

CRACF
p.a pl

MR REDWOOD

20 March 1985

cc Mr Addison ✓
Mr Willetts
Mr Letwin
Mr Monckton

1. COMMERCIAL AND NON-COMMERCIAL SURROGACY
2. UNBORN CHILDREN (PROTECTION) BILL (ENOCH POWELL)
3. WARNOCK REPORT

The Government (DHSS leading)

Have undertaken to legislate on commercial surrogacy in the present Session (Surrogacy (Arrangements) Bill). This has now passed 'H'. There is no consensus in Government to proceed against all surrogacy. Home Office (LB) argues the logic of a complete ban. DHSS (NF) is for surrogacy without profit. Surrogacy (Chapter 8 of Warnock Report) covers surrogacy generally).

In the Unit, David Willetts, who is for surrogacy in general, prefers total ban rather than the artificial distinction between profitable and unprofitable. Members are divided between the "free market" and the "moral" arguments. The legal point is that if the Government leaves the ban on surrogacy as restricted, to the commercial it will be difficult to enforce. There are problems of jurisdiction. For example, if a commercial agreement is concluded in Italy, but the mother who is to receive the baby lives in Birmingham, to what extent, if at all, has the recipient infringed the law? The legislation must be closely scrutinised.

On the
relevant effect
will be there.

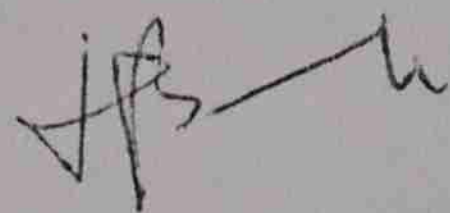
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arguing.

Enoch Powell

Enoch Powell has jumped the queue for Standing Committee C by finding a space on D Committee and he therefore has a moderate chance of pushing the UC(P) Bill into law. If it is in difficulty, there will be pressure on the Government to provide time because of the strength of feeling in the House. The last vote was 238 to 66 in favour. Ministerial voting was 35 to 3 in favour. The Prime Minister is in favour (per MA). Medical Press is mixed, but a popular journal "Medical News", not noted for its support of the Government, is giving the Bill a fair account (14 March issue).

The Bill only attempts to deal with experimentation on human embryos. It will make in vitro creation of embryos illegal for any purpose other than to enable a named woman to bear a child. The main point against the Bill is that it will prevent future research into infertility. Powell replied: "I never challenged the possibility that such experiments might produce valuable results. Rather, I ask if some totally unknown result depends upon experiment on the embryo, do you think the loss or gain to be the greater? We think the loss is greater."

Surrogacy legislation is not affected by Powell's Bill, but Warnock legislation (with its proposals to set up a licensing quango of the unaccountable great and good to permit experiments on human embryos) is put back into the test tube where some, me included, say it belongs.



HARTLEY BOOTH