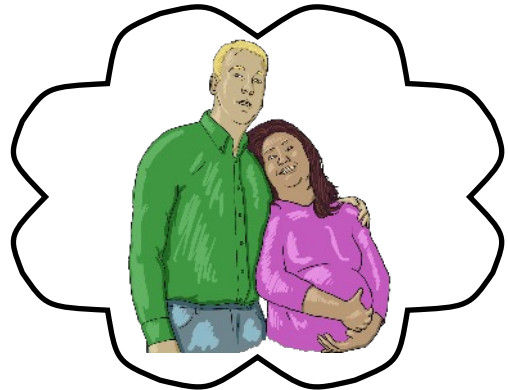
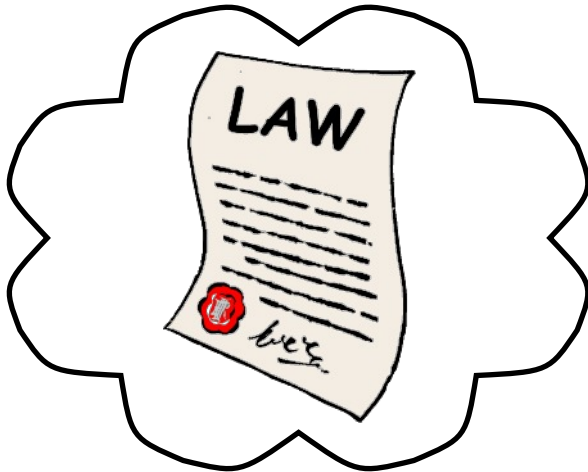




**Law
Commission**
Reforming the law



**Families and surrogacy –
tell us what you think about
a new law.**



EasyRead version of:
Summary of consultation paper:
Building families through surrogacy: a new law



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About the Law Commissions

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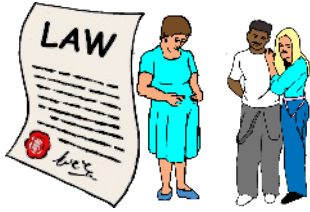
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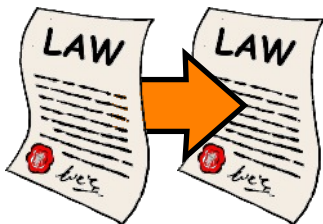
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1. Introduction

About the Law Commissions



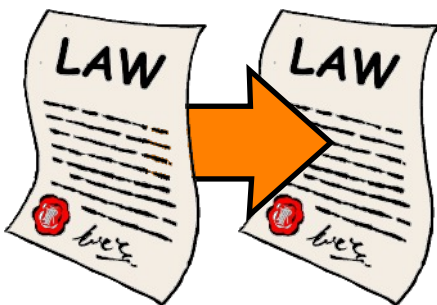
The **Law Commissions** of England and Wales and Scotland wrote this booklet.



We are **independent** and not part of the English, Welsh or Scottish governments.

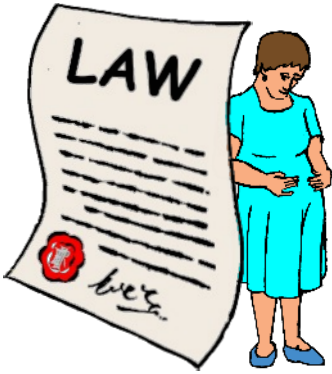


We look at the law and suggest changes to make it better.



We also tell the government when we think we need new laws.

About this booklet



This booklet is part of a **consultation** on a new law about **surrogacy**.



Surrogacy is when a woman becomes pregnant and gives birth to a child for another family.

