



**Press release**

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**Modern families need modern laws: can law reform solve surrogacy's problems?  
#PETsurrogacy**

Fertility and genetics charity the Progress Educational Trust (PET) highlights today, at its free-to-attend #PETsurrogacy event, why reform of current surrogacy law is vital, what problems – practical, legal and moral – need to be overcome and asks: do the Law Commissions' recent proposals for reform of surrogacy legislation go far enough?

Sarah Norcross, director of PET, said: 'Modern families need modern laws, that's why reform of current surrogacy law is vital. But there are still important questions to be answered. Which direction will UK surrogacy move in when it comes to the thorny question of payments? Will the UK stick with its altruistic model, where surrogates are paid only reasonable expenses, or shift to the US' commercial stance? Do the Law Commissions' proposals put the needs and rights of the child at the heart of surrogacy? Should intended parents become the legal parents at birth?'

'The Law Commissions' proposals for surrogacy reform suggest taking independent legal advice be compulsory for both the intended parents and the surrogate. But will these increased costs create an environment in the UK where only the more wealthy in society can afford surrogacy, and the less-well off look to international surrogacy? Who should be eligible to be a surrogate? Should there be a requirement that surrogates have previously given birth and should there be a minimum age? The current proposals suggest 18, but is that too young? Should the law stipulate that surrogacy is only used where there is medical necessity – and bar social surrogacy? And should adverts for surrogacy be allowed?'

The #PETsurrogacy debate will hear from Sarah Jones, chair of trustees at Surrogacy UK, who has been a surrogate five times, Dr Katarina Trimmings, senior lecturer in law at the University of Aberdeen, Dr Sharon Zahra, clinical lead (tissue and cells) at the

Scottish National Blood Transfusion service, and chair Robert Gilmour, co-director of SKO Family Law Specialists.

Sarah Jones, chair of trustees of Surrogacy UK and a five times surrogate, said: 'Overall the Law Commissions have done a great job, but Surrogacy UK has two main issues. The first sticking point is around expenses. Surrogates do not want to get paid and are pushing strongly to continue with the current altruistic model. If the UK made a move towards the payment model, then I think it would create more problems than it would solve. It would change the nature of the industry in the UK. My fear is if it all becomes about money then there will be a shift from surrogacy being about people who want to do it, to people who need to do it, and is a surrogate who is doing it because she needs the money, the right person emotionally to be a surrogate? Surrogates would also like to see the intended parents recognised as the legal parents at birth, rather than the surrogate having the brief right after birth to object to the grant of a parental order.'

Dr Katarina Trimmings, senior lecturer in law at the University of Aberdeen, said: 'It's a balanced proposal and a workable solution; the Law Commissions have done a great job. However, the proposed model may not alleviate the problems that arise in the case of international surrogacy arrangements, where judges have to deal with retrospectively approving payments to surrogates.'

Dr Sharon Zahra, clinical lead (tissue and cells) at the Scottish National Blood Transfusion service, said: 'Surrogacy is an important route for some families to have children. Managing surrogacy well is key for the health and wellbeing of the surrogates, the happiness of the intended parents and very importantly the welfare of the intended children. Any decisions and policies on surrogacy need to ensure that the rights and wellbeing of the intended children are at the forefront at all times.'

Robert Gilmour, co-director of SKO Family Law Specialists, said: 'It is widely accepted that the current law on surrogacy isn't fit for purpose, but the big question is: is there a way of reforming the law that will address those flaws without creating new problems? Broadly speaking, I think the Law Commissions' proposals are welcome, but there is work to be done on the detail. As a practicing lawyer, I often become involved in cases when things have gone wrong, I think it is essential that the new "pathway to parenthood", which would produce profound legal consequences through an essentially non legal process, has the necessary safeguards, checks and remedies built in to produce fair and just outcomes for all involved. For example, in Scotland, where births have to be registered within three weeks, does a two-week window allow sufficient time for a surrogate to make an informed decision on withdrawing her consent?'

Can Law Reform Solve Surrogacy's Problems is at 18.30 on 24 September 2019 at the Royal Society of Edinburgh, 22-26 George Street, Edinburgh EH2 2PQ. When covering this story, please mention PET and the #PETsurrogacy event, which is produced by PET in partnership with the Scottish Government. Register for the event [here](#).

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### **Notes for editors**

For interviews with participants and case studies, contact Catherine Hill, PET head of communications on 07305-091466 [chill@progress.org.uk](mailto:chill@progress.org.uk)

1. The Progress Educational Trust (PET) is a UK charity working to advance public understanding of, and engagement with, science, law and ethics in the fields of human genetics, human reproduction, embryology and stem cell research. Funded by grants and public donations, PET aims to improve the choices for people affected by infertility or genetic conditions. <https://www.progress.org.uk/>

2. PET organises free-to-attend events debating the responsible application of reproductive and genetic science and publishes BioNews, a free comment and news service. Subscribe to BioNews at <https://www.bionews.org.uk/subscribe>

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