

# Human Reproduction and the Law

Level 4 Law course

View Online



[1]

5/FD02P00895 High Court of Justice Queens Bench Division 26 February 2003 Before: The President Wednesday 26th February, 2003, Hearing dates: 20th, 21st and 22nd January 2003 Crown copyright 26 AD. The Leeds Teaching Hospital NHS Trust v A & Others case [2003] EWHC 259(QB).

[2]

65-year-old woman's IVF pregnancy branded irresponsible and inadvisable | World news | The Guardian:  
<https://www.theguardian.com/world/2015/apr/15/german-politicians-criticise-65-annegret-aunigk-pregnant-quadruplets>.

[3]

A. Morris and Severine Saintier 2003. To Be or Not to Be: Is That The Question? Wrongful Life and Misconceptions. Medical Law Review. 11, 2 (Jun. 2003), 167-193.  
DOI: <https://doi.org/10.1093/medlaw/11.2.167>.

[4]

Abortion (Foetus Protection) Bill [HL] 2017-19 — UK Parliament:  
<https://services.parliament.uk/bills/2017-19/abortionfoetusprotection.html>.

[5]

Abortion law to be devolved to Scottish Parliament: 2015.  
<https://www.gov.uk/government/news/abortion-law-to-be-devolved-to-scottish-parliament>.

[6]

Abortion laws 'punish sex-crime victims' - BBC News:

[https://www.bbc.co.uk/news/uk-northern-ireland-41756688?intlink\\_from\\_url=https://www.bbc.co.uk/news/topics/f16883ee-804f-43cd-8bc3-80d0fed59682/abortion&link\\_location=live-reporting-story](https://www.bbc.co.uk/news/uk-northern-ireland-41756688?intlink_from_url=https://www.bbc.co.uk/news/topics/f16883ee-804f-43cd-8bc3-80d0fed59682/abortion&link_location=live-reporting-story).

[7]

Abortion (Sex-Selection) Bill 2014-15 (Private Member's Bill) UK Parliament:

<http://services.parliament.uk/bills/2014-15/abortionsexselection.html>.

[8]

Abortion should not be a crime, say Britain's childbirth doctors | World news | The Guardian:

<https://www.theguardian.com/world/2017/sep/22/abortion-decriminalise-crime-britain-childbirth-doctors>.

[9]

Adults with Incapacity (Scotland) Act 2000, Code of Practice, 1st July 2002:

<https://www.mwcscot.org.uk/law-and-rights/adults-incapacity-act>.

[10]

Alghrani, A. and Harris, J. 2006. Reproductive liberty: should the foundation of families be regulated? *Child and Family Law Quarterly*. 18, 2 (2006), 157-306.

[11]

An Overview of Abortion Laws | Guttmacher Institute:

<https://www.guttmacher.org/state-policy/explore/overview-abortion-laws>.

[12]

Anderson, E.S. 2000. Why Commercial Surrogate Motherhood Unethically Commodifies Women and Children: Reply to McLachlan and Swales. *Health Care Analysis*. 8, 1 (2000),

19–26. DOI:<https://doi.org/10.1023/A:1009477906883>.

[13]

Barton-Hanson, R. 2015. Sterilization of men with intellectual disabilities: Whose best interest is it anyway? *Medical Law International*. 15, 1 (Mar. 2015), 49–73.  
DOI:<https://doi.org/10.1177/0968533215592444>.

[14]

BBC Radio 4 - Moral Maze, 50 Years of the Abortion Act:  
<https://www.bbc.co.uk/programmes/b097c1g3>.

[15]

Beaumont, P. and Trimmings, K. 2012. Regulating international surrogacy arrangements. *International Family Law Journal*. 1 (2012), 1–134.

[16]

Birk, D. 2009. Human fertilisation and embryology: the new law. *Family Law*.

[17]

Black, G. 2015. When is a Parent not a Parent? *CS v KS and JS and the Question of Genetic Parentage or Social Parenting*. *Edinburgh Law Review*. 19, 2 (May 2015), 263–268.  
DOI:<https://doi.org/10.3366/elr.2015.0279>.

[18]

Blyth, E. 2010. Parental Orders and identity registration: one country three systems. *Journal of Social Welfare and Family Law*. 32, 4 (Dec. 2010), 345–352.  
DOI:<https://doi.org/10.1080/09649069.2010.539353>.

[19]

BMA - Mental capacity for adults in Scotland and Northern Ireland:  
<https://www.bma.org.uk/advice/employment/ethics/mental-capacity/mental-capacity-scotland>

nd-and-ni.

[20]

Brazier, M. et al. 1998. Surrogacy: review for health ministers of current arrangements for payments and regulation : report of the review team. Stationery Office.

[21]

Bridgeman, J. 2006. Young people and sexual health: whose rights? Whose responsibilities? Medical Law Review. 14, 3 (Sep. 2006), 418–424.  
DOI:<https://doi.org/10.1093/medlaw/fwl014>.

[22]

British Medical Association 1996. Changing conceptions of motherhood: the practice of surrogacy in Britain. BMA.