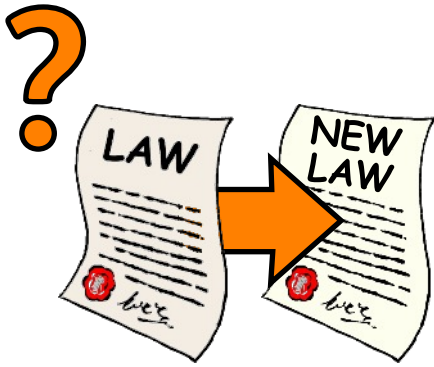


This is an EasyRead version of the summary or shorter **consultation** paper.

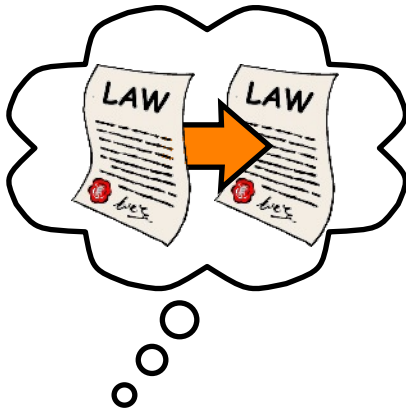


It says:

- what we are looking at



- why we think we need a law for **surrogacy**



- our ideas to change the law.



The longer paper is on our websites:
www.lawcom.gov.uk/project/surrogacy/

www.scotlandlawcom.gov.uk/law-reform/consultations

It is not in EasyRead.

What we want to know



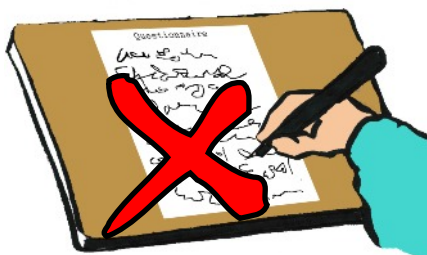
We want to know what people think about ideas for the new law on **surrogacy**.



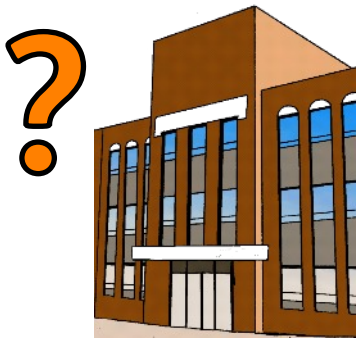
We would like to hear from as many different people as possible. This includes people who have been involved in **surrogacy** or are thinking about it.



Please tell us what you think, even if you do not agree with our ideas.



The question numbers link to the sections in this booklet. You do not have to answer them all.



1. Should **surrogacy** organisations be **regulated**?



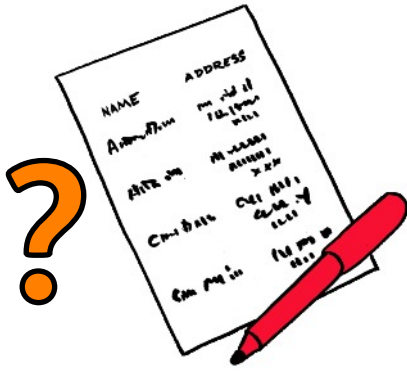
2. Will the new pathway protect everyone better?



3. Making it easier to become the legal parents



4. Should the rules say how much a **surrogate** should be paid? Should she be able to force the **intended parents** to pay money they agreed to?



5. What do you think about a national **surrogacy register**? What should be on it and who should see the information?

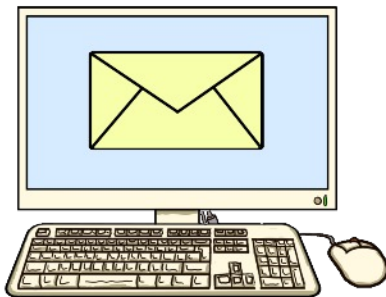


6. Do you think our ideas will make it easier for **intended parents** to bring a child to the UK?

How to tell us what you think

October 2019						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Please tell us what you think before
11th October 2019.



You can send your answers:

By email to
surrogacy@lawcommission.gov.uk



By post to:
**Surrogacy Team
Law Commission
1st Floor, 52 Queen Anne's Gate
London. SW1H 9AG**



If you send your answers by post, it really helps if you can email them to us as well.



