



Human Fertilisation and Embryology Act 2008

2008 CHAPTER 22

PART 1

AMENDMENTS OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Principal terms used in the 1990 Act

1 Meaning of “embryo” and “gamete”

(1) Section 1 of the 1990 Act (meaning of “embryo”, “gamete” and associated expressions) is amended as follows.

(2) For subsection (1) substitute—

“(1) In this Act (except in section 4A or in the term “human admixed embryo”)—

- (a) embryo means a live human embryo and does not include a human admixed embryo (as defined by section 4A(6)), and
- (b) references to an embryo include an egg that is in the process of fertilisation or is undergoing any other process capable of resulting in an embryo.”

(3) In subsection (2), for paragraph (a) substitute—

“(a) references to embryos the creation of which was brought about *in vitro* (in their application to those where fertilisation or any other process by which an embryo is created is complete) are to those where fertilisation or any other process by which the embryo was created began outside the human body whether or not it was completed there, and”.

(4) For subsection (4) substitute—

“(4) In this Act (except in section 4A)—

Changes to legislation: Human Fertilisation and Embryology Act 2008, Cross Heading: Principal terms used in the 1990 Act is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) references to eggs are to live human eggs, including cells of the female germ line at any stage of maturity, but (except in subsection (1)(b)) not including eggs that are in the process of fertilisation or are undergoing any other process capable of resulting in an embryo,
- (b) references to sperm are to live human sperm, including cells of the male germ line at any stage of maturity, and
- (c) references to gametes are to be read accordingly.”

(5) After subsection (5) insert—

“(6) If it appears to the Secretary of State necessary or desirable to do so in the light of developments in science or medicine, regulations may provide that in this Act (except in section 4A) “embryo”, “eggs”, “sperm” or “gametes” includes things specified in the regulations which would not otherwise fall within the definition.

(7) Regulations made by virtue of subsection (6) may not provide for anything containing any nuclear or mitochondrial DNA that is not human to be treated as an embryo or as eggs, sperm or gametes.”

2 **Meaning of “nuclear DNA”**

In section 2(1) of the 1990 Act (other terms), after the definition of “non-medical fertility services” insert—

““nuclear DNA”, in relation to an embryo, includes DNA in the pronucleus of the embryo.”

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 55\(3\)\(e\)](#) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 75\(b\)](#)