[23]

Brown, J. 2015. Scotland and the Abortion Act 1967: historic flaws, contemporary problems. Juridical Review. 2015, 2 (2015), 135–155.

[24]

Burin, A.K. 2014. Beyond Pragmatism: Defending the 'Bright Line' of Birth. Medical Law Review. 22, (2014).

[25]

Burns, S. 2012. The law of assisted reproduction. Bloomsbury Professional.

[26]

Callus, T. 2011. Ensuring Operational Compliance and Ethical Responsibility in the Regulation of ART: The HFEA, Past, Present, and Future. Law, Innovation and Technology. 3, 1 (Jul. 2011), 85–111. DOI:<https://doi.org/10.5235/175799611796399858>.

[27]

Campbell, T.D. and McKay, A.J.M. 1978. Antenatal Injury and the Rights of the Foetus. *The Philosophical Quarterly*. 28, 110 (Jan. 1978). DOI:<https://doi.org/10.2307/2219040>.

[28]

Cattanach v Melchior [2003] HCA 38.:  
<http://www.vrlaw.com.au/cases/pdfs/200402261614260.Cattanach.PDF>.

[29]

Chalmers, J. 2011. Regulating adolescent sexuality: English and Scottish approaches compared. *Child and family law quarterly*. 23, 4 (2011), 429–546.

[30]

Charity offers UK drug addicts £200 to be sterilised - BBC News:  
<https://www.bbc.co.uk/news/uk-england-london-11545519>.

[31]

Chico, V. 2007. Wrongful Conception: Policy, Inconsistency and the Conventional Award. *Medical Law International*. 8, 2 (Mar. 2007), 139–164.  
DOI:<https://doi.org/10.1177/096853320700800202>.

[32]

Childlessness Overcome Through Surrogacy (COTS): <http://www.surrogacy.org.uk/>.

[33]

Clarke, V. 2007. Men Not Included? *Journal of GLBT Family Studies*. 3, 4 (Feb. 2007), 309–349. DOI:[https://doi.org/10.1300/J461v03n04\\_01](https://doi.org/10.1300/J461v03n04_01).

[34]

Coombes, R. 2007. Ashley X: a difficult moral choice. *BMJ*. 334, 7584 (Jan. 2007), 72–73. DOI:<https://doi.org/10.1136/bmj.39091.555856.B7>.

[35]

CPS decision to stop private prosecutions of doctors charged with abortion offences - CPS News Brief:  
<http://blog.cps.gov.uk/2015/03/cps-decision-to-stop-private-prosecutions-of-doctors-charged-with-abortion-offences.html>.

[36]

Cutas, D. and Chan, S. eds. 2014. *Families: beyond the nuclear ideal*. Bloomsbury Academic.

[37]

Decision not to charge over gender-based abortions was right, DPP says - BBC News:  
<https://www.bbc.co.uk/news/uk-24430356>.

[38]

Department of Health, 'Best practice guidance for doctors and other health professionals on the provision of advice and treatment to young people under 16 on contraception, sexual and reproductive health' (July 2004):  
[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4086960](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4086960).

[39]

Director of Public Prosecutions publishes fuller reasons for decision not to prosecute doctors over abortion case:  
[http://cps.gov.uk/news/latest\\_news/dpp\\_abortion\\_case\\_fuller\\_reasons/index.html](http://cps.gov.uk/news/latest_news/dpp_abortion_case_fuller_reasons/index.html).

[40]

DIY contraceptive jab to be offered by the NHS for the first time - BBC Newsbeat:  
<https://www.bbc.co.uk/newsbeat/article/34346610/diy-contraceptive-jab-to-be-offered-by-the-nhs-for-the-first-time>.

[41]

Doctor to appear in court in UK's first gender abortion prosecution - Telegraph: 2014.  
<http://www.telegraph.co.uk/news/uknews/law-and-order/11217504/Doctor-to-appear-in-court-in-UKs-first-gender-abortion-prosecution.html>.

[42]

Dworkin, R. 1993. Life's dominion: an argument about abortion and euthanasia. HarperCollins.

[43]

Eijkholt, M. 2010. The Right To Found A Family As A Stillborn Right To Procreate? Medical Law Review. 18, 2 (Mar. 2010), 127–151. DOI:<https://doi.org/10.1093/medlaw/fwq013>.

[44]

ESHRE First live birth after transplantation of ovarian tissue removed and frozen during childhood 10 June 2015: 10AD.  
<https://www.eshre.eu/Press-Room/Press-releases-2015/Live-birth-after-ovarian-freezing>.

[45]

Essex mother fights to sterilise her disabled daughter - BBC News:  
<https://www.bbc.co.uk/news/uk-england-essex-23883063>.

[46]

Farrell, A.-M. et al. 2023. Mason & McCall Smith's law & medical ethics. Oxford University Press.

[47]

Feinberg, J. 1992. Freedom and fulfillment: philosophical essays. Princeton University Press.

[48]

Fenton, R.A. 15AD. Time for change (1). The New Law Journal. 157, 7277 (15AD).

