
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for embryos and gametes to be stored in certain circumstances for longer than the period of 10 years laid down by section 14(3) and (4) of the Human Fertilisation and Embryology Act 1990 (“the 1990 Act”) as amended by the Human Fertilisation and Embryology Act 2008.

Regulation 3 extends the statutory storage period for an embryo if the people whose gametes were used to create that embryo consent to storage of the embryo for more than 10 years, and, in the written opinion of a registered medical practitioner one of the gamete providers, the woman who is to be treated with the embryo, or the man or woman the embryo is allocated to is prematurely infertile or is likely to become prematurely infertile. If these conditions are met the statutory storage period is extended for another ten years from the date the registered medical practitioner provides the written opinion. Further extensions to the statutory storage period of ten years can then be made if further written opinions from a registered medical practitioner are obtained within each ten year extension. The total storage period for any embryo cannot exceed fifty five years.

Regulation 4 extends the storage period for a gamete if the gamete provider consents to storage of the gamete for more than 10 years, and, in the written opinion of a registered medical practitioner, the gamete provider, the woman who is to be treated with the gamete, or the man or woman the gamete is allocated to is prematurely infertile or is likely to become prematurely infertile. If these conditions are met the statutory storage period is extended for another ten years from the date the registered medical practitioner provides the written opinion. Further extensions to the statutory storage period can then be made if further written opinions from a registered medical practitioner are obtained within each ten year extension. The total storage period for any gamete cannot exceed fifty five years.

Regulations 5 to 8 make transitional provision for embryos and gametes in storage at the date of the coming into force of the Regulations.

Regulation 9 revokes the existing regulations made under the 1990 Act and makes saving provision for the purposes of regulations 6 and 8.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Human Fertilisation and Embryology (Statutory Storage Period for Embryos and Gametes) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations continued by S.I. 2024/625 reg. 23
- Regulations revoked by 2022 c. 31 Sch. 17 para. 2(3)
- reg. 2 words inserted by S.I. 2009/2581 reg. 2(2)
- reg. 2 words inserted by S.I. 2020/566 reg. 6(a)
- reg. 2 words inserted by S.I. 2020/566 reg. 6(b)
- reg. 3(1) words substituted by S.I. 2020/566 reg. 7(1)
- reg. 3(2) words inserted by S.I. 2020/566 reg. 7(2)
- reg. 3(2) words substituted by S.I. 2009/2581 reg. 2(3)(a)
- reg. 3(4) word substituted by S.I. 2009/2581 reg. 2(3)(b)
- reg. 4(1) words substituted by S.I. 2020/566 reg. 9(1)
- reg. 4(2) words inserted by S.I. 2020/566 reg. 9(2)
- reg. 4(2) words substituted by S.I. 2009/2581 reg. 2(4)(a)
- reg. 4(4) word substituted by S.I. 2009/2581 reg. 2(4)(b)
- reg. 5(1) substituted by S.I. 2009/2581 reg. 2(5)(a)
- reg. 5(3) word substituted by S.I. 2009/2581 reg. 2(5)(b)
- reg. 5(6) word substituted by S.I. 2009/2581 reg. 2(5)(b)
- reg. 6(2) word substituted by S.I. 2009/2581 reg. 2(6)
- reg. 6(5) word substituted by S.I. 2009/2581 reg. 2(6)
- reg. 7(2) word substituted by S.I. 2009/2581 reg. 2(6)
- reg. 7(5) word substituted by S.I. 2009/2581 reg. 2(6)
- reg. 8(2) word substituted by S.I. 2009/2581 reg. 2(6)
- reg. 8(5) word substituted by S.I. 2009/2581 reg. 2(6)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(5) inserted by S.I. 2009/2581 reg. 3
- reg. 3(6)(7) inserted by S.I. 2020/566 reg. 7(3)
- reg. 3A inserted by S.I. 2020/566 reg. 8
- reg. 4(5)(6) inserted by S.I. 2020/566 reg. 9(3)
- reg. 4A inserted by S.I. 2020/566 reg. 10