Please think about how you answer the questions. Do not give us information that means other people will know who you are or who you are talking about.



The longer consultation and questions are on our websites. But they are not in EasyRead.

What happens next



We will use your answers to help us write our report to the government in 2021.



This will say what we think should happen.



We will also give them a first version of the **Bill**.



A **Bill** is a suggestion for a new law for parliament to look at and talk about. When they agree what it should say, they ask the queen to make it law.



The next part of this booklet is about our ideas for the new law and why we think things need to change.

2. The law and surrogacy

What we are looking at



Surrogacy is when a woman becomes pregnant and gives birth to a child for another family.



This means people who cannot have a baby themselves can still have a family.



This helps:

- women who cannot have a baby



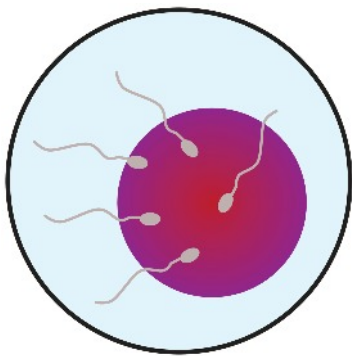
- male couples or single men who want to start a family.



The woman who carries the baby is called the **surrogate**.

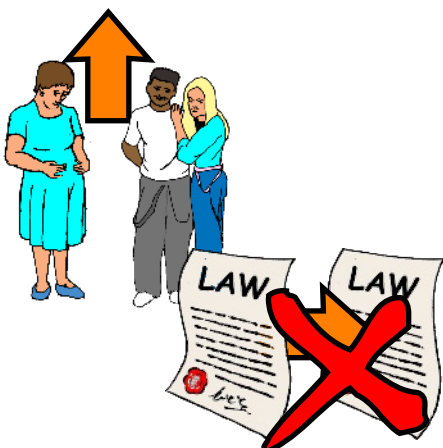


The person or couple she is having the baby for are the **intended parents**.



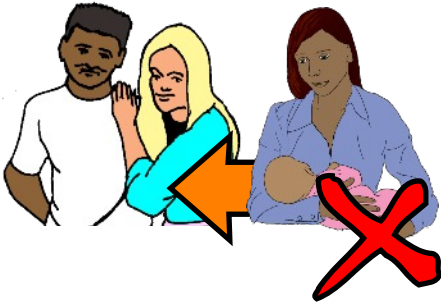
Surrogacy can use the **surrogate** mother's eggs or **IVF**.

IVF is when an egg from a **donor** is **fertilised** outside the **surrogate's** body and then placed into her womb to grow.



There are more **surrogate** births each year. But the law has not changed to give parents and children the support they need.

What the law says now



A **surrogate** mother does not have to hand the baby over to the **intended parents**. Even if she signed an agreement to say she would.



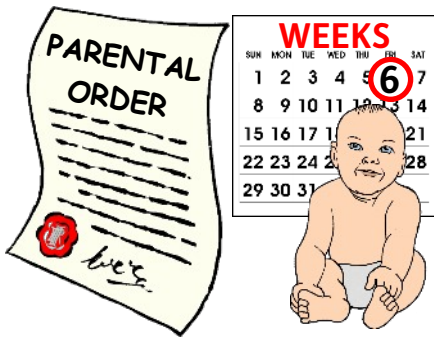
When the baby is born, the **surrogate** mother is the legal parent. But the rules about who the second parent is are very confusing.



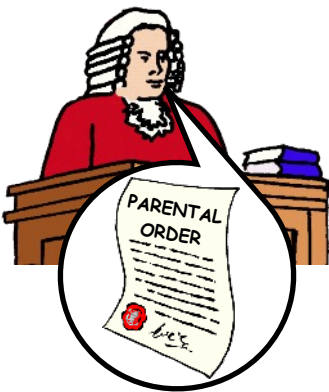
This means when the baby is born, neither of the **intended parents** might be its legal parent.



