STATUTORY INSTRUMENTS.

S.I. No. 544 of 2019

CHILDREN AND FAMILY RELATIONSHIPS ACT 2015 (CONSENT TO USE DECLARATION) REGULATIONS 2019
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CHILDREN AND FAMILY RELATIONSHIPS ACT 2015 (CONSENT TO USE DECLARATION) REGULATIONS 2019

I, SIMON HARRIS, Minister for Health, in exercise of the powers conferred on me by section 41 of the Children and Family Relationships Act 2015 (No. 9 of 2015), hereby make the following regulations:

1. (1) These Regulations may be cited as the Children and Family Relationships Act 2015 (Consent to Use Declaration) Regulations 2019.

   (2) These Regulations shall come into operation on the 5th day of May 2020.


3. The following forms of declaration are prescribed for the purposes of section 41 of the Act of 2015:

   (a) in the case of a declaration under section 6(1)(c) of the Act of 2015, the form of declaration set out in Schedule 1;

   (b) in the case of a declaration under section 14(5)(b) of the Act of 2015, the form of declaration set out in Schedule 2;

   (c) in the case of a declaration under section 16(5)(b) of the Act of 2015, the form of declaration set out in Schedule 3.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 8th November, 2019.
SCHEDULE 1

Children and Family Relationships Act 2015

Declaration to be completed under section 6(1)(c) of the Act of 2015

THIS DECLARATION IS TO BE MADE BEFORE THE DONATION IS MADE.

Please complete this form in BLOCK CAPITALS.

I, ________________, hereby declare:

1. that I received the information referred to in section 7 of the Act of 2015;

2. (a) that I consent to the use in a DAHR procedure of the gamete provided by me;

   OR

   (b) that my consent is restricted to the use of the gamete provided by me in a DAHR procedure performed on the request of -

   (i) the intending mother, specified as ______________, where the DAHR procedure concerned is one to which section 25(3)(b)(i) of the Act of 2015 applies,

   or

   (ii) the intending parents, specified as ______________ (intending mother) and ______________ (spouse/civil partner/cohabitant (delete as appropriate) of the intending mother), where the DAHR procedure concerned is one to which section 25(3)(b)(ii) of the Act of 2015 applies;
3. that, in the event that the gamete is used in a procedure referred to in paragraph 2, I consent to the provision to the Minister of the following information referred to in section 28(3)(a) of the Act of 2015, namely:

(a) my name;
(b) my date and place of birth;
(c) my nationality;
(d) the date on which, and the place at which, I provided the gamete;
(e) my contact details;

4. that I am aware that I shall not be the parent of any child born as a result of a procedure referred to in paragraph 2;

5. that, in the event that a child is born as a result of a procedure referred to in paragraph 2, I -

(a) consent to the recording on the National Donor-Conceived Person Register of the information referred to in paragraph 3, specified in section 33(3)(d) of the Act of 2015, in respect of me,

and

(b) understand that the child may, in accordance with section 35 of the Act of 2015, access the information referred to in paragraph 3 and seek to contact me.
Name: ______________________________
Signature: __________________________
Date: _______________________________

Signed in the presence of a person authorised in that behalf by the operator of the donation facility where the gamete is provided

[facility name]: _______________________

Print name: __________________________
Signature: ____________________________
Date: ________________________________
SCHEDULE 2

Children and Family Relationships Act 2015

PART 1

Declaration to be completed under section 14 (5)(b) of the Act of 2015
(where neither man nor woman is an intending parent)

Form A

THIS DECLARATION IS TO BE MADE BEFORE THE DONATION IS MADE.

Please complete this form in BLOCK CAPITALS.

I, ________________, hereby declare:

1. that I received the information referred to in section 15 of the Act of 2015;

2. (a) that I consent to the use of the embryo in a DAHR procedure; 

   OR

   (b) that my consent is restricted to the use of the embryo in a DAHR procedure performed on the request of -

   (i) the intending mother (not being the woman making this Declaration), specified as ____________, where the DAHR procedure concerned is one to which section 25(3)(b)(i) of the Act of 2015 applies,

   or
(ii) the intending parents, specified as _____________ (intending mother – not being the woman making this Declaration) and _____________ (spouse/civil partner/cohabitant (delete as appropriate) of the intending mother), where the DAHR procedure concerned is one to which section 25(3)(b)(ii) of the Act of 2015 applies;

3. that I am aware that I shall not be the parent of any child born as a result of the DAHR procedure;

4. that, in the event that the embryo is used in a DAHR procedure, I consent to the provision to the Minister of the following information referred to in section 28(3)(a) of the Act of 2015, namely:

