
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 embryos of certain deceased persons

- 3.—(1) Paragraph (2) applies in a case where—
- (a) an embryo, the creation of which was brought about *in vitro* using the gametes of a person (“P”), is 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 embryo is under a pre-commencement storage licence where the maximum storage period applicable immediately before the commencement day was provided for—
 - (i) by regulation 3 (embryos: extension of statutory storage period for premature infertility), 3A (embryos: extension of statutory storage period for premature infertility (coronavirus)), 5 (transitional provision for embryos: original storage period) or 6 (transitional provision for embryos: extended storage period) of the 2009 Regulations,
 - (ii) by regulation 3 of the 2020 Regulations (extension of statutory storage period for embryos: coronavirus), or
 - (iii) where the creation of the embryo was brought about *in vitro* on or after the commencement day, by any of the provisions referred to in regulation 2(1)(b)(i) or (ii),
 - (c) immediately before the commencement day—
 - (i) there was effective consent to the storage of the embryo, and
 - (ii) the maximum storage period applicable to the embryo, or to gametes which were used to bring about the creation of the embryo *in vitro* on or after the commencement day, 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 embryo, 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 11C and 11D (renewal of consent to storage of embryos) were omitted.