
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Human Fertilisation and Embryology Act 2008 (“the Act”), and makes transitional provision in respect of some of those provisions.

Articles 2 and 3 bring into force on 6th April 2009 the relevant provisions of the Act to enable the appointment of one or more committees which will then carry out the Authority’s functions in relation to the reconsideration of licensing decisions once new section 20 of the Human Fertilisation and Embryology Act 1990 (“the 1990 Act”) is brought into force.

Article 4 brings into force on 6th April 2009 provisions of the Act which insert new licence conditions into the 1990 Act in relation to the provision of information, counselling and notifications to couples undergoing treatment at a licensed clinic. Article 7 and the Schedule to the Order makes transitional provision to apply these new conditions to all licences for treatment issued on or before 5th April 2009. However, the obligations relating to information and counselling will not apply to women who began treatment services on or before 5th April 2009, who have already had embryos or gametes implanted, in relation to those embryos or gametes.

Article 5 brings into force on 6th April 2009 regulation-making powers under the Act. Provisions in the Act are also brought into force for the purpose of defining expressions which are relevant to the powers commenced.

Article 6 brings into force on 6th April 2009 the majority of Part 2 of the Act, which makes provision for parenthood in cases involving assisted reproduction. Provision is also made to commence various consequential amendments related to Part 2 in Schedule 6 to the Act on 6th April 2009. Other consequential amendments in Schedule 6 to the Act are commenced on 6th April 2009 for the purpose of making the necessary changes to any connected regulations, instruments or other documents and are commenced fully on 1st September 2009.