   (a) my name;
   (b) my date and place of birth;
   (c) my nationality;
   (d) the date on which, and the place at which, I provided the gamete;
   (e) my contact details;

5. that, in the event that a child is born as a result of a DAHR procedure, I -

   (a) consent to the recording on the National Donor-Conceived Person Register of the information referred to in paragraph 4, specified in section 33(3)(d) of the Act of 2015 in respect of me,

   and

   (b) understand that the child may, in accordance with section 35 of the Act of 2015, access the information referred to in paragraph 4 and seek to contact me.
Name: ______________________________
Signature: ___________________________
Date: _______________________________

In the presence of a person authorised in that behalf by the operator of a DAHR facility [facility name]: ______________

Print name: __________________________
Signature: ___________________________
Date: _______________________________
SCHEDULE 2

Part 1

Form B

THIS DECLARATION IS TO BE MADE BEFORE THE DONATION IS MADE.

Please complete this form in BLOCK CAPITALS.

I, ______________, hereby declare:

1. that I received the information referred to in section 15 of the Act of 2015;

2. (a) that I consent to the use of the embryo in a DAHR procedure; [ ]

    OR

(b) that my consent is restricted to the use of the embryo in a DAHR procedure performed on the request of -

    (i) the intending mother (not being the woman making this Declaration), specified as ______________, where the DAHR procedure concerned is one to which section 25(3)(b)(i) of the Act of 2015 applies, [ ]

    or

(ii) the intending parents, specified as ______________ (intending mother – not being the woman making this Declaration) and ______________ (spouse/civil partner/cohabitant (delete as appropriate) of the intending mother), where the DAHR procedure
concerned is one to which section 25(3)(b)(ii) of the Act of 2015 applies;

3. that I am aware that I shall not be the parent of any child born as a result of the DAHR procedure;

4. that, in the event that the embryo is used in a DAHR procedure, I consent to the provision to the Minister of the following information referred to in section 28(3)(a) of the Act of 2015, namely:

   (a) my name;
   (b) my date and place of birth;
   (c) my nationality;
   (d) the date on which, and the place at which, I provided the gamete;
   (e) my contact details;

5. that, in the event that a child is born as a result of a DAHR procedure, I -

   (a) consent to the recording on the National Donor-Conceived Person Register of the information referred to in paragraph 4, specified in section 33(3)(d) of the Act of 2015, in respect of me,

   and

   (b) understand that the child may, in accordance with section 35 of the Act of 2015, access the information referred to in paragraph 4 and seek to contact me.
Name: ______________________________

Signature: __________________________

Date: _______________________________

In the presence of a person authorised in that behalf by the operator of a DAHR facility [facility name]: ________________

Print name: __________________________

Signature: __________________________

Date: _______________________________
PART 2

Declaration to be completed under section 14(5)(b) of the Act of 2015 (where woman is an intending mother but man is not an intending parent)

THIS DECLARATION IS TO BE MADE BEFORE THE DONATION IS MADE.

Please complete this form in BLOCK CAPITALS.

I, ________________, hereby declare:

1. that I received the information referred to in section 15 of the Act of 2015;

2. (a) that I consent to the use of the embryo in a DAHR procedure; [☐]

    OR

(b) that my consent is restricted to the use of the embryo in a DAHR procedure performed on the request of -

(i) the intending mother, specified as ____________, where the DAHR procedure concerned is one to which section 25(3)(b)(i) of the Act of 2015 applies; [☐]

    or

(ii) the intending parents, specified as ____________ (intending mother) and ________________ (spouse/civil partner/cohabitant (delete as appropriate) (not being a person making this Declaration) of the intending mother), where the DAHR procedure concerned is one to which section 25(3)(b)(ii) of the Act of 2015 applies; [☐]
3. that I am aware that I shall not be the parent of any child born as a result of the DAHR procedure;

4. that, in the event that the embryo is used in a DAHR procedure, I consent to the provision to the Minister of the following information referred to in section 28(3)(a) of the Act of 2015, namely:
   
   (a) my name;
   (b) my date and place of birth;
   (c) my nationality;
   (d) the date on which, and the place at which, I provided the gamete;
   (e) my contact details;

5. that, in the event that a child is born as a result of a DAHR procedure, I -
   
   (a) consent to the recording on the National Donor-Conceived Person Register of the information referred to in paragraph 4, specified in section 33(3)(d) of the Act of 2015 in respect of me, and
   
   (b) understand that the child may, in accordance with section 35 of the Act of 2015, access the information referred to in paragraph 4 and seek to contact me.

