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This is a question I am often asked, usually with a fair dose of interest and curiosity. However, it always fascinates me that – whether with a taxi driver, another lawyer or someone at a wedding - the conversation almost never ends without a story about a friend or relative who has been affected by some kind of fertility law issue. It probably isn't surprising when you see the statistics, with one in six couples experiencing difficulties conceiving and growing numbers of same sex, solo and older parents.

With the Fertility Show in mind, I am conscious that some of you are at the start of fertility journeys and are seeking information to work out your options. I wonder how many of you have thought about how much the law will affect you, your treatment and the family you are building.

After the first IVF baby was born in 1978, the UK put in place a legal framework for fertility treatment which has for the past twenty years regulated how fertility treatment works in the UK. Fertility clinics can only treat patients (or deal with human embryos or eggs or sperm) with a licence from the Human Fertilisation and Embryology Authority, and lots of conditions come attached to that licence. Even if you don't realise it, the legal framework will be there underpinning almost every aspect of your treatment.

Quality and safety is paramount, with clinics regularly inspected and required to report mistakes in treatment and near misses, but parameters are also set as to what clinics can and cannot do on ethical and social grounds. By way of example, parents are not allowed to select the sex of their child in the UK (unless there is a significant risk of a gender-specific medical disorder). Limits are set as to how long embryos and gametes can be stored for, the circumstances in which they can be used during someone's lifetime and after their death, and what happens if a couple separates with embryos in storage.

The law also sets parameters for how donation and surrogacy works in the UK, for example requiring donors in the UK to be unpaid and to be identifiable once any child conceived reaches the age of 18. It is also illegal for fertility clinics or professional agencies to broker surrogacy arrangements (although non-profit

Fertility Law

What is it?

making agencies can do so). These are regulations which may not apply in other countries, and in an increasingly globalised world many fertility patients are crossing borders for treatment. If you are considering going overseas, it is important to understand the differences in law and regulation and how this will affect both you and your child in the future.

Fertility law also determines one of the most fundamental legal questions for anyone building a family: will we be our child's legal parents? For those conceiving through IVF with their own eggs and sperm the answer is usually straightforward, but for those conceiving with donated eggs or sperm or with the help of a surrogate, the legal position may not be so obvious.

UK law sets clear rules to protect families conceived through egg or sperm donation. In egg donation cases, it says that the woman who gives birth is the only legal mother (which means that under UK law an egg donor never has any legal status or responsibilities as a parent). There is also legal protection for couples conceiving through sperm donation, whether they are opposite-sex or same-sex couples. If the mother is married, her husband, wife or civil partner will be the child's other legal parent, provided he or she consented to the conception. If the couple is not married, the non-biological parent can be nominated as the father or second parent if treatment takes place at a clinic in the UK (there is a process of paperwork which must be dealt with before conception, with some care needed over the detail to make sure it is done right).

The parenthood rules are vital in protecting donor conceived families, but one size definitely does not fit all. The same rules mean that parents conceiving through surrogacy end up with the wrong people treated as the parents at birth – the surrogate and, if she is married, her husband or wife (even where both intended parents are the biological parents). The law therefore also creates a process for intended parents to apply to the family court after the birth for a parental order, which triggers their child's birth certificate being re-issued naming them as the parents. If you are considering surrogacy, it is important to realise that these rules apply even if you conceive overseas and your child is born in a country which recognises you as the legal parents from birth.

So if you are having or considering fertility treatment, fertility law will affect how your treatment is managed, the treatment options available to you in the UK and abroad, and your legal status as the parents of any child you conceive. Fertility law is not something you can escape coming into contact with, even if you do not mean to.