



Human Fertilisation and Embryology Act 2008

2008 CHAPTER 22

PART 1

AMENDMENTS OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Mitochondrial donation

26 Mitochondrial donation

After section 35 of the 1990 Act insert—

“Mitochondrial donation

35A Mitochondrial donation

- (1) Regulations may provide for any of the relevant provisions to have effect subject to specified modifications in relation to cases where—
- (a) an egg which is a permitted egg for the purposes of section 3(2) by virtue of regulations made under section 3ZA(5), or
 - (b) an embryo which is a permitted embryo for those purposes by virtue of such regulations,
- has been created from material provided by two women.
- (2) In this section “the relevant provisions” means—
- (a) the following provisions of this Act—
 - (i) section 13(6C) (information whose provision to prospective parents is required by licence condition),
 - (ii) section 31 (register of information),
 - (iii) sections 31ZA to 31ZE (provision of information), and

Changes to legislation: Human Fertilisation and Embryology Act 2008, Section 26 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

- (iv) Schedule 3 (consents to use or storage of gametes, embryos or human admixed embryos etc.), and
- (b) section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders).”

Commencement Information

- II** [S. 26](#) wholly in force at 6.4.2010; [s. 26](#) not in force at Royal assent see [s. 68](#); [s. 26](#) in force for certain purposes at 6.4.2009 by [S.I. 2009/479](#), [art. 5\(h\)](#) (with [Sch.](#)); [s. 26](#) in force for certain further purposes at 1.10.2009 by [S.I. 2009/2232](#), [art. 2\(m\)](#); [s. 26](#) in force at 6.4.2010 otherwise by [S.I. 2010/987](#), [art. 2\(b\)](#)

Changes to legislation:

Human Fertilisation and Embryology Act 2008, Section 26 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.

[View outstanding changes](#)

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\(b\)](#)