Name: ______________________________

Signature: ___________________________

Date: ______________________________

In the presence of a person authorised in that behalf by the operator of a DAHR facility [facility name]: ________________

Print name: ___________________________

Signature: ___________________________

Date: ______________________________
SCHEDULE 3

Children and Family Relationships Act 2015

PART 1

Declaration to be made under section 16(5)(b) of the Act of 2015 in a case where subsection (2) applies (both persons consenting to use of the embryo in further DAHR procedure where neither are intending parents)

Form A

THIS DECLARATION IS TO BE MADE BEFORE THE DONATION IS MADE.

Please complete this form in BLOCK CAPITALS.

I,

[Name]

hereby declare:

1. that I received the information referred to in section 17 of the Act of 2015;

2. (a) that I consent to the use of the embryo in a further DAHR procedure; OR

(b) that my consent is restricted to the use of the embryo in a further DAHR procedure performed on the request of -

(i) the intending mother (not being a woman who is making this Declaration), specified as [Name], where the further DAHR procedure concerned is one to which section 25(3)(b)(i) of the Act of 2015 applies,

or
the intending parents, specified as __________ (intending mother - not being a woman who is making this Declaration) and ____________ (spouse/civil partner/cohabitant (delete as appropriate) of the intending mother), where the further DAHR procedure concerned is one to which section 25(3)(b)(ii) of the Act of 2015 applies;

3. that I am aware that I shall not be the parent of any child born as a result of a further DAHR procedure;

4. where the embryo was formed from a gamete provided by me -

(a) that, in the event that the embryo is used in a further DAHR procedure, I consent to the provision to the Minister of the following information referred to in section 28(3)(a) of the Act of 2015, namely:

(i) my name;
(ii) my date and place of birth;
(iii) my nationality;
(iv) the date on which, and the place at which, I provided the gamete;
(v) my contact details,

and

(b) that, in the event that a child is born as a result of a further DAHR procedure, I -

(i) consent to the recording in the National Donor-Conceived Person Register of the information referred to in subparagraph (a), specified in section 33(3)(d) of the Act of 2015 in respect of me,

and

(ii) understand that the child may, in accordance with section 35 of the Act of 2015, access the information referred to in subparagraph (a) and seek to contact me.
Name: ______________________________

Signature: ____________________________

Date: _______________________________

In the presence of a person authorised in that behalf by the operator of a DAHR facility [facility name]: _______________

Print name: __________________________

Signature: ____________________________

Date: _______________________________
SCHEDULE 3

PART 1

Form B

THIS DECLARATION IS TO BE MADE BEFORE THE DONATION IS MADE.

Please complete this form in BLOCK CAPITALS.

I, __________________, hereby declare:

1. that I received the information referred to in section 17 of the Act of 2015;

2. (a) that I consent to the use of the embryo in a further DAHR procedure;

OR

(b) that my consent is restricted to the use of the embryo in a further DAHR procedure performed on the request of -

(i) the intending mother (not being a person who is making this Declaration) specified as ____________, where the further DAHR procedure concerned is one to which section 25(3)(b)(i) of the Act of 2015 applies,

or

(ii) the intending parents specified as ________________, (intending mother – not being a person who is making this Declaration) and ________________ (spouse/civil partner/cohabitant (delete as appropriate) of the intending mother), where the further DAHR
procedure concerned is one to which section 25(3)(b)(ii) of the Act of 2015 applies;

3. that I am aware that I shall not be the parent of any child born as a result of a further DAHR procedure;

4. where the embryo was formed from a gamete provided by me -

(a) that, in the event that the embryo is used in a further DAHR procedure, I consent to the provision to the Minister of the following information referred to in section 28(3)(a) of the Act of 2015, namely:

(i) my name;
(ii) my date and place of birth;
(iii) my nationality;
(iv) the date on which, and the place at which, I provided the gamete;
(v) my contact details, and

(b) that, in the event that a child is born as a result of a further DAHR procedure, I -

(i) consent to the recording in the National Donor-Conceived Person Register of the information referred to in subparagraph (a), specified in section 33(3)(d) of the Act of 2015 in respect of me,

and

(ii) understand that the child may, in accordance with section 35 of the Act of 2015, access the information referred to in subparagraph (a) and seek to contact me.
Name: ____________________________

Signature: ________________________

Date: ____________________________

In the presence of a person authorised in that behalf by the operator of a DAHR facility [facility name]: ______________

Print name: ________________________

Signature: ________________________

Date: ____________________________
PART 2

Declaration to be made under section 16(5)(b) of the Act of 2015 in a case where subsection (4) applies (intending parent, not being intending mother, consenting to use of the embryo in further DAHR procedure)

THIS DECLARATION IS TO BE MADE BEFORE THE DONATION IS MADE.