[49]

Fenton, R.A. 6AD. Time for change (2). The New Law Journal. 157, 7280 (6AD).

[50]

Finnerty, S. 2015. Who profits from international surrogacy? The legal and bioethical ramifications of international surrogacy. Medico-Legal Journal of Ireland. 21, 2 (2015), 83-87.

[51]

Fortin, J. 1987. Is the 'wrongful life' action really dead? Journal of Social Welfare and Family Law. 9, 5 (Sep. 1987), 306-313. DOI:<https://doi.org/10.1080/09649068708413556>.

[52]

Freeman, M. 1999. Does surrogacy have a future after Brazier? Medical Law Review. 7, 1 (Mar. 1999), 1-20. DOI:<https://doi.org/10.1093/medlaw/7.1.1>.

[53]

Freeman, M.D.A. 1988. Medicine, ethics and the law. Stevens.

[54]

Gamble and Ghevaert LLP – Fertility and Parenting Law Specialists:  
<http://www.nataliegambleassociates.co.uk/knowledge-centre>.

[55]

Gamble, N. 2012. International surrogacy law conference in Las Vegas, October 2011.



Family Law. 42, 2 (2012), 115–248.

[56]

Gamble, N. 2012. Surrogacy: creating a sensible national and international legal framework. *International Family Law*. 3 (2012), 257–366.

[57]

Gamble, N. and Ghevaert, L. 2011. International Surrogacy: Payments, Public Policy and Media Hype. *Family law*. 41, 5 (2011), 445–558.

[58]

Gamble, N. and Ghevaert, L. 2010. Lesbian Mothers in Dispute: *T v B*. *Family law*. 40, 11 (2010), 1153–1248.

[59]

Gamble, N. and Ghevaert, L. 2009. The Human Fertilisation and Embryology Act 2008: Revolution or Evolution? *Family law*. 39, 8 (2009), 649–776.

[60]

German woman Annegret Raunigk, 65, has quadruplets - media - BBC News: 2015. <https://www.bbc.co.uk/news/world-europe-32857398>.

[61]

Glover, J. 1990. *Causing death and saving lives*. Penguin.

[62]

Great Britain. Department of Health 2005. *Review of the Human Fertilisation and Embryology Act: a public consultation*. Department of Health.

[63]

Grubb, A. and Laing, J.M. 2003. Principles of medical law. Oxford University Press.

[64]

Harris, J. et al. 1998. The future of human reproduction: ethics, choice and regulation. Clarendon Press.

[65]

Harris, J. 1990. The Wrong of Wrongful Life. Journal of Law and Society. 17, 1 (Spring 1990). DOI:<https://doi.org/10.2307/1409957>.

[66]

Harris, J. and Dawson Books 1985. The value of life. Routledge & Kegan Paul.

[67]

Harvey Teff 1985. The Action for 'Wrongful Life' in England and the United States. The International and Comparative Law Quarterly. 34, 3 (1985), 423-441.

[68]

HFEA - Code of Practice 8: <https://www.hfea.gov.uk/code-of-practice/>.

[69]

HFEA - Code of Practice 8: <https://www.hfea.gov.uk/code-of-practice/>.

[70]

HFEA - Code of Practice 8:  
<https://www.hfea.gov.uk/media/2062/2017-10-02-code-of-practice-8th-edition-full-version-11th-revision-final-clean.pdf>.

[71]

Home - Brilliant Beginnings: <http://www.brilliantbeginnings.co.uk/>.

[72]

Horsey, K. 2010. Challenging presumptions: legal parenthood and surrogacy arrangements. *Child and Family Law Quarterly*. 22, 4 (2010), 377–520.

[73]

Horsey, K. and Sheldon, S. 2012. Still hazy after all these years: the law regulating surrogacy. *Medical Law Review*. 20, 1 (Mar. 2012), 67–89.  
DOI:<https://doi.org/10.1093/medlaw/fwr039>.

[74]

Hugh LaFollette 1980. Licensing Parents. *Philosophy & Public Affairs*. 9, 2 (1980), 182–197.

[75]

Hutchinson, A.-M. and Khan, H. 2011. International Surrogacy Arrangements: Time for a Multi-lateral Convention? *International Family Law Journal*. 4 (2011), 263–360.

[76]

Is this Wales' oldest IVF dad? Malcolm, 67, fathers daughter with wife, 31 - Wales Online: 2013.  
<http://www.walesonline.co.uk/news/local-news/wales-oldest-ivf-dad-malcolm-2031950>.

[77]

Jackson, E. 2019. *Medical law: text, cases, and materials*. Oxford University Press.

[78]

Jackson, E. 2016. *Medical law: text, cases, and materials*. Oxford University Press.

[79]

Jackson, E. 2016. Medical law: text, cases, and materials. Oxford University Press.

[80]

Jackson, E. 2019. Medical law: text, cases, and materials. Oxford University Press.

[81]

Jackson, E. 2001. Regulating reproduction: law, technology, and autonomy. Hart Pub.

