
STATUTORY INSTRUMENTS

1996 No. 375

The Human Fertilisation and Embryology (Statutory Storage Period for Embryos) Regulations 1996

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Human Fertilisation and Embryology (Statutory Storage Period for Embryos) Regulations 1996 and shall come into force on 1st May 1996.

(2) In these Regulations—

“the Act” means the Human Fertilisation and Embryology Act 1990;

“the relevant date” is either 1st August 1991 or the date on which the embryo in question is first placed in storage, whichever is the later;

“the relevant persons” means the two persons whose gametes are used to bring about the creation of an embryo; and

“the woman being treated” means the woman in whom, at the relevant date, it is intended that such an embryo may be placed, whether or not she is one of the relevant persons.

Extension of statutory storage period in respect of embryos

2.—(1) In the circumstances specified in paragraph (2) below, section 14(4) of the Act (statutory storage period in respect of embryos) shall have effect as if for five years there were substituted the appropriate period specified in the Schedule to these Regulations.

(2) Those circumstances are that—

(a) each of the relevant persons has confirmed in writing that that person has no objection to any embryo which is created using gametes provided by that person being stored for a period in excess of five years for use in the provision of treatment services;

(b) the woman being treated is aged under 50 on the relevant date and the treatment in question would not result in her being a surrogate mother within the meaning of section 1(2) of the Surrogacy Arrangements Act 1985(1); and

(c) in the written opinion of two registered medical practitioners, one of the relevant persons, or, where she is not one of those persons, the woman being treated, has or is likely to become prematurely and completely infertile.

(3) In the circumstances mentioned in paragraph (4) below, section 14(4) of the Act shall have effect as if for five years there were substituted—

(a) if the woman being treated is aged 45 or under on the relevant date, ten years; or

(b) if she is aged 46 or over, the appropriate period specified in the Schedule to these Regulations.

(4) Those circumstances are—

(a) the circumstances specified in paragraph (2)(a) and (b) above; and

(1) 1985 c. 49; section 1 was amended by section 36 of the Human Fertilisation and Embryology Act 1990 (c. 37).

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- (b) that in the written opinion of a registered medical practitioner one of the relevant persons or, where she is not one of those persons, the woman being treated—
 - (i) has, or is likely to develop, significantly impaired fertility, or
 - (ii) has a gene or genes such that a child born with that gene or those genes may suffer from such physical or mental abnormalities as to be seriously disabled.

Signed by authority of the Secretary of State for Health

22nd February 1996

John Horam
Parliamentary Under Secretary of State
Department of Health