



# Human Fertilisation and Embryology Act 2008

## 2008 CHAPTER 22

### PART 1

#### AMENDMENTS OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

##### *Grant, revocation and suspension of licences*

#### **19 Procedure for refusal, variation or revocation of licence**

For section 19 of the 1990 Act (procedure for refusal, variation or revocation of licence) substitute—

##### **“19 Procedure in relation to licensing decisions**

- (1) Before making a decision—
  - (a) to refuse an application for the grant, revocation or variation of a licence, or
  - (b) to grant an application for a licence subject to a condition imposed under paragraph 1(2), 1A(2), 2(2) or 3(6) of Schedule 2,the Authority shall give the applicant notice of the proposed decision and of the reasons for it.
- (2) Before making a decision under section 18(2) or 18A(3) or (5) the Authority shall give notice of the proposed decision and of the reasons for it to—
  - (a) the person responsible, and
  - (b) the holder of the licence (if different).
- (3) Where an application has been made under section 18A(2) to vary a licence, but the Authority considers it appropriate to vary the licence otherwise than in accordance with the application, before so varying the licence the Authority shall give notice of its proposed decision and of the reasons for it to—

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**Changes to legislation:** *Human Fertilisation and Embryology Act 2008, Section 19 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) the person responsible, and
  - (b) the holder of the licence (if different).
- (4) A person to whom notice is given under subsection (1), (2) or (3) has the right to require the Authority to give him an opportunity to make representations of one of the following kinds about the proposed decision, namely—
- (a) oral representations by him, or a person acting on his behalf;
  - (b) written representations by him.
- (5) The right under subsection (4) is exercisable by giving the Authority notice of the exercise of the right before the end of the period of 28 days beginning with the day on which the notice under subsection (1), (2) or (3) was given.
- (6) The Authority may by regulations make such additional provision about procedure in relation to the carrying out of functions under sections 18 and 18A and this section as it thinks fit.

### **19A Notification of licensing decisions**

- (1) In the case of a decision to grant a licence, the Authority shall give notice of the decision to—
- (a) the applicant, and
  - (b) the person who is to be the person responsible.
- (2) In the case of a decision to revoke a licence, the Authority shall give notice of the decision to—
- (a) the person responsible, and
  - (b) the holder of the licence (if different).
- (3) In the case of a decision to vary a licence on application under section 18A(1), the Authority shall give notice of the decision to—
- (a) the holder of the licence, and
  - (b) (if different) the person who is to be the person responsible.
- (4) In the case of any other decision to vary a licence, the Authority shall give notice of the decision to—
- (a) the person responsible, and
  - (b) the holder of the licence (if different).
- (5) In the case of a decision to refuse an application for the grant, revocation or variation of a licence, the Authority shall give notice of the decision to the applicant.
- (6) Subject to subsection (7), a notice under subsection (2), (4) or (5) shall include a statement of the reasons for the decision.
- (7) In the case of a notice under subsection (2) or (4), the notice is not required to include a statement of the reasons for the decision if the decision is made on an application under section 18(1) or 18A(2).

### **19B Applications under this Act**

- (1) Directions may make provision about—

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- (a) the form and content of applications under this Act, and
  - (b) the information to be supplied with such an application.
- (2) The Secretary of State may by regulations make other provision about applications under this Act.
- (3) Such regulations may, in particular, make provision about procedure in relation to the determination of applications under this Act and may, in particular, include—
- (a) provision for requiring persons to give evidence or to produce documents;
  - (b) provision about the admissibility of evidence.”

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**Commencement Information**

- II** S. 19 wholly in force; s. 19 not in force at Royal Assent see s. 68; s. 19 in force for certain purposes at 6.4.2009 by S.I. 2009/479, art. 5(b) (with Sch.); s. 19 in force at 1.10.2009 otherwise by S.I. 2009/2232, art. 2(g)

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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\(b\)](#)