[82]

Judge approves man's sterilisation in legal first - BBC News:  
<https://www.bbc.co.uk/news/uk-23721893>.

[83]

Kennedy, I. 1988. Treat me right: essays in medical law and ethics. Clarendon Press.

[84]

Keown, J. 2005. 'Morning after' pills, 'miscarriage' and muddle. Legal Studies. 25, 2 (Jul. 2005), 296–319. DOI:<https://doi.org/10.1111/j.1748-121X.2005.tb00616.x>.

[85]

Knowledge centre - Natalie Gamble Associates:  
[http://www.nataliegambleassociates.co.uk/knowledge-centre?root\\_level\\_topic=surrogacy](http://www.nataliegambleassociates.co.uk/knowledge-centre?root_level_topic=surrogacy).

[86]

LaFOLLETTE, H. 2010. Licensing Parents Revisited. Journal of Applied Philosophy. 27, 4 (Nov. 2010), 327–343. DOI:<https://doi.org/10.1111/j.1468-5930.2010.00497.x>.

[87]

Laing, J.A. 2005. Artificial Reproduction, the 'Welfare Principle', and the Common Good. *Medical Law Review*. 13, 3 (Aug. 2005), 328–356.  
DOI:<https://doi.org/10.1093/medlaw/fwi022>.

[88]

Laura C. H. Hoyano 2002. Misconceptions about Wrongful Conception. *The Modern Law Review*. 65, 6 (2002), 883–906.

[89]

Laurie, G.T. et al. 2019. *Mason & McCall Smith's law & medical ethics*. Oxford University Press.

[90]

Laurie, G.T. et al. 2019. *Mason & McCall Smith's law & medical ethics*. Oxford University Press.

[91]

Laurie, G.T. et al. 2019. *Mason & McCall Smith's law & medical ethics*. Oxford University Press.

[92]

Laurie, G.T. et al. 2019. *Mason & McCall Smith's law & medical ethics*. Oxford University Press.

[93]

Laurie, G.T. et al. 2019. *Mason & McCall Smith's law & medical ethics*. Oxford University Press.

[94]

Law Commission 1974. Report on injuries to unborn children (Cmnd 5709).

[95]

Law Society of Scotland 1995. The journal of the Law Society of Scotland. (1995).

[96]

Leading cases - Natalie Gamble Associates:  
<http://www.nataliegambleassociates.co.uk/about-us/leading-cases>.

[97]

Leading cases - Natalie Gamble Associates:  
<http://www.nataliegambleassociates.co.uk/about-us/leading-cases>.

[98]

Lockwood, M. 1985. Moral dilemmas in modern medicine. Oxford University Press.

[99]

Lord Phillips of Worth Matravers MR, Thorpe and Buxton LJ 2002 Jan 16; 18(c) Incorporated Council of Law Reporting for England & Wales R (ex p. Quintavalle) v Secretary of State for Health [2002] EWCA Civ 29.

[100]

Lord Slynn of Hadley, Lord Steyn, Lord Hope of Craighead, Lord Clyde and Lord Millett 1999 July 5, 6, 7; Nov. 25(c) Incorporated Council of Law Reporting for England & Wales McFarlane v Tayside Health Board [1999] 3 WLR 1301.

[101]

Maclean A, An Alexandrian approach to the knotty problem of wrongful pregnancy: Rees v Darlington Memorial Hospital NHS Trust in the House of Lords:

<http://www.bailii.org/uk/other/journals/WebJCLI/2004/issue3/maclean3.html>.

[102]

Mason, J. J. 2000. Unwanted Pregnancy: A Case of Retroversion. *Edinburgh Law Review*. (2000).

[103]

Mason, J. J. 2002. Wrongful Pregnancy, Wrongful Birth and Wrongful Terminology. *Edinburgh Law Review*. (2002).

[104]

Mason, J.K. 1998. *Medico-legal aspects of reproduction and parenthood*. Dartmouth.

[105]

Mason, J.K. 2004. Wrongful Life: The Problem of Causation. *Medical Law International*. 6, 2 (Mar. 2004), 149–161. DOI:<https://doi.org/10.1177/096853320400600205>.

[106]

Maternity leave rights to be introduced for parents through surrogacy' NatalieGamble Associates (2012) - Blog - Natalie Gamble Associates:  
<http://www.nataliegambleassociates.co.uk/blog/2012/11/15/maternity-leave-rights-to-be-introduced-for-parents-through-surrogacy/>.

[107]

McGuinness, S. 2013. Health, Human Rights and the Regulation of Reproductive Technologies in *S.H. And Others V Austria* (Application No. 57813/00). *Medical Law Review*. 21, 1 (Mar. 2013), 146–160. DOI:<https://doi.org/10.1093/medlaw/fwt003>.

[108]

McGuinness, S. 2013. Law, Reproduction, and Disability: Fatally 'Handicapped'? *Medical Law Review*. 21, 2 (Jun. 2013), 213–242. DOI:<https://doi.org/10.1093/medlaw/fws041>.

