

Steps towards the Act:

A 'brief' history of the stages
leading up to the Human
Fertilisation and Embryology
Act 2008

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Early steps (1969-82)

1969 Nature paper

“Human oocytes have been matured and fertilized[...] in vitro. There may be certain clinical and scientific uses for human eggs fertilized by this procedure”

1978 First IVF baby

1982 Committee of Inquiry into
Human Fertilisation and
Embryology

'The Warnock Report'

**Published July 1984 with
recommendations:**

- Establishment of a licensing authority
- Requirement for a licence to create an embryo in vitro
- 14 day limit
- Donor gametes to avoid medical conditions
- Anonymity of donors

Post Warnock I

1985 Unborn Children (Protection) Bill

“To render it unlawful for a human embryo created by in vitro fertilisation to be used as the subject of experimentation of for any other purpose except to enable a woman to bear a child.”

1985 The Voluntary Licensing Committee

1986 Government Consultation on regulation in this area

Post Warnock II

1987 White Paper – Human Fertilisation and Embryology: A framework for legislation

1989 Queen's speech

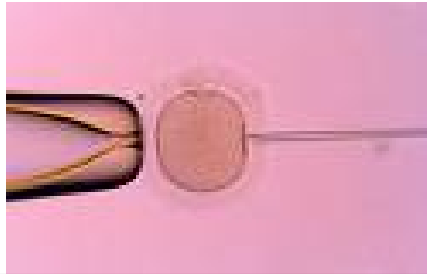
1990 Introduction of the Bill into Parliament

- Introduced into House of Lords
- General provisions of 1990 Act – licensing structure
- Embryo research

Post 1990 Act

Regulations and HFEA

New clinical & scientific techniques



ICSI
Intracytoplasmic
Sperm injection



Patient-
matched
stem cells

PGD involving
embryo biopsy



Post 1990 Act II

Cloning and the law

- Judicial review

“ embryo means a live human embryo where fertilisation is complete”

- High Court Decision – supporting JR

- Emergency Legislation

- House of Lords

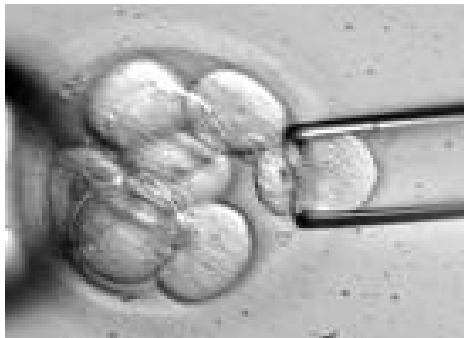


Human Reproductive Cloning Act 2001

Legal challenges



Scientific and clinical advances



Societal changes

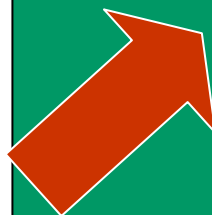


Legal challenges

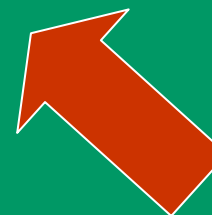


Government
announce review of
the 1990 Act

Scientific and
clinical advances



Societal changes

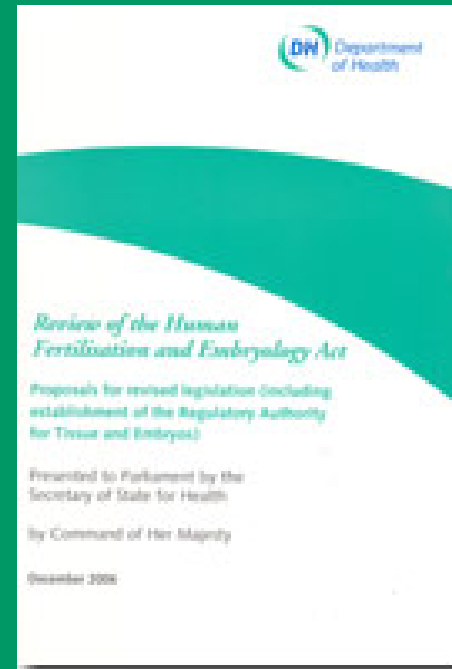


Consultation and consideration I

2004 The House of Commons Science and Technology Committee

- Hybrids
- Embryo testing

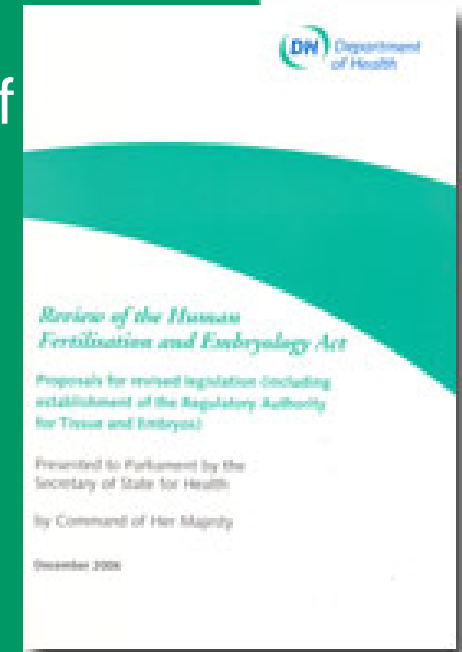
2005 Department of Health consultation



Consultation and consideration II

White Paper proposals included:

- RATE
- All embryos in vitro are subject to regulation
- Ban artificial gametes
- Remove need for a father, retain welfare of child
- Legal parenthood
- Creation of hybrid embryos would not be permitted unless future regulations allowed



Consultation and consideration III

2007 Science & Technology Committee inquiry into Government proposals for the regulation of hybrids and chimera

- White paper is prohibitive
- Need to allow types of hybrid / chimera research, including cytoplasmic hybrids, to proceed immediately

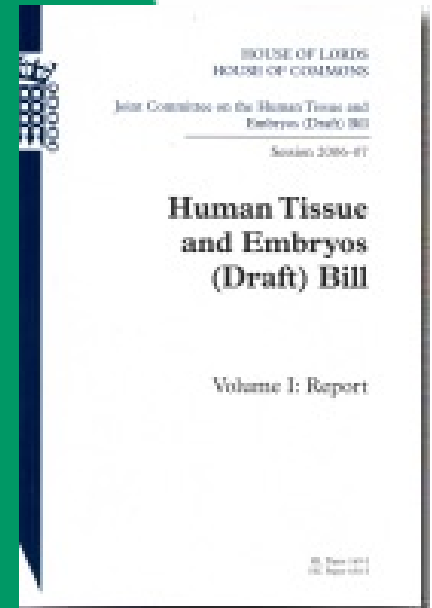
2007 Government proposed to allow some types of hybrid embryos – not true hybrids



Scrutiny of draft Bill

2007 Draft Bill published and considered by a joint committee of both Houses, Chaired by Phil Willis

- Regulatory Authority for Tissue and Embryos
- Benefit of pre-legislative scrutiny



Bill in Parliament 2007/08

Nov Start of debates in House of Lords

May Start of debates in House of
Commons

- Free votes

Key issues in both Houses

- Hybrids
- Embryo testing – saviour siblings
- ‘Need for a father’



Hybrids

- Amendments to ban all types of hybrids
- Amendment to ban ‘true hybrids’
- Government amendments – terminology

Embryo testing

5 purposes for which embryos can be tested

‘Serious’ conditions

- Proposed seriousness amendments
- *“life threatening or impairing severely the quality of life of a person with the illness or condition”*

Tissue typing

- Government amendment – ‘except whole organs’
- Proposed amendment – other ‘regenerative’ tissue

‘Need for a father’

1990 Act provision

“a woman shall not be provided with treatment services unless account has been taken of the welfare of any child who may be born [...] (including the need of that child for a father)”

Government proposal to remove it

- Used to prevent treatment of some people/
Inconsistent
- Recognise importance of fathers but also of quality of parenting – “need for supportive parenting”

Amendments

- *“need for a mother and a father”*
- *“need for a mother and a male role model”*

Consent

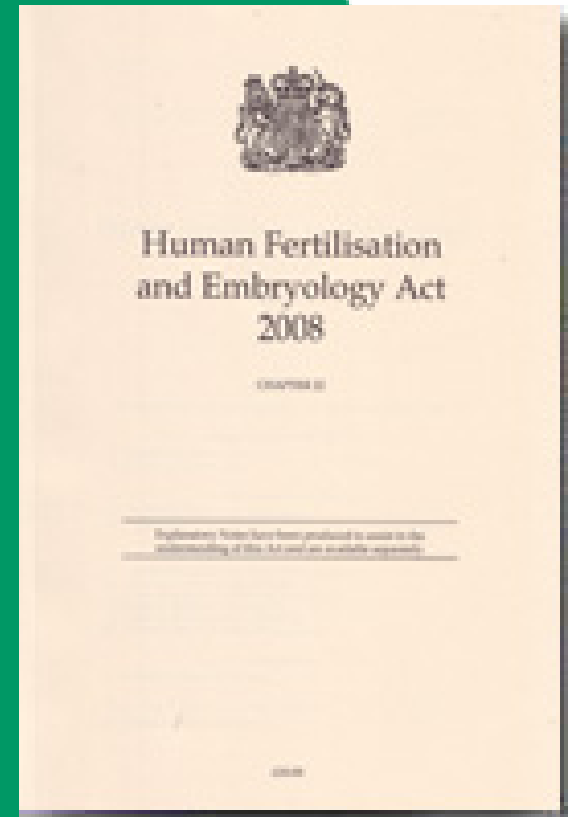
- Consent must be obtained by gamete providers for creation of embryos
- Consent must be obtained by person who provided cell to create embryo
- Exception for children and adults who lack capacity with safeguards

Abortion

- The Bill contains no provisions relating to abortion
- Time limits
- Legislation remained unchanged

Final stages

- Lords consideration of commons amendments
- Ping pong
- Royal Assent



Implementation

Commencement

- 6 April '09 Parenthood provisions
- 1 Oct '09 Majority of Act
- 6 April '10 Parental Order provisions

Regulations

- Consultation – 30 March

Summary and conclusions

Comparison between 1990 Act and 2008 Act

- Types of treatments offered – changed
- Peoples attitudes - changed
- Consent – retained
- Time limits – retained
- Special status – retained

“The Bill is the product of a long period of consultation and reflection” Lord Mackay 1989

“The Govt must be congratulated on long period of consultation and on the fine work of the committee that scrutinised the draft Bill. [...] I wish all legislation could be dealt with in this way” Bns Tonge 2008

Thank you very much