
STATUTORY INSTRUMENTS

2024 No. 625

The Health and Care Act 2022 (Storage of Gametes and Embryos) (Transitional Provision) Regulations 2024

Transitional provision in relation to storage of gametes of certain deceased persons

- 2.—(1) Paragraph (2) applies in a case where—
- (a) the gametes of a person (“P”) are in storage for the purposes of providing treatment services to a person together with whom P was receiving such services,
 - (b) the storage of the gametes is under a pre-commencement storage licence where the maximum storage period applicable immediately before the commencement day was provided for by—
 - (i) regulation 4 (gametes: extension of statutory storage period for premature infertility), 4A (gametes: extension of statutory storage period for premature infertility (coronavirus)), 7 (transitional provision for gametes: original storage period) or 8 (transitional provision for gametes: extended storage period) of the 2009 Regulations, or
 - (ii) regulation 4 of the 2020 Regulations (extension of statutory storage period for gametes: coronavirus),
 - (c) immediately before the commencement day—
 - (i) there was effective consent to the storage of the gametes, and
 - (ii) the maximum storage period applicable to the gametes had not ended, and
 - (d) P died before the commencement day.
- (2) In a case where this paragraph applies—
- (a) subject to regulations 4 and 5, section 14(3) of the 1990 Act (maximum storage periods) has effect on and after the commencement day as if—
 - (i) the 2009 Regulations and the 2020 Regulations had continued in force, notwithstanding the repeal of the power in section 14(5) of the 1990 Act (power to provide for different statutory storage period in certain circumstances) by the substitution in paragraph 2(3) of Schedule 17 to the 2022 Act, and
 - (ii) the 2009 Regulations or the 2020 Regulations, as the case may be, applied for the purpose of determining the maximum storage period applicable to the gametes, and
 - (b) Schedule 3 to the 1990 Act (consents to use or storage of gametes or embryos etc) has effect on and after the commencement day as if paragraphs 11A and 11B (renewal of consent to storage of gametes) were omitted.