[109]

McGuinness, S. and Thomson, M. 2015. Medicine and Abortion Law Complicating the Reforming Profession. *Medical Law Review*. 23, 2 (Jun. 2015), 177–199. DOI:<https://doi.org/10.1093/medlaw/fwv012>.

[110]

McLachlan, H.V. and Swales, J.K. 2000. Babies, Child Bearers and Commodification: Anderson, Brazier et al., and the Political Economy of Commercial Surrogate Motherhood. *Health Care Analysis*. 8, 1 (2000), 1–18. DOI:<https://doi.org/10.1023/A:1009494710517>.

[111]

McLean, S. 1989. *Legal issues in human reproduction*. Dartmouth/Gower.

[112]

McNorrie, K.McK. 1991. *Family planning practice and the law*. Dartmouth.

[113]

Medical Frontiers: Debating mitochondria replacement: 2013. [https://sciencewise.org.uk/wp-content/uploads/2018/08/Mito-Annex\\_V-open\\_consultation\\_meetings.pdf](https://sciencewise.org.uk/wp-content/uploads/2018/08/Mito-Annex_V-open_consultation_meetings.pdf).

[114]

Modern workplaces consultation - government response: 2012. <https://www.gov.uk/government/publications/modern-workplaces-consultation-government-response--2>.

[115]

Mulligan, A. 2014. Reproductive rights under article 8: the right to respect for the decision to become or not to become a parent. *E.H.R.L.R. European Human Rights Law Review*. 4, (2014), 378–387.



[116]

Neal, M. 2016. Devolving abortion law. *Edinburgh Law Review*. 20, 3 (2016), 399–404.

[117]

Neal, M. 2015. When conscience isn't clear: *Greater Glasgow Health Board v Doogan and Another* [2014] UKSC 68. *Medical Law Review*. 23, 4 (Dec. 2015), 668–682.  
DOI:<https://doi.org/10.1093/medlaw/fwv027>.

[118]

NHS IVF services to be fairer and faster | Scottish Government | Official Press Release:  
<http://www.wired-gov.net/wg/wg-news-1.nsf/0/254AEB4F6E6547BB80257B6D0021AA82?OpenDocument>.

[119]

Norrie, K.McK. 1990. Wrongful life in Scots law: no right no remedy. *The Juridical review*. 205, (1990).

[120]

Palmer, S. 2014. Abortion and human rights. *European Human Rights Law Review*. 2014, 6 (2014), 596–605.

[121]

Parental status 'lost to incompetence in IVF sector' - BBC News:  
<https://www.bbc.co.uk/news/uk-34222268>.

[122]

Parker, M. 2007. The best possible child. *Journal of Medical Ethics*. 33, 5 (May 2007), 279–283. DOI:<https://doi.org/10.1136/jme.2006.018176>.

[123]

Priaulx, N. 2008. Rethinking Progenitive Conflict: Why Reproductive Autonomy Matters. *Medical Law Review*. 16, 2 (Apr. 2008), 169–200.  
DOI:<https://doi.org/10.1093/medlaw/fwn009>.

[124]

Priaulx, N. 2007. *The harm paradox: tort law and the unwanted child in an era of choice*. Routledge-Cavendish.

[125]

Project Prevention - Children Requiring a Caring Community:  
<http://www.projectprevention.org/>.

[126]

Quigley, M. 2010. A Right to Reproduce? *Bioethics*. 24, 8 (Oct. 2010), 403–411.  
DOI:<https://doi.org/10.1111/j.1467-8519.2008.00722.x>.

[127]

Ramsey, J. 2006. Fit for the 21st Century? A Review of Surrogacy Provisions within the Human Fertilisation and Embryology Act 1990. *Medical Law International*. 7, 4 (Sep. 2006), 281–307. DOI:<https://doi.org/10.1177/096853320600700401>.

[128]

Ramsey, J. 2006. Paying for Reproduction – The Case Against Paid Surrogacy. *The Juridical review*. 4 (2006), 325–349.

[129]

Ramskold, L.A.H. and Posner, M.P. 2013. Commercial surrogacy: how provisions of monetary remuneration and powers of international law can prevent exploitation of gestational surrogates. *Journal of Medical Ethics*. 39, 6 (Jun. 2013), 397–402.  
DOI:<https://doi.org/10.1136/medethics-2012-100527>.

[130]

Register a birth - GOV.UK: <https://www.gov.uk/register-birth/overview>.

[131]

Reproductive Health (Access to Terminations) Bill 2016-17 — UK Parliament:  
<https://services.parliament.uk/bills/2016-17/reproductivehealthaccesstoterminations.html>.

[132]

Robertson, J.A. 1994. Children of choice: freedom and the new reproductive technologies. Princeton University Press.

[133]

Robertson, J.A. 1994. Children of choice: freedom and the new reproductive technologies. Princeton University Press.

[134]

Rosamund Scott 2016. Risks, reasons and rights: the European Convention on Human Rights and English abortion law. Medical law review. 24, 1 (2016), 1–33.

