

HFEA Licence Committee Meeting

20 April 2009

21 Bloomsbury Street London WC1B 3HF

Minutes – Item 7

London Women's Clinic (0105), Additional Inspection

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HFEA REGULATION

Members of the Committee:

Anna Carragher, Lay member – Chair
Jennifer Hunt, Senior Fertility
Counsellor, IVF Hammersmith
Hossam Abdalla, Clinical Director,
Lister Clinic

Committee Secretary:
Kristen Veblen, assisted by Claudia
Lally

Legal Adviser:
Sara Ellson, Field Fisher
Waterhouse

Declarations of Interest: members of the Committee declared that they had no conflicts of interest in relation to this item

The following papers were considered by the Committee:

- papers for Licence Committee (13 pages)
- tabled paper: Appendix C: Response of Person Responsible to the inspection report (3 pages).

The Committee also had before it:

- HFEA Protocol for the Conduct of Licence Committee Meetings and Hearings
- 7th edition of the HFEA Code of Practice
- Human Fertilisation and Embryology Act 1990 (as amended)
- HFEA (Licence Committees and Appeals) Regulations 1991 (SI 1991/1889)
- Decision Trees for Granting and Renewing Licences and Considering Requests to Vary a Licence; and
- Guidance for members of Authority and Committees on the handling of conflicts of interest approved by the Authority on 21st January 2009.

1. The Committee noted that the inspection had been unannounced and had been focused on concerns regarding non-compliance with the SEED review requirements, as detailed in Direction 2006/1.
2. The Committee noted the findings of the report.
3. The Committee also noted the tabled response of the Person Responsible to the report and agreed that this was a satisfactory reply.

Legal Advice

4. The Legal Advisor reminded the Committee of the precise wording of D2006/1 and the Guidance in the 7th Code of Practice at G 4.11.
5. The Committee were advised by the Legal Advisor of the provisions in section 18 of the HFE Act 1990 (as amended) which give the Committee the power to vary a licence in certain circumstances. Under section 18(3) the Committee were advised that they had the power to vary the terms of a licence if one of the factors which would allow revocation under 18(1) or 18(2) were satisfied. In the absence of an application the Committee could vary a licence to impose conditions and the imposition of a condition would be subject to the representations process.

The Committee's Decision

6. The Committee wished to remind the Person Responsible that HFEA Directions do not allow for any compensation for "inconvenience", only compensation for loss of earnings, and reimbursement of appropriate expenses.
7. The Committee then decided that the Centre's licence could have been revoked as indicated by section 18(1)(c), because they were satisfied that the Person Responsible appeared to have failed to comply with directions given in connection with any licence, namely the directions given in D2006/1.
8. However, rather than exercise any power to revoke, the Committee decided to vary the terms of the Centre's licence to impose the following condition.
 - The Person Responsible is required to regularly submit to the HFEA all logs and/or records of payment made by the Centre to donors up to and including 20 April 2010.

Signed Anna Carragher Date 5.5.2009
Anna Carragher (Chair)