

# HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

##### *Section 11: Activities that may be licensed*

##### **Sex selection**

55. Previously, as a matter of policy, the HFEA has not allowed sex selection except for medical reasons. This position is maintained in the Act. Paragraph 1ZB deals more generally with practices of sex selection, for example sperm sorting, and precludes them from being authorised by a licence other than where there is a particular risk that a woman will give birth to a child who will have or will develop a gender-related serious physical or mental disability, serious illness or other serious medical condition (see paragraph 52 of these notes). Paragraph 1ZB does not prevent any embryo testing practices that may be permitted under paragraph 1ZA.
56. Paragraph 1ZC provides regulation-making powers to amend new paragraph 1ZA (embryo testing), and to make consequential amendments of the new paragraph 1ZB (sex selection). However, regulations may not authorise testing embryos to establish their sex or other practices of sex selection, except on grounds relating to the health of any resulting child.
57. [Paragraph 4](#) of Schedule 2 to the Act makes an amendment that is intended to prevent sex selection, in the context of the provision of non-medical fertility services. A licence cannot authorise the procurement or distribution of sperm to which any process has been applied which is designed to result in a child of a specific sex.