[135]

Samiloff, J. Whose choice? The New Law Journal. 157, 7296.

[136]

Scheiwe, K. 2004. Between autonomy and dependency: minors' rights to decide on matters of sexuality, reproduction, marriage, and parenthood. Problems and the state of debate - an introduction. International Journal of Law, Policy and the Family. 18, 3 (2004), 262–282.

[137]

Scherpe, J.M. 2012. MEDICALLY ASSISTED PROCREATION: THIS MARGIN NEEDS TO BE APPRECIATED. The Cambridge Law Journal. 71, 02 (Jul. 2012), 276–279.

DOI:<https://doi.org/10.1017/S0008197312000463>.

[138]

Scotland offers free abortions to women from Northern Ireland - BBC News:  
[https://www.bbc.co.uk/news/uk-scotland-41879520?intlink\\_from\\_url=https://www.bbc.co.uk/news/topics/f16883ee-804f-43cd-8bc3-80d0fed59682/abortion&link\\_location=live-reporting-story](https://www.bbc.co.uk/news/uk-scotland-41879520?intlink_from_url=https://www.bbc.co.uk/news/topics/f16883ee-804f-43cd-8bc3-80d0fed59682/abortion&link_location=live-reporting-story).

[139]

Scott, R. 2005. Interpreting the disability ground of the Abortion Act. *Cambridge Law Journal*. 64, 2 (2005), 388-412.

[140]

Scott, R. Maternal duties toward the unborn? Soundings from the law of tort. *Medical Law Review*. 8.

[141]

Scott, R. 2003. Prenatal Screening, Autonomy and Reasons: The Relationship Between the Law of Abortion and Wrongful Birth. *Medical Law Review*. 11, 3 (Sep. 2003), 265-325.  
DOI:<https://doi.org/10.1093/medlaw/11.3.265>.

[142]

Scott, R. Reconsidering "Wrongful Life" in England after Thirty Years: Legislative Mistakes and Unjustifiable Anomalies. *The Cambridge Law Journal*. 72, 1, 115-154.

[143]

Scott, R. 2015. Risks, Reasons and Rights: The European Convention on Human Rights and English Abortion Law. *Medical Law Review*. (Nov. 2015), 1-33.  
DOI:<https://doi.org/10.1093/medlaw/fwv020>.

[144]

Scottish Law Commission 1973. Liability for antenatal injury: report on a reference under section 3(1)(e) of the Law Commissions Act 1965. H.M.S.O.

[145]

Scottish Law Commission 1995. Scottish Law Commission, Report on Incapable Adults, (Scot Law Com No. 151). HMSO.

[146]

Shaw, J. 1990. Sterilisation of Mentally Handicapped People: Judges Rule OK? The Modern Law Review. 53, 1 (1990), 91–106.

[147]

Sheldon, S. Only Skin Deep? The Harm of Being Born a Different Colour to One's Parents. Medical Law Review. 19.

[148]

Sheldon, S. et al. 2015. 'Supportive Parenting', Responsibility and Regulation: The Welfare Assessment under the Reformed Human Fertilisation and Embryology Act (1990). The Modern Law Review. 78, 3 (May 2015), 461–492.  
DOI:<https://doi.org/10.1111/1468-2230.12124>.

[149]

Sheldon, S. 2016. The Decriminalisation of Abortion: An Argument for Modernisation. Oxford Journal of Legal Studies. 36, 2 (Jun. 2016), 334–365.  
DOI:<https://doi.org/10.1093/ojls/gqv026>.

[150]

Sheldon, S. 2015. The regulatory cliff edge between contraception and abortion: the legal and moral significance of implantation. Journal of Medical Ethics. 41, 9 (Sep. 2015), 762–765. DOI:<https://doi.org/10.1136/medethics-2015-102712>.

[151]

Sheldon, T. 2003. Court awards damages to disabled child for having been born. *BMJ*. 326, 7393 (Apr. 2003), 784b–7784. DOI:<https://doi.org/10.1136/bmj.326.7393.784/b>.

[152]

Smith, J.C. and Tausz, D. 2002. Morning-after pill: whether prescription, supply, administration or use of contraceptive pills involving commission of any offences. *Criminal Law Review*. (2002), 664–666.

[153]

Statement from Director of Public Prosecutions on abortion related cases - CPS News Brief: <http://blog.cps.gov.uk/2013/10/statement-from-director-of-public-prosecutions-on-abortion-related-cases.html>.

[154]

Sterilisation legal bid withdrawn - BBC News: <https://www.bbc.co.uk/news/uk-13147612>.

[155]

Storow, R. 2012. *SH v Austria* denies infertile Europeans human rights - BioNews.

[156]

Swift, K. and Robson, M. 2012. Why Doctors Need Not Fear Prosecution for Gender-Related Abortions. *Journal of Criminal Law*. 76, 4 (2012), 348–358.

[157]

Thomson, E.A.C. 2005. *Nasciturus and Delict—Born Yesterday?* *Scots Law Times*. 21, (2005), 121–126.

