



Human Fertilisation and Embryology Act 1990

1990 CHAPTER 37

Licence conditions

12 General conditions

The following shall be conditions of every licence granted under this Act—

- (a) that the activities authorised by the licence shall be carried on only on the premises to which the licence relates and under the supervision of the person responsible,
- (b) that any member or employee of the Authority, on production, if so required, of a document identifying the person as such, shall at all reasonable times be permitted to enter those premises and inspect them (which includes inspecting any equipment or records and observing any activity),
- (c) that the provisions of Schedule 3 to this Act shall be complied with,
- (d) that proper records shall be maintained in such form as the Authority may specify in directions,
- (e) that no money or other benefit shall be given or received in respect of any supply of gametes or embryos unless authorised by directions,
- (f) that, where gametes or embryos are supplied to a person to whom another licence applies, that person shall also be provided with such information as the Authority may specify in directions, and
- (g) that the Authority shall be provided, in such form and at such intervals as it may specify in directions, with such copies of or extracts from the records, or such other information, as the directions may specify.

13 Conditions of licences for treatment

- (1) The following shall be conditions of every licence under paragraph 1 of Schedule 2 to this Act.

- (2) Such information shall be recorded as the Authority may specify in directions about the following—
- (a) the persons for whom services are provided in pursuance of the licence,
 - (b) the services provided for them,
 - (c) the persons whose gametes are kept or used for the purposes of services provided in pursuance of the licence or whose gametes have been used in bringing about the creation of embryos so kept or used,
 - (d) any child appearing to the person responsible to have been born as a result of treatment in pursuance of the licence,
 - (e) any mixing of egg and sperm and any taking of an embryo from a woman or other acquisition of an embryo, and
 - (f) such other matters as the Authority may specify in directions.
- (3) The records maintained in pursuance of the licence shall include any information recorded in pursuance of subsection (2) above and any consent of a person whose consent is required under Schedule 3 to this Act.
- (4) No information shall be removed from any records maintained in pursuance of the licence before the expiry of such period as may be specified in directions for records of the class in question.
- (5) A woman shall not be provided with treatment services unless account has been taken of the welfare of any child who may be born as a result of the treatment (including the need of that child for a father), and of any other child who may be affected by the birth.
- (6) A woman shall not be provided with any treatment services involving—
- (a) the use of any gametes of any person, if that person's consent is required under paragraph 5 of Schedule 3 to this Act for the use in question,
 - (b) the use of any embryo the creation of which was brought about *in vitro*, or
 - (c) the use of any embryo taken from a woman, if the consent of the woman from whom it was taken is required under paragraph 7 of that Schedule for the use in question,
- unless the woman being treated and, where she is being treated together with a man, the man have been given a suitable opportunity to receive proper counselling about the implications of taking the proposed steps, and have been provided with such relevant information as is proper.
- (7) Suitable procedures shall be maintained—
- (a) for determining the persons providing gametes or from whom embryos are taken for use in pursuance of the licence, and
 - (b) for the purpose of securing that consideration is given to the use of practices not requiring the authority of a licence as well as those requiring such authority.

14 Conditions of storage licences

- (1) The following shall be conditions of every licence authorising the storage of gametes or embryos—
- (a) that gametes of a person or an embryo taken from a woman shall be placed in storage only if received from that person or woman or acquired from a person to whom a licence applies and that an embryo the creation of which has been

- brought about *in vitro* otherwise than in pursuance of that licence shall be placed in storage only if acquired from a person to whom a licence applies,
- (b) that gametes or embryos which are or have been stored shall not be supplied to a person otherwise than in the course of providing treatment services unless that person is a person to whom a licence applies,
 - (c) that no gametes or embryos shall be kept in storage for longer than the statutory storage period and, if stored at the end of the period, shall be allowed to perish, and
 - (d) that such information as the Authority may specify in directions as to the persons whose consent is required under Schedule 3 to this Act, the terms of their consent and the circumstances of the storage and as to such other matters as the Authority may specify in directions shall be included in the records maintained in pursuance of the licence.
- (2) No information shall be removed from any records maintained in pursuance of such a licence before the expiry of such period as may be specified in directions for records of the class in question.
- (3) The statutory storage period in respect of gametes is such period not exceeding ten years as the licence may specify.
- (4) The statutory storage period in respect of embryos is such period not exceeding five years as the licence may specify.
- (5) Regulations may provide that subsection (3) or (4) above shall have effect as if for ten years or, as the case may be, five years there were substituted—
- (a) such shorter period, or
 - (b) in such circumstances as may be specified in the regulations, such longer period,
- as may be specified in the regulations.

15 Conditions of research licences

- (1) The following shall be conditions of every licence under paragraph 3 of Schedule 2 to this Act.
- (2) The records maintained in pursuance of the licence shall include such information as the Authority may specify in directions about such matters as the Authority may so specify.
- (3) No information shall be removed from any records maintained in pursuance of the licence before the expiry of such period as may be specified in directions for records of the class in question.
- (4) No embryo appropriated for the purposes of any project of research shall be kept or used otherwise than for the purposes of such a project.