

# Statutory Approvals Committee – minutes

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## Centre 0185 (CARE Manchester)

### Special Directions application to import embryos from Ireland

### For the use in surrogacy treatment in the United Kingdom (UK)

Thursday, 14 December 2017

Church House Westminster, Dean's Yard, Westminster SW1P 3NZ

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Committee members	Margaret Gilmore (Chair) Bobbie Farsides (Deputy Chair) Anne Lampe Ruth Wilde
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Members of the Executive	Dee Knoyle	Committee Secretary
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External adviser

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Legal Adviser	Eve Piffaretti	Blake Morgan LLP
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Observers

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## Declarations of interest

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

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## The committee had before it:

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

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## **The following papers were considered by the committee:**

- Executive summary.
- Application form (4439)
- Further information form
- Minutes of the Statutory Approvals Committee meeting 30 March 2017
- Special Direction reference: S.D.2017-01-0185-a issued 30 March 2017

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## 1. Background

- 1.1. CARE Manchester, centre 0185 had applied for Special Directions to import four embryos from SIMS IVF clinic in Dublin, Ireland for use in surrogacy treatment in the UK.
- 1.2. The centre is unable to import the embryos under General Directions 0006 because requirements of part 1(b) of Schedule 1 cannot be met:
  - b) 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.
- 1.3. The embryos were created in Ireland where the use of gametes from non-identifiable donors is permitted, using eggs from a non-identifiable Czech donor and the patient's husband's sperm. The centre had advised the Executive that the couple wanted surrogacy treatment which is not available in Ireland. Therefore, the couple had requested the import of the embryos from Ireland to the UK for use in surrogacy treatment.
- 1.4. The Statutory Approvals Committee considered the Special Directions application to import the embryos from Dublin at its meeting on 30 March 2017 and agreed to issue Special Directions, in this case, for CARE Manchester, centre 0185 to import four embryos from SIMS IVF clinic in Dublin, Ireland to the UK for use in surrogacy treatment.

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## 2. Consideration of application

- 2.1. The committee considered a request by CARE Manchester, centre 0185 to re-issue the Special Directions allowing for four embryos to be imported into the UK for use in surrogacy treatment.
- 2.2. The committee noted that the Person Responsible (PR) was unable to import the four embryos from Dublin prior to the expiry of the Special Directions issued on 30 March 2017 for the following reasons:
  - it took some time for centre 0185 to receive evidence of appropriate screening of the donor and to repeat some screening tests (CF screening), on the male partner to comply with the centre's internal policy, which goes beyond the statutory requirements to update the testing to 139 mutations (now available) instead of the old test (35 mutations);
  - the surrogate, identified by the commissioning couple, had health issues unrelated to fertility treatment that were being investigated.
- 2.3. The PR has provided assurances that the details of the original application remain the same and there has been no change in circumstances.
- 2.4. The Executive is satisfied by the PR's assurances and recommended that the committee considers this application to re-issue the Special Directions to allow four embryos to be imported from Dublin to the UK is approved.
- 2.5. The committee carefully considered the minutes of the Statutory Approvals Committee meeting dated 30 March 2017 including the legal advice recorded and principles applied in this particular case.
- 2.6. The Legal Adviser informed the committee that the legal advice provided on 30 March 2017 still applied and that there was nothing in the Human Fertilisation and Embryology Act 1990 (as amended) ('the Act') that required Special Directions to be time-limited.

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### **3. Decision**

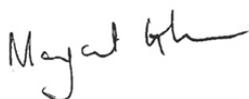
- 3.1.** The committee had regard to the Authority's statutory duty to promote, in relation to activities governed by the Act, compliance with requirements imposed by or under the Act.
- 3.2.** The committee had regard to the Act which permits the Authority to issue directions to allow the import of gametes or embryos from countries outside the United Kingdom. Furthermore, the committee noted that if a licensed centre meets all seven requirements set out in section 1 of Schedule 1 to General Directions 0006, import is permitted without the need for Special Directions.
- 3.3.** The committee noted that the Court of Appeal, in considering the Blood case, set out a list of tests that the Authority would need to meet in considering an application asking the Authority to overrule the provisions of General Directions 0006.
- 3.4.** The committee noted the reasons, provided by the PR, for the delay in importation of the four embryos from SIMS IVF clinic in Dublin, Ireland to the UK for use in surrogacy treatment, prior to the expiry of the three-month period specified in Special Directions issued on 30 March 2017.
- 3.5.** The committee noted that the details of the application for a Special Direction remained the same and there had been no change in circumstances.
- 3.6.** The committee was satisfied that the principle tests still applied to this particular application. Furthermore, it noted that there was nothing in the Act that required Special Directions to be time-limited and the committee concluded that three months was too short a period for the Special Direction to be effective.
- 3.7.** The committee agreed to issue Special Directions for this application, to remain in force for no less than six months, to allow four embryos to be imported from SIMS IVF clinic in Dublin, Ireland for use in surrogacy treatment in the UK at CARE Manchester, centre 0185.

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### **4. Chair's Signature**

- 4.1.** I confirm this is a true and accurate record of the meeting.

#### **Signature**



#### **Name**

Margaret Gilmore

#### **Date**

22 December 2017