
STATUTORY INSTRUMENTS

2018 No. 1413

HUMAN FERTILISATION AND EMBRYOLOGY

The Human Fertilisation and Embryology
Act 2008 (Remedial) Order 2018

Made - - - - 20th December 2018

Coming into force in accordance with article 1(1)

Section 54(1) and (2) of the Human Fertilisation and Embryology Act 2008⁽¹⁾ have been declared to be incompatible with a Convention right under section 4 of the Human Rights Act 1998⁽²⁾.

The time for bringing an appeal has expired and no appeal was made within that time.

The Secretary of State considers that there are compelling reasons for proceeding by way of a remedial Order under section 10 of the Human Rights Act 1998 to make such amendments to the Human Fertilisation and Embryology Act 2008 as are necessary to remove that incompatibility.

In accordance with paragraph 2(a) of Schedule 2 to the Human Rights Act 1998⁽³⁾, a draft of this instrument was laid before Parliament and was approved by resolution of each House of Parliament, a document containing a draft of this instrument having previously been laid before Parliament in accordance with paragraph 3(1) of that Schedule.

Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by section 10(2) of, and paragraph 1(1)(a), (c) and (d), (2) and (3) of Schedule 2 to, the Human Rights Act 1998.

(1) 2008 c. 22.

(2) 1998 c. 42. Section 4 was amended by paragraph 66(2) of Schedule 9 to the Constitutional Reform Act 2005 (c. 4); paragraph 156 of Schedule 16 to the Armed Forces Act 2006 (c. 52); paragraph 43 of Schedule 6 to the Mental Capacity Act 2005 (c. 9) and paragraph 5(5) of Schedule 14 to the Crime and Courts Act 2013 (c. 22). The declaration of incompatibility was made in *In the matter of Z (A Child) (No 2)* on 16th May 2016 as set out in the judgment of 20th May 2016 ([2016] EQHC 1191 (Fam)).

(3) Schedule 2 was amended by S.I. 2000/2040.