

**HFEA Licence Committee D Meeting**

**4 March 2010**

21 Bloomsbury Street, London, WC1B 3HF

**In respect of:**

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

**CONSIDERATION OF THE SPECIAL DIRECTIONS CURRENTLY IN FORCE**

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

1. The Chair declared the meeting to be quorate and confirmed that the Committee had all the documents required by Paragraph 8.2 of the old Protocol (January 2009).

Conflicts of Interest

2. The Chair confirmed the Committee had a copy of the Guidance For Members (and Committee Members) Concerning Conflicts of Interest (approved 21<sup>st</sup> January 2009).
3. The members of the Committee confirmed that no new conflicts of interest had arisen since the meeting on 5 January 2010.

The Issue

4. By way of a letter dated 22 January 2010 addressed to the Chair of Licence Committee D, sent to the Secretary of the Committee, the Executive of the

HFEA asked the Committee to convene to consider the present licensing status of RGI.

5. On 5 January 2010, the Committee had granted a one year licence and extended the special directions in force in respect of RGI "up and until the formalities of granting a licence have been completed or until further Direction of the Licence Committee".
6. In the Executive's letter, it asserted that the Person Responsible for RGI had failed to comply with section 16(5) of the Human Fertilisation and Embryology Act 1990 (as amended) in that he had failed to accept in writing the licence that had been offered to him. As a result of his failure to do, the special directions appeared to be continuing indefinitely.

#### The Committee's decision on the issue of acceptance of the licence

7. On 3 March 2010, Mr Lawford-Davies, on behalf of the Person Responsible, emailed the Secretary to the Committee stating that the Person Responsible had actually accepted the licence offer in writing. Further, he indicated that the Person Responsible wished to accept the licence.
8. It was clear to the Committee that a dispute of fact had arisen as to whether or not there had been written acceptance of the licence offered. The Committee considered that it was not in a position to adjudicate upon this question of fact. This was primarily because it had not been provided with evidence as to service that both parties had had the opportunity to see and comment on, if required.
9. Hence the Committee declined to make any finding as to whether the Person Responsible had provided acceptance in writing of the licence to the Executive.

#### The Committee's Decision

10. The Committee considered that if the Person Responsible wished to accept the licence, he need only provide written acceptance of it.
11. The Committee thus requested that the Person Responsible, by 12 March 2010, provide a new signed copy or a copy of the original purported acceptance (dated 26 January 2010) to the Executive. Once that written acceptance is received, the licence will be granted as of that date for a period of 12 months and the special directions will lapse and are revoked.

Postscript

12. Immediately following the meeting, a member of the HFEA staff faxed through a blank acknowledgement form to Mr Lawford-Davies's offices (sent successfully at 11:56).
13. In an email sent from the Person Responsible to the Legal Adviser at 13:11 on 4 March 2010, the Person Responsible stated "*I have read the offer of a licence and its conditions and hereby acknowledge and accept the licence*".
14. The Legal Advisor has advised that this email satisfies the requirement of section 16(5). His advice is annexed to these minutes.
15. In the event, a licence will be issued as soon as practicable following that email and will run for a period of a year from that date. Once the licence has been issued, the special directions lapse and are revoked.

Signed.....*GMHobcraft*..... Date.....*15-03-10*.....

**Gemma Hobcraft (Chair)**