

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on the 1st October 2009 the majority of provisions of the Human Fertilisation and Embryology Act 2008 (“the 2008 Act”) so far as they are either not already in force, or will be brought into force, by virtue of the Human Fertilisation and Embryology Act 2008 (Commencement No. 1 and Transitional Provisions) Order 2009 (“the 2009 Order”). The majority of the provisions in the 2008 Act amend the Human Fertilisation and Embryology Act 1990 (“the 1990 Act”).

The provisions brought into force by this Order include those setting out the new definitions of “embryo” and “gametes” and widening the scope of the 1990 Act to regulate human admixed embryos. These provisions also extend the activities that may be included in licences granted by the Human Fertilisation and Embryology Authority (“the HFEA”) and amend the conditions attached to licences including, for example, the consent provisions relating to the use of gametes and embryos.

Provisions revising the powers and structure of the HFEA are also brought into force including the process for licence applications and appeals. New provision is made in relation to the register of information held by the HFEA and disclosure of such information. Provisions relating to the HFEA’s power to give directions and publish a Code of Practice are also brought into force along with amendments to the Surrogacy Arrangements Act 1985. Other amendments and repeals related to provisions brought into force by this Order are also commenced.

This Order does not bring into force section 54 of the 2008 Act, which makes new provision for parental orders, or any other provisions in the 2008 Act that refer to this provision, except for section 55 which is brought into force to enable regulations to be made in relation to parental orders.

The Order makes transitional provision relating to the disclosure of information by the HFEA in relation to parental orders under section 30 of the 1990 Act.

This Order also amends the 2009 Order to ensure that amendments to the Children (Scotland) Act 1995, to take account of new section 54 of the 2008 Act, do not come into force until section 54 is commenced.