



Human Assisted Reproductive Technology Amendment Order 2009

Anand Satyanand, Governor-General

Order in Council

At Wellington this 6th day of July 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 6 of the Human Assisted Reproductive Technology Act 2004, His Excellency the Governor-General, acting on the recommendation of the Minister of Health given in accordance with that section and on the advice and with the consent of the Executive Council, makes the following order.

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Schedule
Amendments to Part 2 of Schedule of principal order
(procedures that are not established procedures)

Order

- 1 Title**
This order is the Human Assisted Reproductive Technology Amendment Order 2009.
 - 2 Commencement**
This order comes into force on the day after the date of its notification in the *Gazette*.
 - 3 Principal order amended**
This order amends the Human Assisted Reproductive Technology Order 2005.
 - 4 Schedule amended**
Part 2 of the Schedule is amended in the manner indicated in the Schedule of this order.
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Schedule
Amendments to Part 2 of Schedule of
principal order (procedures that are not
established procedures)

Clauses 1 and 2

Revoke and substitute:

- “1 Despite the descriptions of established procedures in Part 1, a procedure is not an established procedure if it involves the use of donated eggs or donated sperm, and—
- “(a) the donor is a family member of the patient; or
 - “(b) the donated eggs or donated sperm are used in conjunction with any other donated gametes.

Clauses 1 and 2—continued

- “2 For the purpose of clause 1(a), a donation of eggs or sperm is not regarded as being a donation made by a family member if,—
- “(a) in the case of donated eggs, the donor is a sister or cousin of the patient:
 - “(b) in the case of donated sperm, the donor is a brother or cousin of the patient’s spouse or partner:
 - “(c) in the case of a procedure that involves the use of eggs donated by the patient’s partner and also involves donated sperm, the donor of the sperm is a brother or cousin of the patient.
- “2A Despite the descriptions of established procedures in Part 1, a procedure is not an established procedure if it involves the use of donated eggs or donated sperm, and—
- “(a) the donor is a family member of the patient; and
 - “(b) at the time of the donation, the donor or the patient is under 20.”

Clause 3

Omit “or eggs that have” and substitute “that has”.

New clause 7

Add:

- “7 Despite the descriptions of established procedures in Part 1, a procedure is not an established procedure if it involves the use of eggs collected from a person who is dead when the eggs are collected or who dies before the procedure is carried out.”

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the day after the date of its notification in the *Gazette*, amends the Human Assisted Reproductive Technology Order 2005.

Clauses 1 and 2 of Part 2 of the Schedule of the principal order are replaced with *new clauses 1 to 2A*. Those clauses effectively specify when the use of donated eggs or donated sperm in a procedure will require the approval of the ethics committee. The changes are intended to ensure that the approval of the ethics committee will not be required if,—

- in the case of donated eggs, the donor is a sister or cousin of the patient:
- in the case of donated sperm, the donor is a brother or cousin of the patient's spouse or partner:
- in the case of a procedure that involves the use of eggs donated by the patient's partner and also involves donated sperm, the donor of the sperm is a brother or cousin of the patient.

Clause 3 of Part 2 is amended and *new clause 7* is added to ensure that the use of frozen human eggs for fertility treatment will not require the approval of the ethics committee so long as the donor is alive when the procedure is carried out.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 9 July 2009.

This order is administered by the Ministry of Health.
