

HFEA Licence Committee Meeting

26 March 2009

21 Bloomsbury Street London WC1B 3HF

RECEIVED BY
09 APR 2009
HFEA REGULATION

Minutes – item 9

Ninewells Hospital (0004), Application to change Person Responsible

Members of the Committee:

Clare Lewis-Jones, Lay Member –
Chair
Ruth Fasht, Lay Member
Sue Price, Consultant in Clinical
Genetics, Oxford Regional Genetics
Service
Roger Neuberg, Consultant
Obstetrician and Gynaecologist,
Leicester Royal Infirmary

Committee Secretary:
Claudia Lally

Legal Adviser:
Graham Miles, Morgan Cole

HFEA Members Observing:
Jane Dibblin
Lillian Neville
Debbie Barber

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 (21 pages)
- no tabled papers.

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 Dr Madhurima Rajkhowa wished to resign from the post of Person Responsible and Dr Vanessa Kay has been proposed to take up the role. Dr Vanessa Kay had completed parts one and two of the Person Responsible Entry Programme (PREP) assessment to the satisfaction of the Executive and had consented in writing to take on the role.

2. On the basis of the information provided in the papers, the Committee agreed that Dr Kay had the required character, qualifications and experience for the role and that they were satisfied that she will discharge the duties under section 17 of the Human Fertilisation and Embryology Act 1990.

3. However, the Committee noted that they had no evidence that this change of Person Responsible was supported by the present Nominal Licensee. The Legal Adviser advised the Committee that under section 18 (5) of the 1990 Act a Licence Committee may, on application by the Nominal Licensee vary a licence so as to designate another individual in place of the Person Responsible, subject to being satisfied about the suitability of the proposed Person Responsible and with the consent of that individual. In this case the application had actually been made by the existing Person Responsible and not by the Nominal Licensee. The variation could not be granted without confirmation from the Nominal Licensee that the application was made with their explicit agreement.

4. The Committee decided to vary the licence so as to appoint Dr Kay as Person Responsible for the centre, subject to the Executive receiving written confirmation from the Nominal Licensee that he supports the appointment of Dr Kay. The Committee agreed that the variation should not take effect until such confirmation was received.

Signed.....*Clare Lewis-Jones*..... Date.....*6/4/09*.....
Clare Lewis-Jones (Chair)