The law says the **intended parents** can apply for a **parental order**. This means they become the legal parents of the child.



But you cannot apply for a **parental order** until after the baby is born. And a court cannot make a **parental order** until the baby is 6 weeks old.



At the moment, a court can only make a **parental order** if an **intended parent** has donated their eggs or sperm.

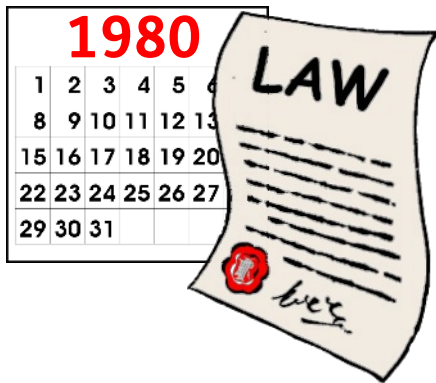


A court can also only make an order if the **surrogate** mother agrees and the baby will live with the **intended parents** in the UK.

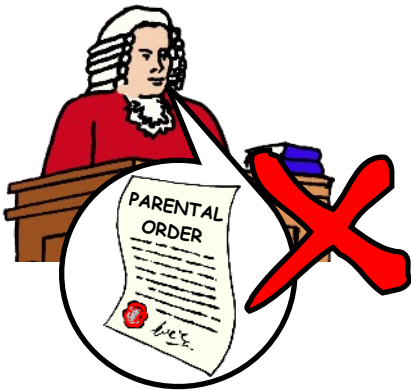


The court has to think about what is best for the child now and for the rest of their life.

Why we need a new law for surrogacy



The law we use for **surrogacy** is from the 1980s and lots of things have changed since then.

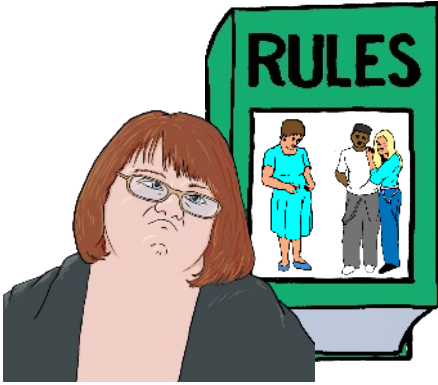


People involved in **surrogacy** say they do not want to wait for the court to decide things. They want the baby to be the **intended parents'** baby as soon as it is born.



What else is wrong with the law:

- it does not protect everyone involved



- the rules about paying a **surrogate** are not clear



- it is difficult for children to find out about their **surrogate** mother when they get older

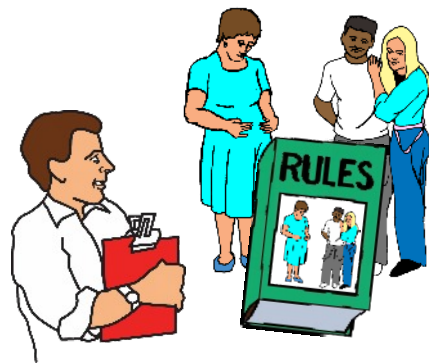


- if a baby is born to a **surrogate** mother in another country it can take a long time to get them a passport or **visa** and bring them home.

Our ideas to change the law



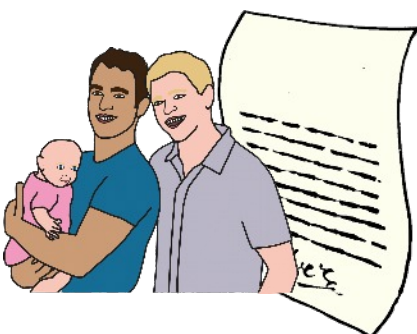
We think these 6 ideas will give better protection to everyone involved in **surrogacy**:



1. **Regulated** organisations to make sure everyone involved in a **surrogacy** keeps to new rules to protect them and the child.



