Draft Order laid before Parliament under section 62(3) of the Human Fertilisation and Embryology Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 000

HUMAN FERTILISATION AND EMBRYOLOGY

The Human Fertilisation and Embryology (Parental Orders) (Consequential, Transitional and Saving Provisions) Order 2010

Made - - - -	*000*
Coming into force - -	*6th April 2010*

The Secretary of State makes this Order in exercise of the powers conferred by sections 61 and 64 of the Human Fertilisation and Embryology Act 2008(**1**).

A draft of this instrument was laid before Parliament in accordance with section 62(3) of that Act and approved by a resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Human Fertilisation and Embryology (Parental Orders) (Consequential, Transitional and Saving Provisions) Order 2010 and shall come into force on 6th April 2010.

(2) Any amendment, repeal or modification of any enactment made by this Order shall have the same extent as the enactment to which it relates.

(3) Subject to paragraph (2), this Order extends to England and Wales, Scotland and Northern Ireland.

(4) In this Order—

"the 1990 Act" means the Human Fertilisation and Embryology Act 1990(**2**);

"the 1994 Regulations" means the Parental Orders (Human Fertilisation and Embryology) Regulations 1994(**3**);

"the 1994 (Scotland) Regulations" means the Parental Orders (Human Fertilisation and Embryology) (Scotland) Regulations 1994(**4**); and

"the 2008 Act" means the Human Fertilisation and Embryology Act 2008.

(**1**) 2008 c.22.
(**2**) 1990 c.37.
(**3**) S.I. 1994/2767, amended by S.I. 2005/2897.
(**4**) S.I. 1994/2804 (S.141).

Consequential amendments

2. The consequential amendments set out in the Schedule to this Order shall have effect.

Pending applications under section 30 of the 1990 Act

3.—(1) Neither the repeal of section 30 of the 1990 Act nor anything in the provisions specified in paragraph (2) affects any application for an order under that section that has been made but not disposed of before the day on which the repeal comes into force.

(2) The provisions referred to are—

(a) the provisions of the 2008 Act that come into force on the same day as that repeal; and

(b) the amendments and revocations made by this Order.

Saving for regulations that apply adoption provisions relating to status

4. Despite the repeal of section 30 of the 1990 Act—

(a) the 1994 Regulations, so far as relating to Part 4 of the Adoption Act 1976(**5**) or Part 5 of the Adoption (Northern Ireland) Order 1987(**6**); and

(b) the 1994 (Scotland) Regulations, so far as they relate to Part 4 of the Adoption (Scotland) Act 1978(**7**),

remain in force in relation to orders under section 30 of the 1990 Act that are made before the commencement of the repeal of that section or by virtue of article 3 of this Order.

Revocations

5. The following instruments are revoked—

(a) the 1994 Regulations except to the extent mentioned in article 4;

(b) the 1994 (Scotland) Regulations except to the extent mentioned in article 4;

(c) article 14(1) and (2) of the Adoption and Children (Commencement No. 10 Transitional and Savings Provisions) Order 2005(**8**); and

(d) the Adoption and Children (Scotland) Act 2007 (Consequential Provisions) (No. 1) Order 2009(**9**)

(**5**) 1976 c.36; Part 4 was amended by the British Nationality Act 1981 (c.61), section 52(6) and Schedule 7; Adoption (Intercountry Aspects) Act 1999 (c.18), sections 4(1), (2) and 17, except in relation to a 1965 Convention adoption order (or an application for such an order) or a 1965 Convention adoption (as defined in section 17(2) of the 1999 Act); the British Overseas Territories Act 2002 (c.8), section 2(3); the Adoption and Children Act 2002 (c.38), section 139(1) and Schedule 3, paragraph 19; the Criminal Justice and Immigration Act 2008 (c.4), section 73(c) and Schedule 15, paragraph 7; S.I. 1986/948 and S.I. 2005/3129.

(**6**) S.I. 1987/2203 (N.I.22).

(**7**) 1978 c.28; Part 4 was amended by the British Nationality Act 1981 (c.61), section 52(6) and (8) and Schedule 7 and Schedule 9; the Law Reform (Parent and Child) (Scotland) Act 1986 (c.9), sections 10(1) and 11(4) and Schedule 1, paragraph 18(2); the Incest and Related Offences (Scotland) Act 1986 (c.36), sections 2(1) and 3(4) and Schedule 1, paragraph 5; the Social Security Act 1988 (c.7), sections 16 and 19(3) and Schedule 5; the Children (Scotland) Act 1995 (c.36), section 97(3) (with section 103(1)); the British Overseas Territories Act 2002 (c.8), section 2(2)(a); and by S.I. 1986/948 and S.I. 1996/3201 (as amended by S.I. 1997/744).

(**8**) S.I. 2005/2897, to which there are amendments not relevant to these Regulations.

(**9**) S.I. 2009/2233.

Signed by authority of the Secretary of State for Health.

Name
Minister of State,
Date Department of Health