
STATUTORY INSTRUMENTS

2012 No. 2996

The National Health Service Commissioning
Board and Clinical Commissioning Groups
(Responsibilities and Standing Rules) Regulations 2012

PART 3

Services to be commissioned by the Board

Infertility treatment: further provision

9.—(1) Where a person referred to in regulation 7(1)(a) or 8(1)—

- (a) has died or has become mentally incapacitated; and
- (b) has, before the time of that person's death or mental incapacity—
 - (i) made provision for sperm storage, and
 - (ii) given written consent to the stored sperm being used by a named partner,

the Board must arrange, to such extent as it considers necessary to meet all reasonable requirements, for the provision as part of the health service of infertility treatment to that person's named partner.

(2) The infertility treatment referred to in paragraph (1) must—

- (a) in any case, include funding the cost of sperm storage facilities from the date on which the person died or, as the case may be, became mentally incapacitated; and
- (b) where, and to the extent that, the Board is satisfied that it is clinically appropriate in the circumstances of any particular case, include up to three cycles of in vitro fertilisation treatments and other means of assisted conception.

(3) Where infertility treatment is provided by the Board under paragraph (1) to the named partner of a person referred to in regulation 8(1), that treatment must be provided at the same facility at which specialist sperm retrieval took place in relation to that person and at which that person's extracted sperm has been stored.