2. A new pathway or step-by-step plan to make sure **intended parents** and **surrogates** understand what they agree to and protect them and the child.



3. If everyone sticks to the new pathway and the **surrogate** mother does not disagree, **intended parents** will become the child's legal parents as soon as it is born



4. Find out how much people think **intended parents** should be able to pay a **surrogate**

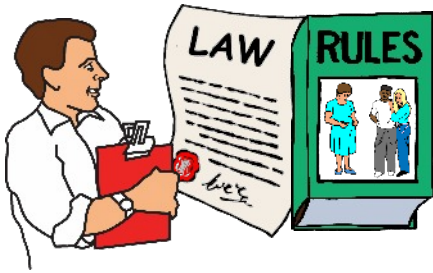


5. Have a national register with information about **surrogates**, **intended parents** and anyone who **donates** their eggs or sperm to help another person have a child



6. We understand courts need to check what is arranged with **surrogate** mothers in other countries. But we want to make it quicker and easier for **intended parents** to bring the child home to the UK.

-



- make sure everyone keeps to the rules and laws.



The Human Embryology and Fertilisation Authority would make sure these organisations work properly.



2. The new pathway

The pathway is a step-by-step plan that starts before a family choose a **surrogate** mother.



The steps are:

- finding the right **surrogate** mother – perhaps through a **registered** organisation or clinic



- medical checks for the **surrogate** mother, her husband or partner and the **intended parents**



- criminal record checks for the **surrogate** mother, her husband or partner and the **intended parents**



- independent legal advice for the **surrogate** mother and **intended parents**



- **counselling** to help the **surrogate** mother, her husband or partner and the **intended parents** think about what **surrogacy** could mean for them and to provide information about **surrogacy**



- a written agreement between the **surrogate** mother and the **intended** parents

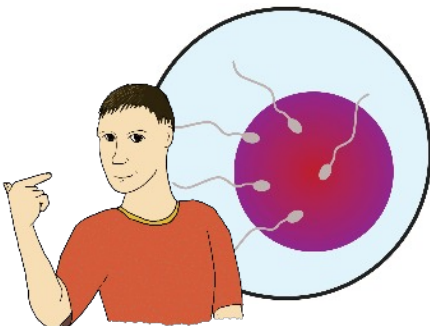


- information about the **surrogacy** arrangement goes on the national register.

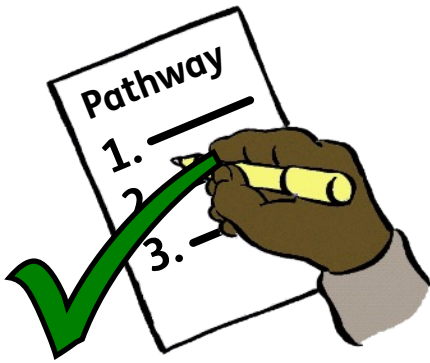


The written agreement would say:

- the names of everyone involved



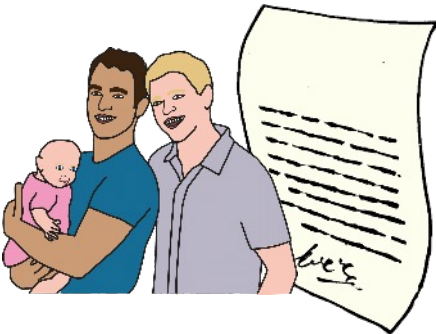
- the name of anyone **donating** eggs or sperm



- that everyone has followed the steps to protect the **surrogate** mother, her husband or partner, the **intended parents** and the child



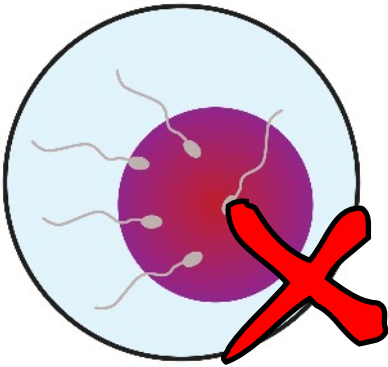
- there has been a check to make sure the child will be safe



- that the **intended parents** will be the child's legal parents as soon as it is born



- that the **surrogate** mother can decide against this.