Please complete this form in BLOCK CAPITALS.

I, ________________, hereby declare:

1. that I received the information referred to in section 17 of the Act of 2015;

2. (a) that I consent to the use of the embryo in a further DAHR procedure;

OR

(b) that my consent is restricted to the use of the embryo in a further DAHR procedure performed on the request of -

(i) the intending mother, specified as ____________, where the further DAHR procedure concerned is one to which section 25(3)(b)(i) of the Act of 2015 applies,

or
(ii) the intending parents, specified as ____________ (intending mother) and ________________ (spouse/civil partner/cohabitant (delete as appropriate) (not being a person making this Declaration) of the intending mother), where the further DAHR procedure concerned is one to which section 25(3)(b)(ii) of the Act of 2015 applies;

3. that I am aware that I shall not be the parent of any child born as a result of a further DAHR procedure;

4. where the embryo was formed from a gamete provided by me -

(a) that, in the event that the embryo is used in a further DAHR procedure, I consent to the provision to the Minister of the following information referred to in section 28(3)(a) of the Act of 2015, namely:

(i) my name;
(ii) my date and place of birth;
(iii) my nationality;
(iv) the date on which, and the place at which, I provided the gamete;
(v) my contact details, and

(b) that, in the event that a child is born as a result of a further DAHR procedure, I -

(i) consent to the recording in the National Donor-Conceived Person Register of the information referred to in subparagraph (a), specified in section 33(3)(d) of the Act of 2015 in respect of me and

(ii) understand that the child may, in accordance with section 35 of the Act of 2015, access the information referred to in subparagraph (a) and seek to contact me.
Name: ______________________________

Signature: ___________________________

Date: _______________________________

In the presence of a person authorised in that behalf by the operator of a DAHR facility [facility name]: ______________

Print name: __________________________

Signature: ___________________________

Date: _______________________________
PART 3

Declaration to be made under section 16(5)(b) of the Act of 2015 in a case where subsection (1)(b)(ii) applies (intending mother consenting to use of the embryo in further DAHR procedure other than in respect of a DAHR procedure in which she is the intending mother)

THIS DECLARATION IS TO BE MADE BEFORE THE DONATION IS MADE.

Please complete this form in BLOCK CAPITALS.

I, __________________, hereby declare:

1. that I received the information referred to in section 17 of the Act of 2015;

2. (a) that I consent to the use of the embryo in a further DAHR procedure:

   OR

   (b) that my consent is restricted to the use of the embryo in a further DAHR procedure performed on the request of -

   (i) the intending mother (not being a person making this Declaration), specified as ____________, where the further DAHR procedure concerned is one to which section 25(3)(b)(i) of the Act of 2015 applies,

   or
(ii) the intending parents specified as ___________ (intending mother - not being a person making this Declaration) and ___________ (spouse/civil partner/cohabitant (delete as appropriate) of the intending mother), where the further DAHR procedure concerned is one to which section 25(3)(b)(ii) of the Act of 2015 applies;

3. that I am aware that I shall not be the parent of any child born as a result of a further DAHR procedure;

4. where the embryo was formed from a gamete provided by me -

(a) that, in the event that the embryo is used in a further DAHR procedure, I consent to the provision to the Minister of the following information referred to in section 28(3)(a) of the Act of 2015, namely:

(i) my name;
(ii) my date and place of birth;
(iii) my nationality;
(iv) the date on which, and the place at which, I provided the gamete;
(v) my contact details, and

(b) that, in the event that a child is born as a result of a further DAHR procedure, I -

(i) consent to the recording in the National Donor-Conceived Person Register of the information referred to in subparagraph (a), specified in section 33(3)(d) of the Act of 2015 in respect of me,

and

(ii) understand that the child may, in accordance with section 35 of the Act of 2015, access the information referred to in subparagraph (a) and seek to contact me.
Name: ______________________________

Signature: __________________________

Date: _______________________________

In the presence of a person authorised in that behalf by the operator of a DAHR facility [facility name]: ______________

Print name: __________________________

Signature: __________________________

Date: _______________________________
GIVEN under my Official Seal,
4 November, 2019.

SIMON HARRIS,
Minister for Health.
EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations may be cited as the Children and Family Relationships Act 2015 (Consent to Use Declaration) Regulations 2019.

These Regulations provide for prescribed forms to be used, under Sections 6 (1)(c), 14 (5)(b), and 16(5)(b) of the Children and Family Relationships Act 2015, as appropriate, for the purpose of signing a declaration, before a donation is made, that consents to the use of a donated gamete or embryo in a donor assisted human reproduction procedure.

These Regulations come into operation on 5 May 2020.