



Human
Fertilisation &
Embryology
Authority

Key Messages

[Health and Care Act 2022](#)
[\(legislation.gov.uk\)](#)

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From 1 July 2022 new laws come into force in relation to the permitted storage periods for gametes and embryos

These changes to the HFE Act supersede all previous storage regulations.

Key dates

- 1 July 2022: the '**commencement date**' is the date the law changes and the start of the '**transitional period**'
- **30 June 2023**: the date by which all patients storing gametes or embryos before 1 July 2022 where there is either no effective consent to storage, or where consent to storage is due to end before the end of the transitional period (30 June 2024) **must be contacted** about giving or renewing consent.
- **30 June 2024: end of the transitional period**: the date by which all gametes in storage before 1 July 2022 must be stored with effective consent or be removed from storage. Effective consent may still be valid from initial storage.
- **31 December 2024**: this date is six months after expiry of the transitional period until which it will remain lawful to store an embryo when consent has not been renewed (use is not lawful and further consent cannot be given for storage)

Key messages

- All patients may store their gametes or embryos for their own treatment for the maximum of 55 years, but they can only do this if they 'renew' their consent to storage, and this must take place within 10 years of first storage and at each successive 10-year period.
- Donors storing gametes or embryos can give consent to storage for 55 years and are not required to renew their consent
- There is no longer a requirement for patients to satisfy the premature infertility criteria to be able to store gametes or embryos for more than 10 years as was required by the 2009 Regulations.

Key definitions

Consent period

- The '**consent period**' for storage of an embryo is the period of 10 years beginning with the day on which the embryo is first kept in storage and each successive period of 10 years.
- In the case of gametes, the 'consent period' is defined as the period of 10 years beginning with the '**relevant day**' and each successive period of 10 years.
- In most cases, the 'relevant day' will be the day on which the gametes were first placed in storage.
 - one exception to this is in relation to gametes which are taken from or given by a person before they have attained the age of 18 years and either lack competence or capacity to deal with the issue of consent to storage. In such cases, the consent period will begin on the day when they give consent after becoming competent and having capacity to give such consent

Renewal Period

- The Act sets out a defined timeframe called the '**renewal period**' and sets out the actions centres must take in relation to the timing of obtaining renewal of consent to storage
- The 'renewal period' covers **18 months**:
 - beginning 12 months before the consent period is due to end, and
 - ending six months after the end of the consent period
- For example, if gametes are placed in storage on 1 August 2022 with consent to storage for 10 years: •
 - The 'consent period' is from 1 August 2022 to 31 July 2032.
 - The 'renewal period' starts on 31 July 2031 (12 months before the consent period ends) and ends on 31 January 2033 (six months after the consent period ends)

Renewal process

- Before renewing their consent to storage, the centre must give the person a suitable opportunity to receive proper counselling about the implications of taking the proposed steps and must be provided with such relevant information as is proper
- Patients who want to renew their consent to storage must be asked to complete an HFEA Renewal of consent to storage of your eggs or sperm for treatment (**RG**) form or Renewal of consent to storage of your embryos for treatment (**RE**) form
- Patients can renew their consent to store their gametes or embryos for use in their own treatment at intervals of up to 10 years at a time, for a maximum of 55 years

Renewal process (date of renewal)

Gametes or embryos that are already subject to an extension of storage under the 2009 Regulations

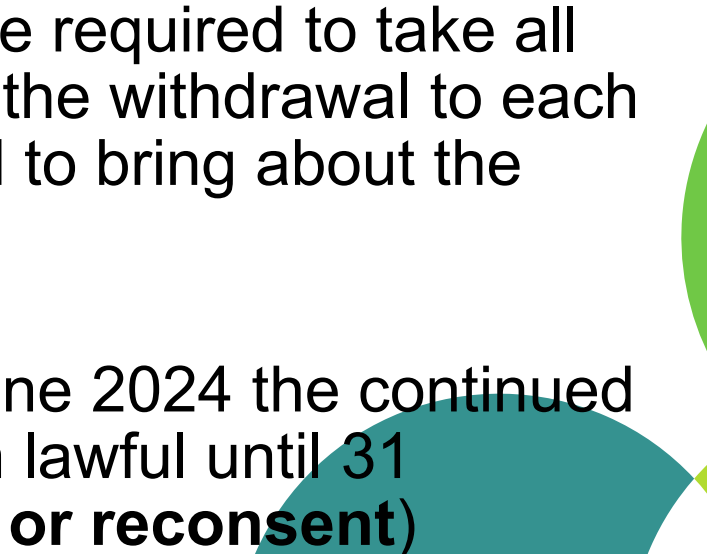
- Where gametes or embryos are already subject to an extension of storage under the 2009 Regulations, the date for renewal of consent may not be calculated by reference to the date first placed in storage
- **The end of the relevant consent period will be the end of the statutory storage period**
 - ie the end of the statutory storage period will be 10 years after the date of the most recent written opinion from a registered medical practitioner as to premature infertility (**MPS**)
(must be effective consent in place running along side an MPS)