At the moment, a court can only make a **parental order** if an **intended parent** has **donated** their eggs or sperm. There might be some medical reasons why this cannot happen. In these cases, we ask whether it should be possible to become the legal parents where they have not **donated** their eggs or sperm.



We would like to know if you think the new pathway protects everyone better.



3. Making it easier to become the legal parents

Planning for the **intended parents** to be the child's legal parents should happen before the baby is **conceived**.

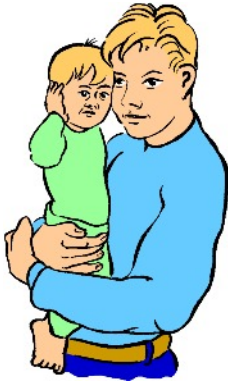


At the moment it only happens after the child is born.



The new rules would check the surrogacy arrangements to make sure:

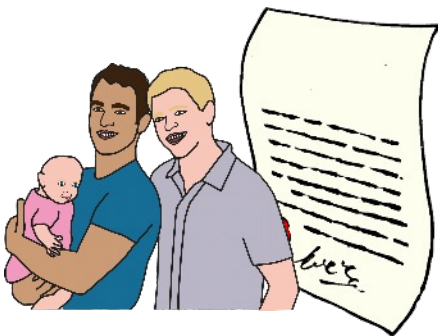
- the **surrogate** mother and **intended parents** have a written agreement



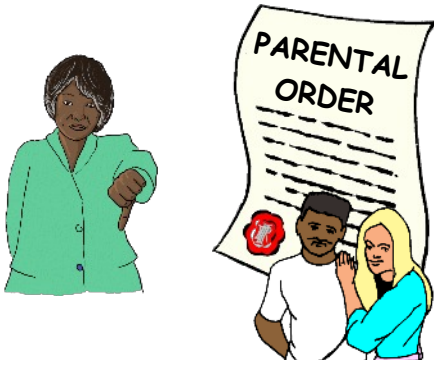
- the child will be safe and well cared for



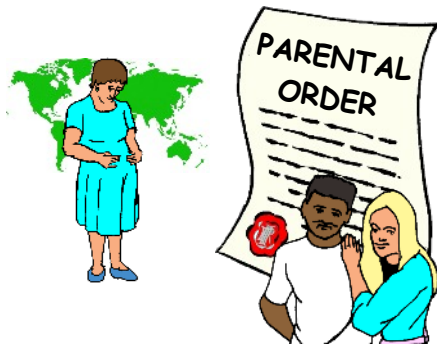
- the **surrogate** mother and **intended parents** have **counselling** and advice about the law and **surrogacy**.



If they meet these rules, most **intended parents** will become the child's legal parents as soon as it is born.



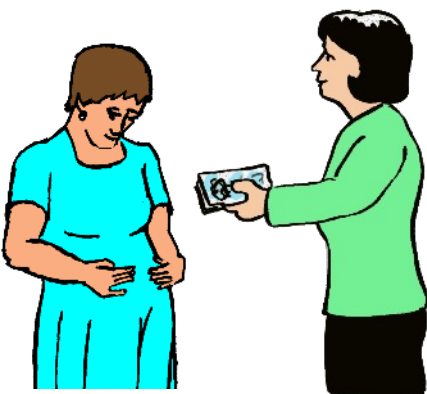
But if the **surrogate** mother does not agree with this, the **intended parents** will have to apply for a **parental order**.



If the **surrogate** mother lives abroad then the **intended parents** would still have to apply for an order.

