



British Fertility Society

response to the

Consultation on a review of
Parental Order Regulations

September 2009

This document represents the British Fertility Society (BFS) response to the Consultation on a review of Parental Order Regulations prepared by Health, Science and Bioethics Division, Department of Health.

The British Fertility Society is a multi-disciplinary organization representing professionals with an interest in reproductive medicine. The objectives of the society are:

- To promote high quality practice in the provision of fertility treatment.
- To provide a common forum for members of various disciplines having an interest in the science and treatment of infertility.
- To promote high quality scientific and clinical research in the causes and treatment of infertility.
- To provide professional leadership in the provision and regulation of infertility services.
- To promote the increase of NHS funding for and equity of access to fertility treatments.

Therefore the review of the parental order regulations is an important issue for BFS members.

This response was written by Alison McTavish, (Nurse Representative on BFS Executive committee) Dr. Allan Pacey (Honorary Secretary) and Mr Tony Rutherford (Honorary Chairman) on behalf of the Executive Committee.

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The society **agrees** to the making its responses publicly available in accordance with the Cabinet Office Code of Practice on Written Consultation. In addition the society will be making this response available on its website (<http://www.fertility.org.uk>).

BFS Response

Draft Human Fertilisation and Embryology (Parental Orders) Regulations.

The HFEA Act 2008, like the HFEA Act 1990, contains powers to apply provisions of the adoption legislation to the Parental Orders. However, the adoptive legislation in England and Wales (Adoption and Children Act 2002), and Scotland (Adoption and Children (Scotland) Act 2007), has been updated since the original 1990 Act. New regulations are required to reflect these updates, and the change in the HFEA Act 2008 to allow, addition to married couples, civil partners and other couples living as partners to apply for Parental Orders.

The principle provisions of the draft regulations are to:

- Ensure that the welfare of the child is the paramount consideration of the court
- Define what a Parental Order is, who might apply, and the legal status of the child subject to the Parental Order.
- Require the Registrar General to hold and maintain a Parental Order Register, linked to the live birth register, and describing access rights to the register.
- Ensure that the court has the necessary powers in relation to a child who is the subject of Parental Order.

The British Fertility Society recognises that the regulations governing adoption are devolved in England and Wales, Scotland and Northern Ireland, yet the HFEA Act applies to all Regions. Therefore, the BFS welcomes the proposal to bring Parental Orders in line with the updated adoption legislation throughout the United Kingdom. All licensed fertility services already have the welfare of any child at the core of their treatment philosophy. Clarity about the definition of a Parental Order, particularly in the context of those that can now apply for a Parental Order, such as civil partnerships and couples living together in “an enduring family relationship” is extremely helpful.

In summary, the British Fertility Society agrees that the processes involved in obtaining Parental Orders need to be aligned with the current adoption legislation in all regions of the UK, and the regulations need to be changed to reflect the provisions set in the HFEA 2008 Act.