



Human Fertilisation and Embryology Act 2008

2008 CHAPTER 22

PART 3

MISCELLANEOUS AND GENERAL

General

64 Power to make consequential and transitional provision etc.

- (1) The Secretary of State may by order make—
 - (a) any supplementary, incidental or consequential provision, and
 - (b) any transitional or saving provision,that the Secretary of State considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) An order under this section may modify—
 - (a) any enactment passed or made before the passing of this Act, and
 - (b) any enactment passed or made before the end of the Session in which this Act is passed.
- (3) An order under this section which modifies an enactment in consequence of any provision of Part 2 may modify subsection (5) of section 53 (interpretation of references to father etc.).
- (4) An order under this section may provide for any provision of this Act which comes into force before any other provision comes into force to have effect, until that other provision has come into force, with specified modifications.
- (5) Before making an order under this section containing provision which would, if included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament, the Secretary of State must consult the Scottish Ministers.

Changes to legislation: *Human Fertilisation and Embryology Act 2008, Section 64 is up to date with all changes known to be in force on or before 10 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*

- (6) Before making an order under this section containing provision which would be within the legislative competence of the National Assembly for Wales if it were included in [F1an Act of the Assembly], the Secretary of State must consult the Welsh Ministers.
- (7) Before making an order under this section containing provision which would, if included in an Act of the Northern Ireland Assembly, be within the legislative competence of that Assembly, the Secretary of State must consult the Department of Health, Social Services and Public Safety.
- (8) Nothing in this section limits the power under section 61 to include transitional or saving provision in a commencement order under section 68(2).
- (9) The modifications that may be made by virtue of subsection (2) are in addition to those that are made by any other provision of this Act.
- (10) In this section—
- “enactment” means an enactment contained in, or in an instrument made under—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure of the National Assembly for Wales, or
 - (d) Northern Ireland legislation;
- “modify” includes amend, add to, revoke or repeal, and references to “modifications” are to be read accordingly;
- “the Assembly Act provisions” has the meaning given by section 103(8) of the Government of Wales Act 2006 (c. 32).

Textual Amendments

F1 Words in s. 64(6) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 72](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)

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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\(b\)](#)