Renewal of consent ending during the Transitional phase

End of statutory storage period, under the 2009 / 2020 regs (10/12 years) or MPS expiry

- Where the consent period ends in the transitional period (i.e., between 1 July 2022 and 30 June 2024), the start of the renewal period will be deemed to be 30 June 2023
- By 30 06 23, centres will be required to write to patients requesting that they renew their consent and in the same notification, inform the patients that the gametes or embryos will be removed from storage and disposed of if consent has not been renewed by 30 June 2024

If consent is not renewed in the TP

- In the case of gametes, centres will be legally required to remove the gametes from storage and dispose of them after the end of the transitional period (i.e., on 1 July 2024) if consent is not renewed by that date
 - In the case of embryos, centres are required to take all reasonable steps to give notice of the withdrawal to each person whose gametes were used to bring about the creation of the embryo.
 - If consent is not renewed by 30 June 2024 the continued storage of the embryos will remain lawful until 31 December 2024 (**unlawful to use or reconsent**)
- 

Renewal of consent after the end of the TP

- Where the consent period ends after the transitional period, (i.e., on or after 1 July 2024) the start of the renewal period will be deemed to be 12 months before the end of the consent period
 - For example, if consent to storage ends on 31 August 2024, the renewal period starts on 31 August 2023
- Centres now have a **legal duty to contact patients in writing before the start of the ‘renewal period’** to ask whether they wish to renew their consent to storage
- When centres contact patients, they must provide patients with a copy of the relevant **HFEA ‘Statutory Notice’** setting out the steps that must be taken to renew consent. This written communication must be sent to patients more than 12 months before the end of the ‘consent period at the start of the renewal period

If consent has not been renewed in the consent period

- As soon as possible after the end of the consent period 'Statutory Notice' sent to the patient stating that if they do not renew consent before the end of the renewal period the gametes or embryos will be removed from storage and disposed of
- Centres can continue to store the gametes or embryos until the end of the renewal period (six months after the consent period) so that patients are given a further opportunity to consider whether they want to renew their consent to storage

If consent to storage has not been renewed before the end of the renewal period

- If a patient does not renew their consent in the renewal period, their consent to storage is taken as having been '**withdrawn**' at the end of the renewal period
- Centres will be legally required to remove the **gametes** from storage and dispose of them at the end of the renewal period, (6 months after the end of the consent period)
- Centres are required to give a further 'Notification to each person whose eggs or sperm were used to create **embryo(s)** that consent to storage has been withdrawn' (NWC)
- Storage of the **embryos** will remain lawful for a further period of six months from the end of the renewal period (unlawful to use and further consent is not possible)

Statutory Notices

During the TP, TP statutory notices to be used

- RNG - Request to renew consent to storage of eggs or sperm within the renewal period
- RNE - Request to renew consent to storage of embryos within the renewal period
- NDG - Notification that eggs or sperm will be removed from storage and disposed of if the patient does not renew consent to storage before the end of the renewal period
- NDE - Notification that embryo(s) may be removed from storage and disposed of if patients do not renew their consent to storage before the end of the renewal period
- NWC - Notification to each person whose eggs or sperm were used to create embryo(s) that consent to storage has been withdrawn

In the event of death (patients)