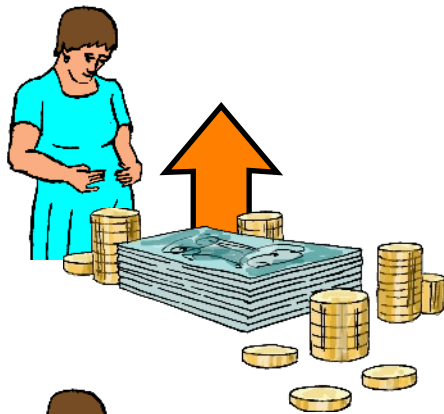


We think this would protect children better and mean that the parents they live with as soon as they are born are their legal parents.



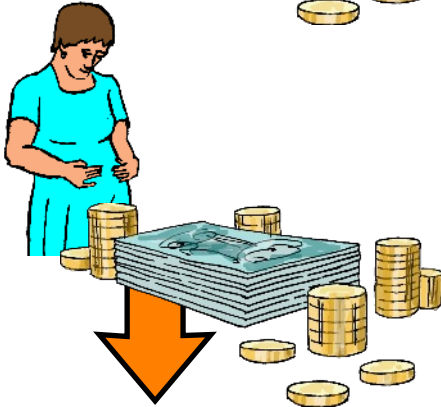
4. Paying a surrogate mother

At the moment the law says **intended parents** can only pay the **surrogate** mother reasonable expenses.



This means:

- any extra money she has to spend because she is pregnant



- any money she loses because she is pregnant.



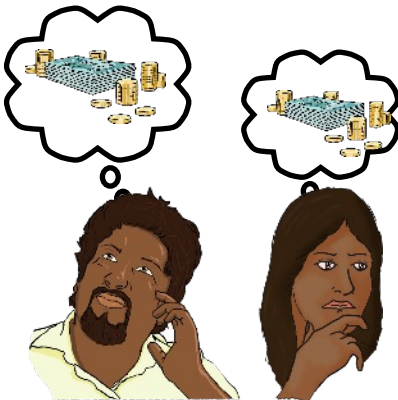
Many people have very strong ideas about whether or not a woman should be paid for being a **surrogate**.



If so, should the rules say how much this should be?



Should a woman be able to force the **intended parents** to pay money they agreed to?



We would like to know what you think about this.

5. A national surrogacy register



At the moment the **surrogate** mother usually registers the child's birth. Then the legal parents apply for a new birth certificate when they have a **parental order**.



This can make it difficult for children to find out about their parents.

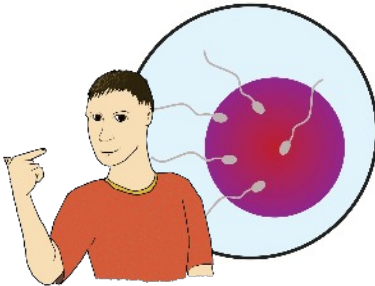


For each child, we think the register should say:

- the name of the **intended parents**



- the name of the **surrogate** mother

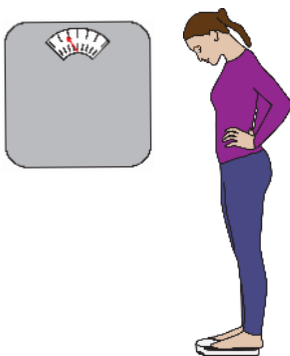


- the name of any sperm or egg **donor**.



We also wonder if the **register** should have information about things like the **surrogate** and **intended parents**:

- height



- weight



- ethnic group



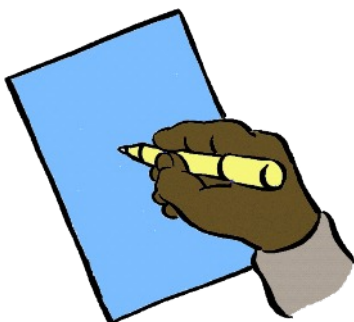
- job



- interests



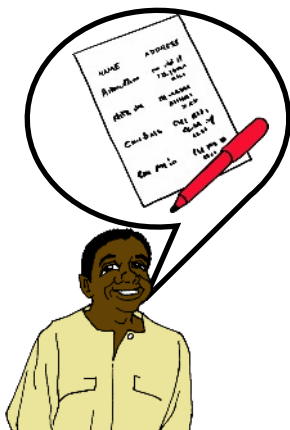
- religion.



