



# Human Fertilisation and Embryology Act 2008

## 2008 CHAPTER 22

### PART 1

#### AMENDMENTS OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

##### *Activities governed by the 1990 Act*

### **3 Prohibitions in connection with embryos**

- (1) Section 3 of the 1990 Act (prohibitions in connection with embryos) is amended as follows.
- (2) For subsection (2) substitute—
  - “(2) No person shall place in a woman—
    - (a) an embryo other than a permitted embryo (as defined by section 3ZA),  
or
    - (b) any gametes other than permitted eggs or permitted sperm (as so defined).”
- (3) In subsection (3)—
  - (a) at the end of paragraph (b), insert “or”, and
  - (b) omit paragraph (d) and the word “or” immediately before it.
- (4) In subsection (4), for “the day when the gametes are mixed” substitute “the day on which the process of creating the embryo began”.
- (5) After section 3 insert—

#### **“3ZA Permitted eggs, permitted sperm and permitted embryos**

- (1) This section has effect for the interpretation of section 3(2).

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*Status: This is the original version (as it was originally enacted).*

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- (2) A permitted egg is one—
    - (a) which has been produced by or extracted from the ovaries of a woman, and
    - (b) whose nuclear or mitochondrial DNA has not been altered.
  - (3) Permitted sperm are sperm—
    - (a) which have been produced by or extracted from the testes of a man, and
    - (b) whose nuclear or mitochondrial DNA has not been altered.
  - (4) An embryo is a permitted embryo if—
    - (a) it has been created by the fertilisation of a permitted egg by permitted sperm,
    - (b) no nuclear or mitochondrial DNA of any cell of the embryo has been altered, and
    - (c) no cell has been added to it other than by division of the embryo's own cells.
  - (5) Regulations may provide that—
    - (a) an egg can be a permitted egg, or
    - (b) an embryo can be a permitted embryo,even though the egg or embryo has had applied to it in prescribed circumstances a prescribed process designed to prevent the transmission of serious mitochondrial disease.
  - (6) In this section—
    - (a) “woman” and “man” include respectively a girl and a boy (from birth), and
    - (b) “prescribed” means prescribed by regulations.”
- (6) The Human Reproductive Cloning Act 2001 (c. 23) (which is superseded by the preceding provisions of this section) ceases to have effect.