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STATUTORY INSTRUMENTS

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**2007 No. 1522**

The Human Fertilisation and Embryology  
(Quality and Safety) Regulations 2007

**PART 3**

TRANSITORY PROVISIONS

**Basic partner treatment services: inspections**

**31.**—(1) This regulation applies where—

- (a) immediately before the initial commencement date, a person who was before that date using gametes for the purpose of providing basic partner treatment services either—
  - (i) does not hold a licence under paragraph 1 of Schedule 2 to the 1990 Act, or
  - (ii) holds a licence under that paragraph which would not authorise the use of gametes for that purpose after the main commencement date, and
- (b) before the main commencement date, that person applies for a licence under that paragraph authorising the use of gametes for that purpose, or a variation of a licence that will authorise the use of gametes for that purpose.

(2) In a case to which this regulation applies, section 9(7) (licence committees and other committees) of the 1990 Act (which requires a licence committee to arrange for an inspection of premises where a licensable activity is to be carried out before considering a licence application) shall be read as providing the Authority with power to inspect such premises before granting or varying a licence before the main commencement date, but not as placing a duty on it to do so.

(3) Where, in a case to which this regulation applies—

- (a) either—
  - (i) a licence is granted under paragraph 1 of Schedule 2 to the 1990 Act, or
  - (ii) a licence granted under paragraph 1 of Schedule 2 to the 1990 Act is varied, before the main commencement date, and
- (b) any premises on which the activities governed by the 1990 Act are carried out were not inspected on behalf of a licence committee before the licence was so granted or varied,

a licence committee shall arrange for such premises to be inspected on its behalf before the end of the period of two years beginning with the day the licence or variation (as the case may be) is granted.

**Basic partner treatment services: licence committees**

**32.**—(1) This regulation applies where a person who, before the initial commencement date, was not using gametes for the purpose of providing basic partner treatment services applies, before the main commencement date, for a licence under paragraph 1 of Schedule 2 to the 1990 Act authorising the use of gametes for that purpose.

(2) In a case to which this regulation applies, the Authority may provide for any of its functions relating to the granting of licences which are discharged by a licence committee in accordance with section 9(1) of the 1990 Act, to be discharged prior to the main commencement date by a member of the Authority.

(3) Where, in accordance with paragraph (2), the Authority has provided for any of its functions in relation to the grant of licences to be discharged by a member of the Authority, any such function which has been properly discharged by any such member shall be treated as having been properly discharged by the Authority for the purposes of the 1990 Act.

### **Treatment services and storage licences: the person responsible**

**33.**—(1) This regulation applies to any case where—

- (a) immediately before the initial commencement date a person was carrying on activities pursuant to—
  - (i) a licence under paragraph 1 of Schedule 2 to the 1990 Act, or
  - (ii) a licence under paragraph 2 of that Schedule authorising the storage of gametes or embryos intended for human application, and
- (b) the person responsible in respect of such licence does not meet the requirement specified in section 16(2)(c)(i) of the 1990 Act, as inserted by regulation 19.

(2) That requirement does not prevent the person mentioned in paragraph (1)(a) from continuing to act as the responsible person in relation to—

- (a) the activities authorised by the licence, and
- (b) where before the initial commencement date persons to whom the licence applies were using gametes for the purpose of providing basic partner treatment services, the continued use of gametes for that purpose if that use is authorised by a variation of the licence taking effect on the main commencement date,

for a period of six months beginning with the main commencement date.

**Changes to legislation:**

There are currently no known outstanding effects for the The Human Fertilisation and Embryology (Quality and Safety) Regulations 2007, PART 3.