[158]

Two health regulators spared axe but face efficiency review | Society | The Guardian: <https://www.theguardian.com/society/2013/jan/25/two-health-regulators-spared-axe>.

[159]

UK aid helps to fund forced sterilisation of India's poor | World news | The Guardian:  
<https://www.theguardian.com/world/2012/apr/15/uk-aid-forced-sterilisation-india>.

[160]

Walker, S.E.P. 2014. Applying the actual/potential person distinction to reproductive torts. *Medical Law International*. 14, 1-2 (Mar. 2014), 3-21.  
DOI:<https://doi.org/10.1177/0968533214537288>.

[161]

Walker, S.E.P. 2014. Potential persons and the welfare of the (potential) child test. *Medical Law International*. 14, 3 (Sep. 2014), 157-171.  
DOI:<https://doi.org/10.1177/0968533214550117>.

[162]

Warner, K.A. Wrongful life goes down down-under. *Law Quarterly Review*. 123, 209-212.

[163]

Warnock, M. 2002. *Making babies: is there a right to have children?*. Oxford University Press.

[164]

Warnock, M. and Department of Health and Social Security; In Vitro Fertilisation Departmental Committee Report of the Committee of inquiry into human fertilisation & embryology. Chairman - Dame Mary Warnock. Dept of Health and Social Security; In Vitro Fertilisation Departmental Committee: Report of the Committee of inquiry into human fertilisation & embryology. Chairman - Dame Mary Warnock.

[165]

What you can find out about your child's donor - HFEA: <http://www.hfea.gov.uk/118.html>.

[166]

Wheat, K. 2001. Best Interests and the Bolam Test. Nottingham Law Journal. 10, 1 (2001), 68–74.

[167]

Wilkinson, S. 2003. The exploitation argument against commercial surrogacy. Bioethics. 17, 2 (Apr. 2003), 169–187. DOI:<https://doi.org/10.1111/1467-8519.00331>.

[168]

Witting, C. 2002. Physical Damage in Negligence. Cambridge Law Journal. (2002).

[169]

0-18 years: guidance for all doctors.

[170]

A & Anor v P & Ors [2011] EWHC 1738 (Fam).

[171]

A & B v X & Y & Ors [2015] EWHC 2080 (Fam) - Field Court Chambers.

[172]

A and B (minors) (by C their mother and next friend) v A Health and Social Services Trust (2010).

[173]

A and Others v Ireland (25579/05) (2011) 53 EHRR. 13.



[174]

11AD. A (Human Fertilisation and Embryology Act 2008: Assisted Reproduction: Parent),  
Re [2015] EWHC 2602 (Fam);

[175]

A Local Authority v Mrs A & Mr B [2010] EWHC 1549.

[176]

\*ABC v St George's Healthcare NHS Trust and others. All England Reporter.

[177]

Abortion Act 1967 c. 87.

[178]

2003. AD v East Kent Community NHS Trust.

[179]

Adults with Incapacity (Scotland) Act 2000 asp 4 (Scottish Act).

[180]

Adults with Incapacity (Scotland) Act 2000 asp 4 (Scottish Act).

[181]

Adults with Incapacity (Specified Medical Treatments) (Scotland) Amendment Regulations  
2002/302 (Scottish SI).

[182]

Adults with Incapacity (Specified Medical Treatments) (Scotland) Regulations 2002/275 (Scottish SI).

[183]

Age of Legal Capacity (Scotland) Act 1991 c. 50.

[184]

Anderson v Forth Valley Health Board. 44.

[185]

Another thought - womb transplants as a future.

[186]

1AD. Attorney General's Reference 2 of 2003 [2004] 1 WLR 2062.

[187]

BBC Four - House of Surrogates.

[188]

BMA Guidance for Scotland - Adults with incapacity Scotland April 2009.

[189]

Briody v St Helen's and Knowsley Area Health Authority [2001] EWCA Civ 1010.

[190]

1992. Burton v Islington Health Authority de Martell v Merton and Sutton Health Authority

(1992).

[191]

C v S [1987] 1 All ER 1230.

[192]

C v S [1988] QB 135.

[193]

Can I get IVF treatment on the NHS? - Health questions - NHS Choices.

[194]

7AD. Case of Evans v The United Kingdom - 6339/05 [2006] ECHR 200 (7 March 2006).

[195]

CC v DD [2014] EWHC 1307 (Fam).

[196]

Code of Practice for the Mental Capacity Act 2005, April 2007.

[197]

Congenital Disabilities (Civil Liability) Act 1976.

[198]

Consultation report on the Human Fertilisation and Embryology (Parental Orders) Regulations 2010, Department of Health, January 2010.

[199]

Council of Europe: European Convention for the Protection of Human Rights and Fundamental Freedoms.

[200]

Curlender v. Bio-Science Laboratories (1980) :: :: California Court of Appeal Decisions :: California Case Law :: California Law :: US Law :: Justia.

[201]

Department of Health (December 2006) Review of the Human Fertilisation and Embryology Act – Proposals for revised legislation.