- A patient's gametes or embryos can only be used posthumously if the patient has provided written consent to their use
- In cases where patients storing their gametes or embryos for treatment have also given consent to posthumous use of their material and consent to storage for a period of 10 years after their death, centres can store these for a maximum period of 10 years from the date of death of the gamete provider
- In cases where a gamete provider gave consent to posthumous use of gametes or embryos and consent to storage for a period of less than 10 years from the date of the gamete provider's death, the material can remain in storage for the period for which effective consent to posthumous storage has been given

In the event of death (donors)

- In the new regulations the renewal provisions are for treatment purposes only, and 10 years after death is in these provisions.
 - *Renewal of consent to storage of gametes*
11A(1) This paragraph applies where—
 - (a) the gametes of a person (“P”) are in storage,*
 - (b) P’s consent to the storage of the gametes is required under paragraph 8(1),*
 - (c) there is effective consent from P to the storage of the gametes, and*
 - (d) the gametes are being kept for use for the purposes of providing treatment services to—*
 - (i) P, or*
 - (ii) P and another person together.*
- In essence if a donor dies the gametes or embryos created with donor gametes can be stored and used until the end of the period of time the donor consented to (unlike patients own gametes / embryos which can only be stored for 10 years from date of death) **as long as** the donor hasn’t placed a restriction on use after death.

In the event of death - Donors

- The MD form states:

What happens to my sperm or embryos if I die?

By consenting to donate your sperm or embryos, you are also agreeing to them being used and stored if you were to die or lose the ability to decide for yourself (become mentally incapacitated). If you do not want your sperm or embryos to be used and stored for someone else's treatment if you were to die or become mentally incapacitated, you can state this as a restriction (at section 2.4 of this form). You may also state at 2.4 that you only want your sperm or embryos to be donated for someone else's treatment in the event of your death. Please note that the clinic can only act on these wishes if they are informed about your death or mental incapacity. If you're unsure of anything in relation to this, please ask your clinic.

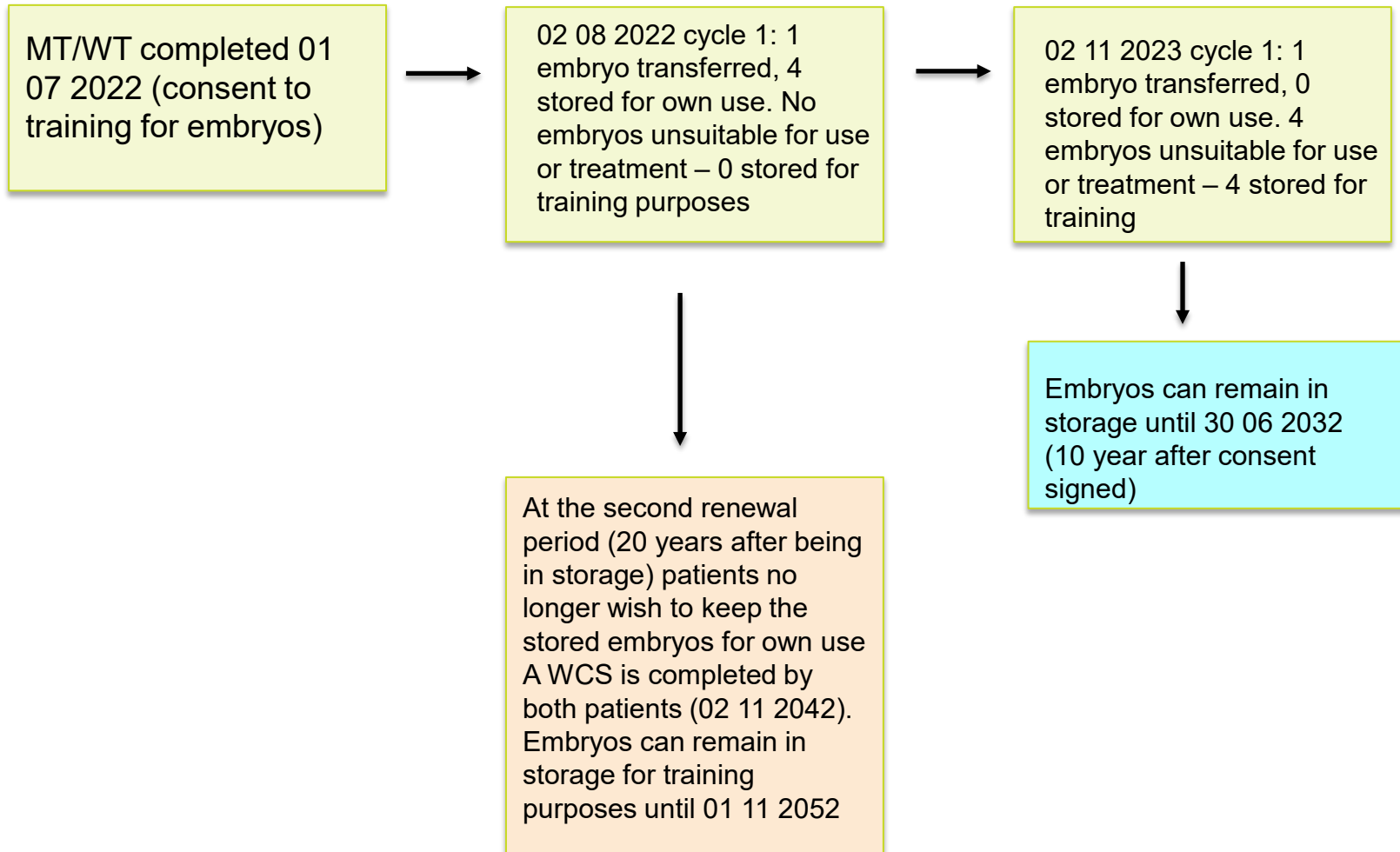
Lack of Capacity (patients)

