
STATUTORY INSTRUMENTS

2004 No. 1511

HUMAN FERTILISATION AND EMBRYOLOGY

**The Human Fertilisation and Embryology Authority
(Disclosure of Donor Information) Regulations 2004**

Made - - - - *14th June 2004*
Coming into force - - *1st July 2004*

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament:
Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 31(4)(a) and 45(1) to (3) of the Human Fertilisation and Embryology Act 1990⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Human Fertilisation and Embryology Authority (Disclosure of Donor Information) Regulations 2004 and come into force on 1st July 2004.

(2) In these Regulations—

“the Act” means the Human Fertilisation and Embryology Act 1990;

“applicant” means a person who has requested information under section 31(4) of the Act;

“donor” means the person who has provided the sperm, eggs or embryos that have been used for treatment services in consequence of which the applicant was, or may have been, born.

Information that the Authority is required to give

2.—(1) Subject to paragraph (4), the information contained in the register which the Authority is required to give an applicant by virtue of section 31(4)(a) of the Act is any information to which paragraph (2) or (3) applies.

(2) This paragraph applies to information as to—

(a) the sex, height, weight, ethnic group, eye colour, hair colour, skin colour, year of birth, country of birth and marital status of the donor;

(b) whether the donor was adopted;

(c) the ethnic group or groups of the donor’s parents;

(1) 1990 c. 37.

- (d) the screening tests carried out on the donor and information on his personal and family medical history;
- (e) where the donor has a child, the sex of that child and where the donor has children, the number of those children and the sex of each of them;
- (f) the donor's religion, occupation, interests and skills and why the donor provided sperm, eggs or embryos;
- (g) matters contained in any description of himself as a person which the donor has provided;
- (h) any additional matter which the donor has provided with the intention that it be made available to an applicant;

but does not include information which may identify the donor by itself or in combination with any other information which is in, or is likely to come into, the possession of the applicant.

(3) This paragraph applies to information from which the donor may be identified which he provides after 31st March 2005 to a person to whom a licence applies, being information as to—

- (a) any matter specified in sub-paragraphs (a) to (h) of paragraph (2);
- (b) the surname and each forename of the donor and, if different, the surname and each forename of the donor used for the registration of his birth;
- (c) the date of birth of the donor and the town or district in which he was born;
- (d) the appearance of the donor;
- (e) the last known postal address of the donor.

(4) The information which the Authority is required to give to the applicant does not include any information which at the time of his request the applicant indicates that he does not wish to receive.

14th June 2004

Melanie Johnson
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 31(4)(a) and 45(1) to (3) of the Human Fertilisation and Embryology Act 1990. They prescribe the information which the Human Fertilisation and Embryology Authority (“the HFEA”) will provide in response to a request from a person who has attained the age of 18 and who was, or may have been, born in consequence of treatment services provided under the Human Fertilisation and Embryology Act 1990. The treatment services provided under that Act include the use of donated sperm, eggs or embryos.

Regulation 2(2) prescribes information, other than information as to the identity of donors of sperm, eggs or embryos, which the HFEA will provide from its register in response to applications from adult donor-conceived persons. This information may have been entered on the register of the HFEA at any time since the register was started in 1991.

Regulation 2(3) prescribes information as to the identity of donors of sperm, eggs or embryos which will be provided by the HFEA from its register in response to applications from adult donor-conceived persons. The information as to the identity of donors which will be provided is restricted to information which donors supply to clinics on or after 1st April 2005.

Regulation 2(4) enables a donor-conceived person to restrict the information that will be provided by the HFEA in response to his request.

A Regulatory Impact Assessment has been prepared in respect of these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment are published on the Department of Health’s website (www.dh.gov.uk) and can be obtained from Area D, Sixth Floor, Department of Health, Skipton House, 80 London Road, London SE1 6LH.