

SCHEDULE 2

Amendments to subordinate legislation consequential on the coming into force of section 54A of the Human Fertilisation and Embryology Act 2008

Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015

14.—(1) The Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015⁽¹⁾ are amended as follows.

(2) In regulation 10 (modification of certain enactments for cases where mitochondrial donation has occurred) for “18” substitute “18A”.

(3) After regulation 18 insert—

“Modification of section 54A of the Human Fertilisation and Embryology Act 2008

18A. In a case where this regulation has effect, section 54A of the Human Fertilisation and Embryology Act 2008 applies as if after subsection (1) there were inserted—

“(1A) For the purposes of this section, neither of the following is to be treated as a person whose gametes were used to create an embryo (“embryo E”)—

- (a) where embryo E is a permitted embryo by virtue of regulations under section 3ZA(5) of the 1990 Act, the person whose mitochondrial DNA (not nuclear DNA) was used to bring about the creation of embryo E;
- (b) where embryo E has been created by the fertilisation of an egg which was a permitted egg by virtue of regulations under section 3ZA(5) of the 1990 Act, the person whose mitochondrial DNA (not nuclear DNA) was used to bring about the creation of that permitted egg.””

(1) [S.I. 2015/572](#).