- In cases where patients storing their gametes or embryos for treatment have also given consent to use of their material and consent to storage for that period in the event they lose mental capacity, centres can store these for a maximum period of 10 years from the date on which the patient is certified as having lost capacity.
- If the patient is certified as regaining capacity within the 10-year period after they have been certified as lacking capacity and wishes to renew their consent to storage, they can then do so.
- Centres should be aware that in these cases, for the purposes of renewal, **the consent period will then be calculated from the date the person provided their consent to storage after certification of their regained capacity.**
- However, the maximum storage period of 55 years, will still be calculated from the date that the gametes or embryos were first placed in storage.

Storage of gametes or embryos for use in training or research

- Gametes can be stored for use in training or research for up to **55 years from the date they are first placed in storage**. This maximum storage period applies whether the gametes were first placed in storage before or after 1 July 2022
- In relation to embryos the maximum storage period is **10 years from the date on which consent** to storage for that purpose was given. It should be noted that this 10-year period begins on the date of consent to storage for that purpose, not the date the embryos were first placed in storage. Patients can give consent to storage of embryos for use in training or research for up to 10 years, or for a lesser period if they so wish

Worked example



Donor gametes where consent to storage was given on or before 30 June 2022 for 55 years

Allocated to patients who satisfy the requirements for extended storage under the 2009 regulations

- Gamete donors prior 1 07 22 would have been provided with information about the statutory storage periods in effect at the time of donation.
- Donors would have been informed that the law permitted storage of their gametes or embryos created using their gametes for any period up to 10 years, and that in specific circumstances where the person to whom their gametes or embryos created with their gametes have been allocated, is prematurely infertile, or likely to become prematurely infertile, then storage may be longer, for up to 55 years
- Donors who donated prior to 1 July 2022 may have given a consent to storage for 55 years, but centres cannot assume that this consent will remain effective following the changes to the Act on 1 July 2022
- Carefully review the circumstances of each donor before considering whether to contact them to ask if they wish to consider varying their consent to storage as this could present significant risks

Material already in storage on 1 July or where forms are completed prior to 1 July 22 and storage occurs after 1 July 22

The question of whether to re-consent

- We have recommended that centres should determine when and how best to do this given their own processes for contacting and staying in touch with patients and we advise, the most robust way to ensure all patients with material in storage after 1 July satisfy the new requirements is if they provide consent or renew consent using the new consent forms effective from 1 July 2022
- Patients may be disadvantaged with regard to posthumous provisions if they do not use new forms

6 In the event of your death or mental incapacity

As part of your consent, you also need to decide what you would like to happen to your sperm, or embryos created outside the body with your sperm, if you die or lose the ability to decide for yourself (become mentally incapacitated). Please note that if you would like your partner to use your sperm or embryos in the event of your death or mental incapacity, your partner should be named on this form. Your embryos may only be used within the storage period you consented to above.