Information about these things is already recorded for sperm and egg **donors**.



The information would go on the national **register** before the legal parents register the child's birth.



The young person would be able to ask for information about names when they are 18 years old and for the other information when they are 16 years old.



They would also be able to ask for their original birth certificate. This would show they were born from a **surrogate** mother.



We also need to think about whether other people involved in the **surrogacy** should be able to find out about each other.



We would like to know what you think about the ideas for the register, what should be on it and who can see the information.

6. International surrogacy

International surrogacy is when:

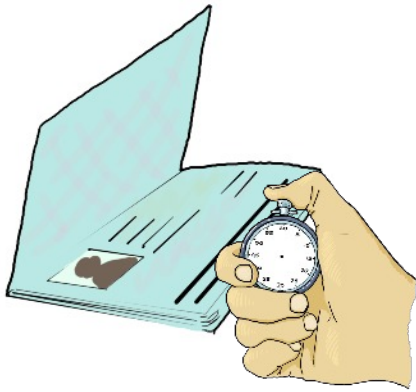


- **intended parents** who live in the UK go to another country to make an agreement with a **surrogate** mother



- **intended parents** come to the UK from abroad to find a **surrogate**.

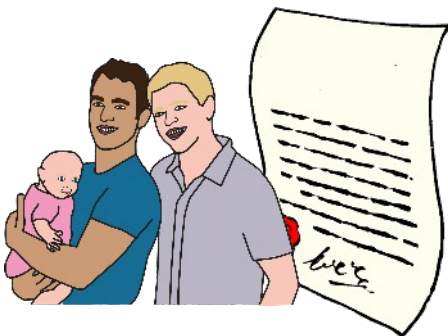
It can be difficult to bring the child back to the UK so we think it would be better if these things changed:



- **nationality** – **intended parents** could get a passport for the child more quickly. They could start to apply before the child is born



- **immigration** – the child might need a **visa** to come back into the UK. If they do, we think the **intended parents** should start to apply before the child is born



- **legal parents** – **intended parents** could become legal parents as soon as the child is born in certain countries. The UK government would agree the country has laws to protect the child and make sure no-one takes advantage of the **surrogate** mother.



We also think the government should have one clear guide to explain international **surrogacy** to **intended parents**.

What the words mean

Conceived

Become pregnant. When a baby starts to grow

Consultation

A planned and organised way of asking what people think about something.

Counselling

Time with a professional counsellor would help intended parents and women who might be surrogates to work out how they feel about things and to get information about surrogacy.

Donate

To give something. In surrogacy an intended parent might donate their eggs or sperm.

Donor

The person who gives their eggs or sperm in surrogacy.

Fertilised

When an egg and sperm come together to make a baby.

Human Embryology and Fertilisation Authority

The organisation that regulates things like IVF treatment and research.

Intended parents

The person or couple a surrogate mother has a baby for.

IVF

When an egg from a donor or parent is fertilised outside a woman's body and then placed into her womb to grow.

Law Commission of England and Wales and the Scottish Law Commission

Independent organisations that look at the law and suggest changes to make it better. They also tell the government when they think we need new laws.

Parental order

When the court decides who are a child's legal parents.

Register

A list of people or organisations.

Regulated

Controlled by rules or laws to make sure they work properly.

Surrogacy

When a woman becomes pregnant and gives birth to a child for another family.

Surrogate

The woman who gives birth to a child for another family.

Visa

Official papers that say you can go into another country.

Credits



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