
STATUTORY INSTRUMENTS

2020 No. 566

The Human Fertilisation and Embryology
(Statutory Storage Period for Embryos and
Gametes) (Coronavirus) Regulations 2020

PART 3

Amendments to the 2009 Regulations

5. The 2009 Regulations are amended in accordance with regulations 6 to 10.

Amendment of regulation 2 (interpretation)

6. In regulation 2—

- (a) after the definition of “the 1996 Regulations” insert—

““the 2020 Regulations” means the Human Fertilisation (Statutory Storage Period for Embryos and Gametes) (Coronavirus) Regulations 2020;”;

- (b) after the definition of “the Act” insert—

““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2);”.

Amendment of regulation 3 (extension of statutory storage period for premature infertility)

- 7.—(1) In regulation 3(1)(1), for “For the purpose of” substitute “Subject to paragraphs (6) and (7), for the purpose of”.

- (2) In regulation 3(2), after “subject to paragraph (4)” insert “and regulation 3A”.

- (3) After regulation 3(5) insert—

“(6) Where the statutory storage period for an embryo has been extended under regulation 3 of the 2020 Regulations, paragraph (1) applies as if “relevant period” means—

- (a) where the statutory storage period for the embryo has not previously been extended under paragraph (2), twelve years from the date that the embryo in question was first placed in storage;

- (b) where the statutory storage period for the embryo has previously been extended under paragraph (2)—

(i) twelve years from the date that the embryo in question was first placed in storage, or

(ii) if later, ten years from the date that the most recent previous written opinion was given under sub-paragraph (b) of paragraph (3).

(7) Where the statutory storage period for an embryo has been extended under regulation 3A, paragraph (1) applies as if “relevant period” means—

- (a) where the most recent previous written opinion given under sub-paragraph (b) of paragraph (3) was given before 1st July 2020, twelve years from the date of that opinion;
- (b) where the most recent previous written opinion given under sub-paragraph (b) of paragraph (3) was given on or after 1st July 2020, ten years from the date of that opinion.”.

New regulation 3A (extension of statutory storage period for premature infertility for a reason relating to coronavirus)

8. After regulation 3 insert—

“Extension of statutory storage period for premature infertility for a reason relating to coronavirus

3A.—(1) In the circumstances specified in paragraph (2), the maximum storage period for an embryo shall, subject to paragraph (3), be the period beginning with the date on which the embryo was first placed into storage and ending twelve years after the date of the most recent written opinion given under paragraph (3)(b) of regulation 3 (“the extended storage period”).

(2) The circumstances referred to in paragraph (1) are that—

- (a) the embryo in question is, on 1st July 2020, being stored, for the provision of treatment services, on premises to which a licence under paragraph 1 or 2 of Schedule 2 to the Act relates;
- (b) a registered medical practitioner has, before 1st July 2020, given a written opinion under paragraph (3)(b) of regulation 3;
- (c) neither of the relevant persons nor, where they are not one of those persons, the person to be treated, is, for a reason relating to coronavirus, able to obtain a further written opinion within ten years from the date that the written opinion referred to in sub-paragraph (b) was given;
- (d) the relevant persons have consented in writing, whether before, on or after 1st July 2020, to the embryo being stored for at least the extended storage period for the provision of treatment services; and
- (e) the statutory storage period for the embryo has not previously been extended under paragraph (1).

(3) Where the maximum storage period calculated in accordance with paragraph (1) would be greater than fifty five years, the maximum storage period for the purpose of that paragraph shall be fifty five years.”.

Amendment of regulation 4 (extension of statutory storage period for premature infertility)

9.—(1) In regulation 4(1)(2), for “For the purpose of” substitute “Subject to paragraphs (5) and (6), for the purpose of”.

(2) In regulation 4(2), after “subject to paragraph (4)” insert “and regulation 4A”.

(3) After regulation 4(4) insert—

(2) Regulation 4 was amended by [S.I. 2009/2581](#).

- “(5) Where the statutory storage period for a gamete has been extended under regulation 4 of the 2020 Regulations, paragraph (1) applies as if “relevant period” means—
- (a) where the statutory storage period for the gamete has not previously been extended under paragraph (2), twelve years from the date that the gamete in question was first placed in storage;
 - (b) where the statutory storage period for the gamete has previously been extended under paragraph (2)—
 - (i) twelve years from the date the gamete in question was first placed in storage, or
 - (ii) if later, ten years from the date that the most recent previous written opinion was given under sub-paragraph (b) of paragraph (3).
- (6) Where the statutory storage period for a gamete has been extended under regulation 4A, paragraph (1) applies as if “relevant period” means—
- (a) where the most recent previous written opinion given under sub-paragraph (b) of paragraph (3) was given before 1st July 2020, twelve years from the date of that opinion;
 - (b) where the most recent previous written opinion given under sub-paragraph (b) of paragraph (3) was given on or after 1st July 2020, ten years from the date of that opinion.”.

New regulation 4A (extension of statutory storage period for premature infertility for a reason relating to coronavirus)

10. After regulation 4 insert—

“Extension of statutory storage period for premature infertility for a reason relating to coronavirus

4A.—(1) In the circumstances specified in paragraph (2), the maximum storage period for a gamete shall, subject to paragraph (3), be the period beginning with the date on which the gamete was first placed into storage and ending twelve years after the date of the most recent written opinion given under paragraph (3)(b) of regulation 4 (“the extended storage period”).

- (2) The circumstances referred to in paragraph (1) are that—
- (a) the gamete in question is, on 1st July 2020, being stored, for the provision of treatment services, on premises to which a licence under paragraph 1 or 2 of Schedule 2 to the Act relates;
 - (b) a registered medical practitioner has, before 1st July 2020, given a written opinion under paragraph (3)(b) of regulation 4;
 - (c) neither the person who provided the gamete nor, where they are not that person, the person to be treated, is, for a reason relating to coronavirus, able to obtain a further written opinion within ten years from the date that the written opinion referred to in sub-paragraph (b) was given;
 - (d) the person who provided the gamete has consented in writing, whether before, on or after 1st July 2020, to the gamete being stored for at least the extended storage period for the provision of treatment services; and
 - (e) the statutory storage period for the gamete has not previously been extended under paragraph (1).

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(3) Where the maximum storage period calculated in accordance with paragraph (1) would be greater than fifty five years, the maximum storage period for the purpose of that paragraph shall be fifty five years.”.