If you do not give your consent in the below section, your sperm or embryos must be allowed to perish in the event of your death or mental incapacity and cannot be used for treatment.

6.1 Do you consent to your sperm being used to create embryos outside the body for your partner's treatment?

Please note that the egg provider also has to give her consent for embryos to be created.

If you die

Yes No

If you become mentally incapacitated

Yes No

6.2 Do you consent to embryos (already created outside the body with your sperm) being used for your partner's treatment?

Please note that embryos can only be used if the egg provider has also given her consent.

If you die

Yes No

If you become mentally incapacitated

Yes No

»»» Continues on the next page

A new way of thinking

10 year periods of consent

Your consent to your sperm and embryos created outside the body using your sperm being used in treatment (IVF and ICSI) or stored

Renewal of consent to storage of your eggs or sperm for treatment

(Only to be used as part of the renewal process)

HFEA MT Form



HFEA RG Form



Working example

Storage of sperm with a named partner

- Sperm stored 1 08 2022,
- Consents for 2 years storage, uses section 4.1 of the MT and writes '2' in the box to specify the number of years to store. Can remain in storage until 31 07 2024

Storage for the first time

4.1 Do you consent to your sperm being stored?



Yes



No

If you have answered 'yes', indicate how long you consent to storage:



For 10 years, or



For a shorter period - specify the number of years (not exceeding 10 years):

2

- Patient contacted in 2023 and uses a further MT to give additional storage before 31 07 2024
- Now wishes to give consent to storage for the full 10 year consent period
- Consents for 8 years additional storage (MT) (can remain in storage 31 07 2032)

4 Storing sperm or embryos continued

Additional storage prior to renewal

Only complete this section if you have already:

- ▶ Given your initial consent to storage of your sperm or embryos for a period less than 10 years from the date that your sperm or embryos were first placed in storage, or
- ▶ If you have renewed your consent, but consented to a storage period of less than 10 years, and now wish to request an additional period of storage for up to another 10 years before a further renewal is required.

You will be required to formally renew your consent to storage (on a renewal of consent form) no later than every 10 years after your sperm or embryos were first placed in storage. Your clinic will contact you about this at the appropriate time. If your clinic is unable to contact you, then your sperm or embryos will be removed from storage and disposed of when they can no longer be lawfully stored

4.3

4.3 Do you wish to consent to an additional period of storage of your sperm?



Yes



No

If you have answered 'yes', indicate how long you wish your additional period of storage to last. Any period you specify below will be in addition to your existing storage period. The total number of years of storage should not exceed 10 years from date of first storage or most recent renewal.

Specify the number of years:

8

Renewal process

3 Renewal of consent to storage for your own treatment continued

If you renew your consent below for a period of less than 10 years, you will be contacted by your clinic regarding an additional period of storage at the appropriate time.

If you renew your consent below for a period of 10 years, then no later than 12 months before your next 10 year consent period comes to an end, if you have not already withdrawn your consent to storage, you will be contacted by your clinic about whether you wish to renew your consent to storage. At that time, you will be offered further counselling, given relevant information and asked to complete another renewal form.

You are required to confirm whether you want storage to continue, and for how long, by no later than the earliest date set out below.

Your consent to storage of eggs or sperm ends on [clinic to complete – this could include multiple samples]

31 7 2032

If you **do not** complete and return this form **before the earliest date given above**, then your consent period for the storage of eggs or sperm for treatment **will come to an end** on each of the date(s) given above.

If you do not renew your consent in writing, then by law, your consent is taken as withdrawn and your clinic must remove your eggs or sperm from storage and dispose of them 6 months after each of the date(s) given above.

You can change your storage period or withdraw your consent to storage at any time by contacting your clinic.

3.1 **Do you want to renew consent to storage of your eggs or sperm for you or your partner's treatment (including with a surrogate, where applicable)?**

Yes No - please complete section 4 below.

If you have answered 'yes', indicate for how long you renew consent to storage of your eggs or sperm:

For a further 10 years from the date(s) given in the box above, or

For a shorter period from the date given in the box above - specify the number of years (not exceeding 10 years):

If you have answered 'yes', you do not need to complete section 4.

