



Human Fertilisation and Embryology Act 2008

2008 CHAPTER 22

PART 1

AMENDMENTS OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Directions and guidance

22 Directions

(1) Section 24 of the 1990 Act (directions as to particular matters) is amended as follows.

(2) After subsection (3A) insert—

“(3B) Directions may authorise, in such circumstances and subject to such conditions as may be specified in the directions, the keeping, by or on behalf of a person to whom a licence applies, of human admixed embryos in the course of their carriage to or from any premises.”

(3) In subsection (4) for “or embryos”, in both places, substitute “, embryos or human admixed embryos”.

(4) After subsection (4A) insert—

“(4B) Regulations may make provision requiring or authorising the giving of directions in relation to particular matters which are specified in the regulations and relate to activities falling within section 4A(2) (activities involving genetic material of animal origin).”

(5) For subsections (5) to (10) substitute—

“(5A) Directions may make provision for the purpose of dealing with a situation arising in consequence of—

(a) the variation of a licence, or

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(b) a licence ceasing to have effect.

(5B) Directions under subsection (5A)(a) may impose requirements—

- (a) on the holder of the licence,
- (b) on the person who is the person responsible immediately before or immediately after the variation, or
- (c) on any other person, if that person consents.

(5C) Directions under subsection (5A)(b) may impose requirements—

- (a) on the person who holds the licence immediately before the licence ceases to have effect,
- (b) on the person who is the person responsible at that time, or
- (c) on any other person, if that person consents.

(5D) Directions under subsection (5A) may, in particular, require anything kept, or information held, in pursuance of the licence to be transferred in accordance with the directions.

(5E) Where a licence has ceased to have effect by reason of the death or dissolution of its holder, anything subsequently done by a person before directions are given under subsection (5A) shall, if the licence would have been authority for doing it, be treated as authorised by a licence.”

(6) In subsection (11), for “3(5)” substitute “ 3(2) ”.

23 Code of practice

(1) Section 25 of the 1990 Act (code of practice) is amended as follows.

(2) In subsection (2), for “a father” substitute “ supportive parenting ”.

(3) After that subsection insert—

“(2A) The code shall also give guidance about—

- (a) the giving of a suitable opportunity to receive proper counselling, and
- (b) the provision of such relevant information as is proper,

in accordance with any condition that is by virtue of section 13(6) or (6A) a condition of a licence under paragraph 1 of Schedule 2.”

(4) In subsection (6)(a) and (b), for “a licence committee” substitute “ the Authority ”.

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

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

- [s. 55\(3\)\(e\)](#) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 75\(b\)](#)