclosure of Donor Information) Regulations 2004

6.—(1) The Human Fertilisation and Embryology Authority (Disclosure of Donor Information) Regulations 2004⁽¹⁵⁾ are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) for the definition of “applicant” substitute ““applicant” means a person who has requested information under section 31ZA of the Act⁽¹⁶⁾”; and

(b) at the end insert—

““sperm”, “eggs” or “embryos” have the same meaning as they have by virtue of section 1(1), (4) and (6) of the Act in the other provisions of the Act (apart from section 4A)⁽¹⁷⁾”.

(3) In regulation 2 (information that the Authority is required to give)—

(a) for paragraph (1) substitute—

“(1) Subject to paragraphs (3A) and (4), the information contained in the register which the Authority is required to give an applicant by virtue of section 31ZA(2)(a) of the Act is any information to which paragraph (2) or (3) applies.”; and

(b) after paragraph (3) insert—

“(3A) Where a request is made under section 31ZA(2)(a) of the Act and the applicant has not attained the age of 18 when the applicant gives notice to the Authority under section 31ZA(1) of the Act, the information that the Authority is required to give the applicant is the information to which paragraph (2) applies (and accordingly not information from which the donor may be identified).”.

Human Tissue (Quality and Safety for Human Application) Regulations 2007

7. In regulation 5(3) of the Human Tissue (Quality and Safety for Human Application) Regulations 2007⁽¹⁸⁾ (interpretation of other terms) after the final reference to “Regulations” insert “and the Human Fertilisation and Embryology Act 2008⁽¹⁹⁾”.

Human Fertilisation and Embryology (Quality and Safety) Regulations 2007

8. In regulation 1(4) of the Human Fertilisation and Embryology (Quality and Safety) Regulations 2007⁽²⁰⁾ (citation, commencement and interpretation) after the final reference to “Regulations” insert “and the Human Fertilisation and Embryology Act 2008⁽²¹⁾”.

⁽¹⁵⁾ S.I. 2004/1511; there are no relevant amending instruments.

⁽¹⁶⁾ Section 31ZA was inserted into the Act by section 24 of the Human Fertilisation and Embryology Act 2008 (c. 22) (“the 2008 Act”).

⁽¹⁷⁾ Relevant amendments have been made to section 1 of the Act by section 1 of the 2008 Act.

⁽¹⁸⁾ S.I. 2007/1523; there are no relevant amending instruments.

⁽¹⁹⁾ 2008 c. 22. Paragraph 24 of Schedule 7 to the 2008 Act amended section 54 of the Human Tissue Act (c. 30).

⁽²⁰⁾ S.I. 2007/1522; there are no relevant amending instruments.

⁽²¹⁾ 2008 c. 22.