

# HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: Amendments of Human Fertilisation and Embryology Act 1990**

##### *Section 1: Meaning of “embryo” and “gamete”*

22. This section amends section 1 of the 1990 Act so as to ensure that the Act applies to all live human embryos regardless of the manner of their creation, and to all live human gametes (eggs and sperm).
23. An embryo will continue to be defined under the new section 1(1) in broad terms as a “live human embryo” but the definition no longer assumes that an embryo can only be created by fertilisation. This brings the term “embryo” up to date with technologies that have been developed since the time of enactment of the 1990 Act.
24. The definition of an “embryo” in the new section 1(1)(a) of the 1990 Act excludes certain types of embryos created by combining together human and animal gametes, or human embryos altered using animal DNA or animal cells. Such entities are defined as “human admixed embryos” by new section 4A of the 1990 Act as inserted by section 4.
25. The term “gametes” under section 1(4) of the 1990 Act has been amended to expressly encompass not only mature eggs and sperm, but also immature gametogenic cells such as primary oocytes, and spermatocytes.
26. A regulation-making power has been taken to expand the definitions of “embryo”, “eggs”, “sperm” or “gametes”, where this is considered by the Secretary of State to be necessary or desirable in light of developments in science or medicine (see new section 1(6)).