

HFEA Statutory Approvals Committee

26 September 2013

Finsbury Tower, 103-105 Bunhill Row, London, EC1Y 8HF

Minutes – Item 2

Centre 0008 (Midland Fertility Services) – Application for Special Directions to import sperm from Cryos International, Denmark

Members of the Committee:	Committee Secretary:
David Archard (lay) Chair	Lauren Crawford
Jane Dibblin (lay)	Legal Adviser:
Rebekah Dundas (lay) (Videoconference)	Stephen Hocking, DAC Beachcroft
Sue Price (professional)	Observing:
	Sam Hartley, Head of Governance and Licensing, HFEA

Declarations of Interest: members of the Committee declared that it had no conflicts of interest in relation to this item.

The following papers were considered by the Committee:

- Executive Summary
- Application form (redacted)
- Additional information form for Special Directions to import gametes (redacted)

The Committee also had before it

- HFEA Protocol for the Conduct of Licence Committee Meetings and Hearings
- 8th edition of the HFEA Code of Practice
- Human Fertilisation and Embryology Act 1990 (as amended)
- Decision trees for granting and renewing licences and considering requests to vary a licence (including the PGD decision tree); and
- Guidance for members of Authority and Committees on the handling of conflicts of interest approved by the Authority on 21 January 2009.
- Guidance on periods for which new or renewed licences should be granted
- Standing Orders and Instrument of Delegation
- Indicative Sanctions Guidance

- HFEA Directions 0000 – 0012
- Guide to Licensing
- Compliance and Enforcement Policy
- Policy on Publication of Authority and Committee Papers
- HFEA Pre-Implantation Diagnostic Testing (“PGD”) Explanatory Note For Licence Committee

Discussion

1. The Committee noted that this centre has applied for a special direction to import eight straws of donated sperm from Cryos International, Vesterbro Torv 1-35th floor, DK-8000, Aarhus, Denmark.
2. The Committee noted that the HFEA Act 1990 (as amended) permits the Authority to issue directions to allow the import of gametes or embryos from countries outside the United Kingdom. Furthermore, the Committee noted that if a licensed centre meets all requirements set out by General Directions 0006, of which there are nine, import is permitted without the need for Special Directions.
3. The Committee noted that this application for Special Directions is being made because the centre is unable to import the sperm under the auspices of General Directions because they are not able to meet the requirements of section (b) of Schedule 4 of General Directions 0006: that ‘the person who provided the gametes is (and in the case of an embryo, both persons who provided the gametes from which the embryo was created are) identifiable’. The specific issue is that the donor will be anonymous, because the sperm donor has not consented to their identity being known.
4. The Committee noted that this patient has already conceived two children using this donor and wishes to try for a third but has run out of stock of the sperm here in the UK. The sperm was previously imported using a special direction when UK donation was still anonymous in 2003. The patient says she desperately wants all her children to share the same genetic parentage. The dates of previous successful treatments are: February 2004 which resulted in a singleton born October 2004 and treatment in May 2007 which resulted in a singleton born January 2008
5. The Committee regarded the UK requirements for identifying donors to be important. Special directions would not be granted routinely, or where the purpose or dominant effect appeared to be to circumvent those requirements. In this case the purpose of the import appeared to be to provide the family with a genetically related sibling. The Committee considered that to be a proper objective. The Committee also noted that sperm from this donor was

first imported at a time when UK donation was itself permitted to be anonymous. It was clear that at that time there can have been no question of seeking to avoid UK requirements in this regard. The Committee had regard to Articles 8 and 12 European Convention on Human Rights (EHCR), and understood that any interference with those rights would have to be proportionate.

6. The Committee agreed that the sibling relation is an exceptional circumstance.
7. The Committee agreed to grant the Special Directions in this case for Centre 0008 to import eight straws of donor sperm from Cryos International, Vesterbro Torv 1-35th floor, DK-8000, Aarhus, Denmark.

Signed:

Date: 11/10/2013

A handwritten signature in black ink, appearing to read 'DWA' followed by a stylized flourish.

David Archard (Chair)