

HFEA Licence Committee D Meeting

29 September 2009

Conference by Telephone

In respect of:

The Reproductive Genetics Institute ("RGI") (Centre 0206)

IN RELATION TO THE SPECIAL DIRECTIONS IN FORCE IN RESPECT OF RGI

Members of the Committee: Gemma Hobcraft, Lay Member (Chair) Mair Crouch, Lay Member (Vice-Chair) Debbie Barber, Clinical Member Lillian Neville, Lay Member	Committee Secretary: Jonathan Lewis, Henderson Chambers Legal Adviser: Martin Forde Q.C., One Crown Office Row
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Quorate

1. The Chair declared the meeting to be quorate.

Conflicts of Interest

2. The Chair confirmed that none of the Committee had any conflicts of interests in addition to those previously raised.

Documents

3. The Secretary provided the Committee with copies of the recent correspondence between himself, the Executive and the Person Responsible.

Purpose Of Meeting

4. The Committee noted that the current special directions in place at RGI, dated 25 August 2009, are due to expire on 30 September 2009. At a meeting of the Licence Committee on 2 September 2009, the Committee agreed with the Person Responsible for RGI and the Executive a timetable whereby the Person Responsible would provide various documentation to the Secretary of the Committee.
5. The purpose of that timetable was to facilitate an inspection of RGI at the earliest possible date. RGI has not been fully regulated since 2005 and the Committee's primary concern was that it be so regulated so as to ensure the safety of the gametes and embryos stored there.
6. The Committee was unanimous that it did not want to attribute any blame for any delays to either the Person Responsible nor the Executive. However, it was imperative in the interests of patient safety that matters progress as quickly as possible.

Legal Advice

7. The Legal Adviser advised the Committee that, pursuant to section 9(7) of the Human Fertilisation and Embryology Act 1990 (the "HFEA 1990"), it has the jurisdiction to require the Executive to undertake an inspection of the RGI 0206.
8. In the alternative, the Committee has a wide discretion conferred by Schedule 1 paragraph 2 of the Schedule to the HFEA 1990, which survives the Human Fertilisation and Embryology Act 2008 coming into force on 1 October. Paragraph 2 states:

The Authority shall have power to do anything which is calculated to facilitate the discharge of its functions, or is incidental or conducive to their discharge, except the power to borrow money.

Decision

9. The Committee was of the view that an inspection should take place on either of the dates offered by the Executive in week commencing 19 October 2009. It considered that the Person Responsible had provided sufficient documentation for an inspection to take place. It noted that ARGC had been inspected in 2007 even though information had been missing.

Decision

1. **The Special Directions issued by the Committee on 25 August 2009 be extended until 15 January 2010 or until further direction of the Licence Committee.**
2. **The Licence Committee directs, pursuant to section 9(7) of the Human Fertilisation and Embryology Act 1990 (the "HFEA 1990"), that an inspection of RGI take place in the week commencing 19 October 2009 on the basis of the documents currently provided by the Person Responsible.**

Signed. *Gemma Hobcraft*.....

Gemma Hobcraft (Chair)

Date. *3/10/09*.....