

SCHEDULE 1

Transitional Provisions

Conditions of licences for treatment

1.—(1) Subject to paragraph (2) the conditions set out in paragraphs (3) to (8) shall apply to any licences for treatment issued on or before 5th April 2009.

(2) Where a woman who began treatment services of a kind specified in Part 1 of new Schedule 3ZA to the 1990 Act (kinds of treatment in relation to which counselling must be offered) on or before 5th April 2009, and has had an embryo or gametes placed in her before that date, the new licence conditions under paragraphs (3) and (6) to provide counselling and information do not apply in respect of treatment services using that embryo or those gametes.

(3) A woman shall not be provided with treatment services of a kind specified in Part 1 of new Schedule 3ZA to the 1990 Act unless she and any man or woman who is to be treated together with her have been given a suitable opportunity to receive proper counselling about the implications of her being provided with treatment services of that kind, and have been provided with such relevant information as is proper.

(4) A woman shall not be provided with treatment services after the happening of any event falling within any paragraph of Part 2 of new Schedule 3ZA to the 1990 Act (events in connection with which counselling must be offered) unless (before or after the event) she and the intended second parent have been given a suitable opportunity to receive proper counselling about the implications of the woman being provided with treatment services after the happening of that event, and have been provided with such relevant information as is proper.

(5) The reference in paragraph (4) to the intended second parent is a reference to—

- (a) any man as respects whom the agreed fatherhood conditions in section 37 (the agreed fatherhood conditions) of the Act are for the time being satisfied in relation to treatment provided to the woman mentioned in paragraph (4), and
- (b) any woman as respects whom the agreed female parenthood conditions in section 44 (the agreed female parenthood conditions) of the Act are for the time being satisfied in relation to treatment provided to the woman mentioned in paragraph (4).

(6) In the case of treatment services falling within paragraph 1 of new Schedule 3ZA to the 1990 Act (use of gametes of a person not receiving those services) or paragraph 3 of that Schedule (use of embryo taken from a woman not receiving those services), the information provided by virtue of paragraphs (3) or (4) must include such information as is proper about—

- (a) the importance of informing any resulting child at an early age that the child results from the gametes of a person who is not a parent of the child, and
- (b) suitable methods of informing such a child of that fact.

(7) Where the person responsible receives from a person (“X”) notice under section 37(1)(c) or 44(1)(c) of the Act of X’s withdrawal of consent to X being treated as the parent of any child resulting from the provision of treatment services to a woman (“W”), the person responsible—

- (a) must notify W in writing of the receipt of the notice from X, and
- (b) no person to whom the licence applies may place an embryo or sperm and eggs in W, or artificially inseminate W, until W has been so notified.

(8) Where the person responsible receives from a woman (“W”) who has previously given notice under section 37(1)(b) or 44(1)(b) of the Act that she consents to another person (“X”) being treated as a parent of any child resulting from the provision of treatment services to W—

- (a) notice under section 37(1)(c) or 44(1)(c) of the Act of the withdrawal of W’s consent, or

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(b) a notice under section 37(1)(b) or 44(1)(b) of the Act in respect of a person other than X, the person responsible must take reasonable steps to notify X in writing of the receipt of the notice mentioned in paragraph (a) or (b).

(9) In this Schedule “person responsible” has the meaning given by section 17 of the 1990 Act.