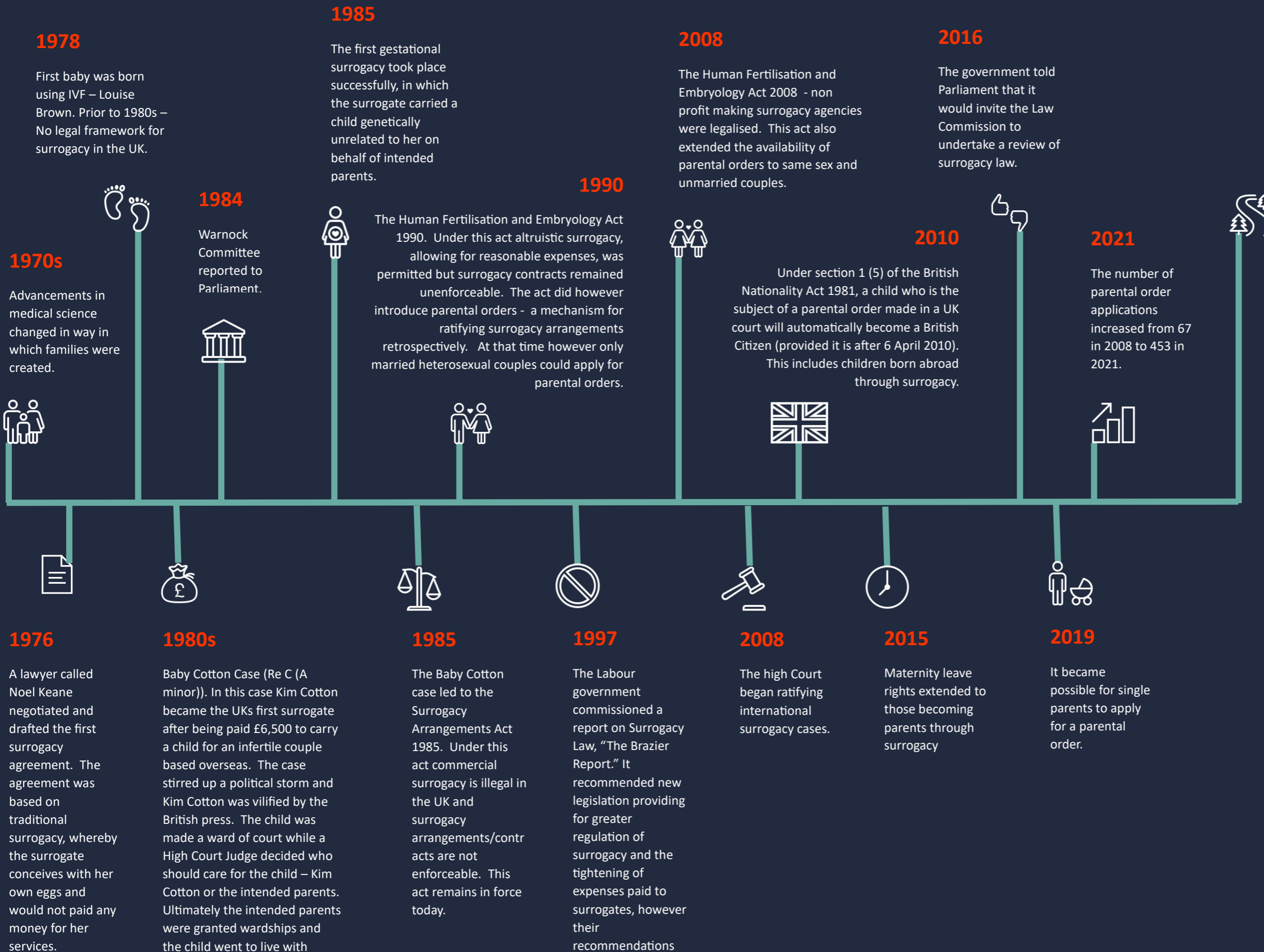


Surrogacy Timeline



1978

First baby was born using IVF – Louise Brown. Prior to 1980s – No legal framework for surrogacy in the UK.

1985

The first gestational surrogacy took place successfully, in which the surrogate carried a child genetically unrelated to her on behalf of intended parents.

2008

The Human Fertilisation and Embryology Act 2008 - non profit making surrogacy agencies were legalised. This act also extended the availability of parental orders to same sex and unmarried couples.

2016

The government told Parliament that it would invite the Law Commission to undertake a review of surrogacy law.

March 2023

The Law Commission published their report on law reform, together with their draft bill. This report confirmed that the law is no longer fit for purpose and there is a general lack of legal certainty for surrogates, intended parents, and perhaps most importantly, the children born through surrogacy. Key proposals include:

- The creation of a new pathway for legal parenthood in respect of domestic surrogacy arrangements. This would allow the intended parents to be recognised as the legal parents from birth.
- Regulated Surrogacy Organisations would be established to support the intended parents and the surrogate through the process and ensure that all screening and safeguarding requirements are met.
- Reforms to the law governing the payments which can be made to the surrogacy so that there is greater clarity and transparency
- The creation of a new Surrogacy register so that children born through surrogacy are able to access information about their origins.

The Government’s response to the Law Commission’s recommendations is expected to be provided by early 2025.

If the Government accepts the recommendations then the draft Bill which has been published by the Law Commission will be referred to Parliament with a view to it becoming law.

1970s

Advancements in medical science changed in way in which families were created.

1984

Warnock Committee reported to Parliament.

1990

The Human Fertilisation and Embryology Act 1990. Under this act altruistic surrogacy, allowing for reasonable expenses, was permitted but surrogacy contracts remained unenforceable. The act did however introduce parental orders - a mechanism for ratifying surrogacy arrangements retrospectively. At that time however only married heterosexual couples could apply for parental orders.

2010

Under section 1 (5) of the British Nationality Act 1981, a child who is the subject of a parental order made in a UK court will automatically become a British Citizen (provided it is after 6 April 2010). This includes children born abroad through surrogacy.

2021

The number of parental order applications increased from 67 in 2008 to 453 in 2021.

1976

A lawyer called Noel Keane negotiated and drafted the first surrogacy agreement. The agreement was based on traditional surrogacy, whereby the surrogate conceives with her own eggs and would not be paid any money for her services.

1980s

Baby Cotton Case (Re C (A minor)). In this case Kim Cotton became the UK's first surrogate after being paid £6,500 to carry a child for an infertile couple based overseas. The case stirred up a political storm and Kim Cotton was vilified by the British press. The child was made a ward of court while a High Court Judge decided who should care for the child – Kim Cotton or the intended parents. Ultimately the intended parents were granted wardships and the child went to live with them, but the newspaper headlines including “Born to be sold” caused a great deal of controversy.

1985

The Baby Cotton case led to the Surrogacy Arrangements Act 1985. Under this act commercial surrogacy is illegal in the UK and surrogacy arrangements/contracts are not enforceable. This act remains in force today.

1997

The Labour government commissioned a report on Surrogacy Law, “The Brazier Report.” It recommended new legislation providing for greater regulation of surrogacy and the tightening of expenses paid to surrogates, however their recommendations were never implemented.

2008

The high Court began ratifying international surrogacy cases.

2015

Maternity leave rights extended to those becoming parents through surrogacy

2019

It became possible for single parents to apply for a parental order.

Surrogacy Timeline