The Human Fertilisation and Embryology Act 1990 (HFE Act) was the first comprehensive national policy on assisted reproductive technologies and the use of human embryos. It was introduced in 1990 by the UK government to regulate the creation, care, and use of human embryos, to encourage advances in the treatment of infertility, and to develop more effective contraception. The act was a response to public concern about the moral and ethical implications of new reproductive technologies.

The act deals with the concept of consent in Schedule 3 for all participants in assisted reproductive technologies. In addition to providing the Human Fertilisation and Embryology Authority with enforcement powers over licensing conditions, many of the final sections of the HFE Act articulate punitive judicial guidelines, including fines and imprisonment, not to exceed ten years, for violations of the various conditions of licensing.

The HFE Act amended several existing laws, including the Surrogacy Arrangements Act of 1985, the Abortion Act of 1967, and the Congenital Disabilities (Civil Liability) Act of 1976. Schedule 4 offers further amendments to previous laws, including the Family Law Reform Act 1969, the Social Security Act 1975, and the Human Organ Transplants Act 1989. The law also enjoin the Human Fertilisation and Embryology Authority to yearly reporting and auditing. Schedule 1 describes the operational details of the authority: how the authority is to appoint members and staff, as well as conditions on their tenure of office and general terms of remuneration.

The HFE Act of 1990 was itself amended in 2000 by the Human Fertilisation and Embryology (Amendment) Bill to allow some cases in which sperm from dead men may be used in ex vivo fertilizations. The law was amended again in 2001 by the Human Fertilisation and Embryology (Research Purposes) Regulations to expand the allowable reasons for research on human embryos. In 2004, the UK government began to review the 1990 Act and subsequently in March of 2007, the House of Commons Select Committee on Science and Technology published its “Fifth Report, Human Reproductive Technologies and the Law” which criticized the HFE Authority for failing to regulate the combination of human and non-human animal genetic material in the creation of a chimera. In 2008, the HFE Authority addressed this concern through an amendment. The 2008 amendment also banned sex selection of children for social reasons and expanded the allowable roles of same sex couples under the law. The 2008 revision also changed the reference to “the need for a father” with the gender neutral "need for supportive parenting.”

Numerous authors have reacted to the law and to the Authority it established. In 1991 Blackstone, a UK publishing company, published Blackstone's guide to the The Human Fertilisation and Embryology Act 1990: Abortion and Embryo Research, the New Law, edited by Derek Morgan and Robert Lee, which was an early contribution to scholarly commentary on the law and its consequences. The HFE Act was the first comprehensive national policy regulating the use of human embryos in the world. The law continued to cause controversy into the twenty-first century, as it addresses fundamental
moral concerns; nevertheless it remained in effect as the primary legal instrument regulating the use of human embryos for medical and scientific purposes in the United Kingdom.

Sources


The Human Fertilisation and Embryology Act 1990 established the legal framework that governs infertility treatment, medical services ancillary to infertility treatment such as embryo storage, and all human embryological research performed in the UK. The law also defines a legal concept of the parent of a child conceived with assisted reproductive technologies. Section Five of the Act establishes the Human Fertilisation and Embryology Authority, the first of its kind in the world, to enforce and regulate the responsibilities that scientists, doctors, and prospective parents have towards embryos and to each other. Upon introducing the act to the House of Commons, the Secretary of State for Health of the time, Kenneth Clarke, said the bill was in his opinion the most important piece of legislation considered by the government in two decades.

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