

Statutory Approvals Committee - minutes

Centre 0339 (Create Fertility) – application to import sperm from South Africa

Thursday, 24 November 2016

HFEA, Level 2, 10 Spring Gardens, London, SW1A 2BU

Committee members	Margaret Gilmore (Chair) Rebekah Dundas (Deputy Chair) Anne Lampe Ruth Wilde Anthony Rutherford	
Members of the Executive	Siobhain Kelly Trent Fisher	Head of Corporate Governance (interim) Secretary
Legal Adviser	Graham Miles – Blake Morgan LLP	
Observers	None	

Declarations of interest:

- members of the committee declared that they had no conflicts of interest in relation to this item.

The committee had before it:

- 8th edition of the HFEA Code of Practice
- standard licensing and approvals pack for committee members

The following papers were considered by the committee:

- executive summary
- Application form
- Special Directions further information form
- Documents submitted in support of the application
 - Summary report from receiving centre
 - Declaration from Managing Director of supplying centre

- Export permit
- Application for authorisation
- Follow up request for authorisation.

1. Consideration of application

- 1.1. The committee noted that centre 0201 had applied for Special Directions to import sperm from Androcryos, Johannesburg, South Africa.
- 1.2. 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 UK.
- 1.3. The committee noted that the centre is unable to import the gametes under General Directions 0006 because the supplying centre cannot provide evidence to the satisfaction of the Person Responsible at the receiving centre that:
 - (a) The centre from which the sperm was procured is accredited, designated, authorised or licensed under the quality and safety laws or other measures of the country in which it is situated;
 - (b) The centre's quality management system has been accredited by an internationally recognised body.
- 1.4. The committee noted that the accreditation for reproductive tissue banks does not exist in South Africa but a scheme is being implemented at the moment, which this establishment has applied for and followed up. Currently, the supplying centre is still awaiting a response.
- 1.5. The committee agreed that Special Directions would not be routinely granted where the purpose or dominant effect appeared to be to circumvent the requirements as set out in General Directions 0006.
- 1.6. The committee noted that the gamete provider is resident in Zimbabwe and his partner is resident in the UK. The centre states in the application that the gamete provider would not be able to produce another sample in the UK, as he has business interests that he cannot leave at the present time and he has to care for his elderly mother. The centre also states that it would be difficult for him to obtain a permit for air travel from Zimbabwe to the UK. The committee noted that no clarification has been provided as to whether the restrictions on the gamete provider's ability to travel to the UK are temporary or permanent.
- 1.7. The committee also noted that there is no explanation as to why the patient would be unable to travel to South Africa to be treated with her partner nor was there any information provided as to how the receiving centre would ensure that the welfare of any child born had been assessed adequately.
- 1.8. The committee agreed that the centre had not provided information on why the prospective patient needed treatment, the age of the prospective patient or what the age of the partner was. In addition, there was no information provided on how consent for use of the sperm would be obtained.
- 1.9. The committee noted that the centre has stated that refusal of the application could be seen as interference with the applicant's right to respect for private and family life under the Human Rights Act 1998.

2. Decision

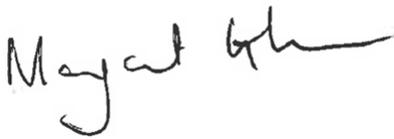
- 2.1. The committee concluded that it did not have enough information to make a decision on whether to grant or refuse this application.
- 2.2. The committee agreed to adjourn this item to enable the centre to provide the information set out below;

- Why the patient needed treatment and the ages of both the patient and partner?
- Whether the patient and partner intend to reside together and, if so, where?
- The nature of the restriction on the gamete provider's inability to obtain a permit for travel to the UK, including whether this is a permanent or temporary restriction.
- How the receiving centre will conduct the welfare of the child assessment?
- Why special directions were being applied for rather than the patient travelling to South Africa?
- How consent for use of the sperm would be taken?

3. Chair's signature

3.1. I confirm this is a true and accurate record of the meeting.

Signature

A handwritten signature in black ink that reads "Margaret Gilmore". The signature is written in a cursive style with a long horizontal flourish at the end.

Name

Margaret Gilmore

Date

09 December 2016