3

- Renewal period starts 31 07 31. Patients must be contacted before this date
- RG/RNG sent to patient
- Patient renews consent 30 06 32 for 3 years

Storing sperm or embryos continued

Additional storage prior to renewal

Only complete this section if you have already:

- ▶ Given your initial consent to storage of your sperm or embryos for a period less than 10 years from the date that your sperm or embryos were first placed in storage, or
- ▶ If you have renewed your consent, but consented to a storage period of less than 10 years, and now wish to request an additional period of storage for up to another 10 years before a further renewal is required.

You will be required to formally renew your consent to storage (on a renewal of consent form) no later than every 10 years after your sperm or embryos were first placed in storage. Your clinic will contact you about this at the appropriate time. If your clinic is unable to contact you, then your sperm or embryos will be removed from storage and disposed of when they can no longer be lawfully stored

4.3

4.3 Do you wish to consent to an additional period of storage of your sperm?

Yes No

If you have answered 'yes', indicate how long you wish your additional period of storage to last. Any period you specify below will be in addition to your existing storage period. The total number of years of storage should not exceed 10 years from date of first storage or most recent renewal.

Specify the number of years:

- Further MT completed before 31 07 2035 (use section 4.3)
- Consents for 7 year additional storage period up to 31 07 2042

Renewal process

3 Renewal of consent to storage for your own treatment continued

If you renew your consent below for a period of less than 10 years, you will be contacted by your clinic regarding an additional period of storage at the appropriate time.

If you renew your consent below for a period of 10 years, then no later than 12 months before your next 10 year consent period comes to an end, if you have not already withdrawn your consent to storage, you will be contacted by your clinic about whether you wish to renew your consent to storage. At that time, you will be offered further counselling, given relevant information and asked to complete another renewal form.

You are required to confirm whether you want storage to continue, and for how long, by no later than the earliest date set out below.

Your consent to storage of eggs or sperm ends on [clinic to complete – this could include multiple samples]

31 7 2042

If you **do not** complete and return this form **before the earliest date given above**, then your consent period for the storage of eggs or sperm for treatment **will come to an end** on each of the date(s) given above.

If you do not renew your consent in writing, then by law, your consent is taken as withdrawn and your clinic must remove your eggs or sperm from storage and dispose of them 6 months after each of the date(s) given above.

You can change your storage period or withdraw your consent to storage at any time by contacting your clinic.

3.1 **Do you want to renew consent to storage of your eggs or sperm for you or your partner's treatment (including with a surrogate, where applicable)?**

Yes

No - please complete section 4 below.

If you have answered 'yes', indicate for how long you renew consent to storage of your eggs or sperm:

For a further 10 years from the date(s) given in the box above, or

For a shorter period from the date given in the box above - specify the number of years (not exceeding 10 years):

If you have answered 'yes', you do not need to complete section 4.

Consent period ends 31 07 2042.
Renewal period starts 31 07 2041
and ends 31 01 2043

Egg storage date 1 November 2009

Storage consent period 10 years

Eggs stored for social egg freezing (GS).

Effective consent ended on 31 October 2019 (patient unable to extend under the 2009 Regulations i.e. does not meet premature infertility criteria). Clinic is storing unlawfully

Transitional period begins 1 July 2022

Clinic contacts patient in writing with GS by 30 June 2023. Must be completed for up to 8 years to bring in line with 10 year consent periods (i.e. to provide consent to storage from 1 July 2022 to 31 October 2029). **GS must be returned by 30 June 2024.**

Patient returns completed GS on 1 December 2023 providing effective consent to storage to 31 October 2029.

Patients to be contacted about renewal of consent before next renewal period (RNG and RG).

Renewal period 31 October 2028 (12 months before end consent period)
to 30 April 2030 (6 months after end of consent period)

Where there is no effective consent on 1 July 2022



Knowledge base

- Read the Code of Practice
- Directions
- Chair's letters
- Chief Executive's letters
- Other guidance and information
- Licence conditions
- Clinic forms
- Consent forms
- Clinic Focus
- Embryo research
- PRISM
- New storage laws**

New storage laws

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5. [Consent forms and new Statutory Notices \(separate page\)](#)
6. [Updated General Directions \(separate page\)](#)
7. [Updated Licence Conditions \(separate page\)](#)

Clinic Guide

All information is posted on the Clinic Portal – please keep checking for updates

