



# Human Fertilisation and Embryology Act 1990

## 1990 CHAPTER 37

### *Principal terms used*

#### **1 Meaning of “embryo”, “gamete” and associated expressions.**

- [<sup>F1</sup>(1) In this Act (except in section 4A or in the term “human admixed embryo”)—
- (a) embryo means a live human embryo and does not include a human admixed embryo (as defined by section 4A(6)), and
  - (b) references to an embryo include an egg that is in the process of fertilisation or is undergoing any other process capable of resulting in an embryo.]
- (2) This Act, so far as it governs bringing about the creation of an embryo, applies only to bringing about the creation of an embryo outside the human body; and in this Act—
- [<sup>F2</sup>(a) references to embryos the creation of which was brought about *in vitro* (in their application to those where fertilisation or any other process by which an embryo is created is complete) are to those where fertilisation or any other process by which the embryo was created began outside the human body whether or not it was completed there, and]
  - (b) references to embryos taken from a woman do not include embryos whose creation was brought about *in vitro*.
- (3) This Act, so far as it governs the keeping or use of an embryo, applies only to keeping or using an embryo outside the human body.
- [<sup>F3</sup>(4) In this Act (except in section 4A)—
- (a) references to eggs are to live human eggs, including cells of the female germ line at any stage of maturity, but (except in subsection (1)(b)) not including eggs that are in the process of fertilisation or are undergoing any other process capable of resulting in an embryo,
  - (b) references to sperm are to live human sperm, including cells of the male germ line at any stage of maturity, and
  - (c) references to gametes are to be read accordingly.]

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 1. (See end of Document for details)*

- [<sup>F4</sup>(5) For the purposes of this Act, sperm is to be treated as partner-donated sperm if the donor of the sperm and the recipient of the sperm declare that they have an intimate physical relationship.]
- [<sup>F5</sup>(6) If it appears to the Secretary of State necessary or desirable to do so in the light of developments in science or medicine, regulations may provide that in this Act (except in section 4A) “embryo”, “eggs”, “sperm” or “gametes” includes things specified in the regulations which would not otherwise fall within the definition.
- (7) Regulations made by virtue of subsection (6) may not provide for anything containing any nuclear or mitochondrial DNA that is not human to be treated as an embryo or as eggs, sperm or gametes.]

#### Textual Amendments

- F1** S. 1(1) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), ss. 1\(2\), 68\(2\)](#); [S.I. 2009/2232, art. 2\(a\)](#)
- F2** S. 1(2)(a) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), ss. 1\(3\), 68\(2\)](#); [S.I. 2009/2232, art. 2\(a\)](#)
- F3** S. 1(4) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), ss. 1\(4\), 68\(2\)](#); [S.I. 2009/2232, art. 2\(a\)](#)
- F4** S. 1(5) inserted (25.5.2007 for certain purposes, otherwise 5.7.2007) by [The Human Fertilisation and Embryology \(Quality and Safety\) Regulations 2007 \(S.I. 2007/1522\), regs. 1, {4}](#)
- F5** S. 1(6)(7) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), ss. 1\(5\), 68\(2\)](#); [S.I. 2009/2232, art. 2\(a\)](#)

#### Modifications etc. (not altering text)

- C1** S. 1(1) applied (1.4.2005 for certain purposes, 20.10.2005 for certain further purposes, 7.4.2006 for certain further purposes, 31.7.2006 for certain further purposes and 1.9.2006 otherwise) by [Human Tissue Act 2004 \(c. 30\), s. 54\(6\)](#) (with transitional provisions in s. 58); [S.I. 2005/919, {art. 3}, Sch.](#) (with transitional provisions in art. 2); [S.I. 2005/2792, art. 2\(d\)](#); [S.I. 2006/404, art. 3\(3\)](#), [Sch.](#) (subject to art. 4); [S.I. 2006/1997, art. 2\(1\)\(2\)](#), 3(1)(2), [Sch.](#) (subject to arts. 4, 7, 8) (as that S.I. is amended by [S.I. 2006/2169, art. 2](#))
- C2** S. 1(4) applied (1.4.2005 for certain purposes, 20.10.2005 for certain further purposes, 7.4.2006 for certain further purposes, 31.7.2006 for certain further purposes and 1.9.2006 otherwise) by [Human Tissue Act 2004 \(c. 30\), s. 54\(6\)](#) (with transitional provisions in s. 58); [S.I. 2005/919, {art. 3}, Sch.](#) (with transitional provisions in art. 2); [S.I. 2005/2792, art. 2\(d\)](#); [S.I. 2006/404, art. 3\(3\)](#), [Sch.](#) (subject to art. 4); [S.I. 2006/1997, art. 2\(1\)\(2\)](#), 3(1)(2), [Sch.](#) (subject to arts. 4, 7, 8) (as that S.I. is amended by [S.I. 2006/2169, art. 2](#))

#### Commencement Information

- I1** S. 1 wholly in force at 1.8.1991 see s. 49(2) and [S.I. 1991/1400, art. 2\(2\)](#)

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Human Fertilisation and Embryology Act 1990, Section 1.