[202]

Dickson v The United Kingdom - 44362/04 [2006] ECHR 430 (18 April 2006).

[203]

E v Eve (1986) 31 DLR (4th) 1, (Supreme Court of Canada).

[204]

2015. Embryo donation: in vitro fertilisation - scientific research. European Human Rights Law Review. 6 (2015), 656–661.

[205]

1984. Emeh v Kensington and Chelsea and Westminster Area Health Authority. All England Law Reports. 3, (1984).

[206]

EVANS v. THE UNITED KINGDOM - 6339/05 [2006] ECHR 200 (7 March 2006).

[207]

F v West Berkshire Area Health Authority [1989] 2 All ER 545 (HL).

[208]

F v West Berkshire Area Health Authority [1989] 2 W.L.R. 1025 [1990] 2 A.C. 1.

[209]

Foreign and Commonwealth Office: Surrogacy Overseas.

[210]

G (Human Fertilisation and Embryology Act 2008), Re [2016] EWHC 729 (Fam), [2016] 4 WLR 65.

[211]

G v G [2012] EWHC 1979 (Fam).

[212]

Gillick v West Norfolk and Wisbech Area Health Authority [1985] 3 WLR 830 (HL).

[213]

1996. Goodwill v British Pregnancy Advisory Service. All England Law Reports. 2, (1996).

[214]

Greater Glasgow and Clyde Health Board v Doogan and Another [2014] UKSC 68.

[215]

Greenfield v Flather and others. All England Reporter.

[216]

3AD. H v Austria (57813/00).

[217]

H v S (Surrogacy Agreement) [2015] EWFC 36.

[218]

HAMILTON v. FIFE HEALTH BOARD.

[219]

Harbeson v. Parke-Davis, Inc. :: 1983 :: Washington Supreme Court Decisions :: Washington Case Law :: Washington Law :: US Law :: Justia.

[220]

Harriton v Stephens [2006] HCA 15; (2006) 226 CLR 52; (2006) 226 ALR 391; (2006) 80 ALJR 791 (9 May 2006).

[221]

Holdich v Lothian Health Board [2013] CSOH 197; 2014 S.L.T. 495; Court of Session (Outer House).

[222]

Home Office UK Border Agency Website, 'Inter-Country Surrogacy and the Immigration Rules' Inter- Country Surrogacy Leaflet (October 2009).

[223]

House of Commons, Science and Technology Committee (2005) Human Reproductive Technologies and the Law 5th Report of Session 2004-05, HC 7-1, 14th March 2005.

[224]

House of Commons, Science and Technology Committee (March 2005) 'Human Reproductive Technologies and the Law', 5th Report of Session 2004-05, HC 7-1.

[225]

Human Fertilisation and Embryology Act 1990 c. 37.

[226]

Human Fertilisation and Embryology Act 1990 c. 37.

[227]

Human Fertilisation and Embryology Act 1990 c. 37.

[228]

Human Fertilisation and Embryology Act 1990 c. 37.

[229]

Human Fertilisation and Embryology Act 1990 c. 37.

[230]

Human Fertilisation and Embryology Act 2008.

[231]

Human Fertilisation and Embryology Act 2008.

[232]

Human Fertilisation and Embryology Act 2008.

[233]

Human Fertilisation and Embryology Act 2008.

[234]

Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015/572.

[235]

Human Fertilisation and Embryology (Parental Orders) Regulations 2010/985.

[236]

Human Fertilisation and Embryology (Parental Orders) Regulations 2010/985.

[237]

In the matter of HFEA 2008 (Cases A, B, C, D, E, F, G and H Declaration of Parentage)  
[2015] EWHC 2602 (Fam).

[238]

In the matter of Z (A Child) - Parental Order and Single.

[239]

Infant Life (Preservation) Act 1929 c. 34.

[240]



2013. J v G (Parental Orders) [2013] EWHC 1432 (Fam). Family law reports. 1, (2013).

[241]

Jefferies v BMI Healthcare Ltd - Case Analysis - EWHC 2493 (Fam); [2016] Med. L.R. 656 (Fam Div).

[242]

Jepson v Chief Constable of West Mercia Police Constabulary [2003] EWHC 3318.

[243]

K (Minors: Foreign Surrogacy) [2010] EWHC 1180 (Fam)-.

[244]

Kelly v Kelly [1997] 2 FLR 828.

[245]

Kelly v Kelly [1997] SLT 896 CS (IH).

[246]

L v The Human Fertilisation and Embryology Authority, Secretary of State for Health - [2008] EWHC 2149 (Fam).

[247]

1998. Lloyd's law reports: Medical. (1998).

[248]

M (Human Fertilisation Embryology Act 2008), Re [2016] EWHC 1572 (Fam).

[249]

29AD. Margaret Patricia Briody v St Helen's & Knowsley Area Health Authority 2001 WL 676777.

[250]

McCluskey v HM Advocate (1989) SLT 175.

[251]

McKAY AND ANOTHER v. ESSEX AREA HEALTH AUTHORITY AND ANOTHER [1978 M. No. 2947].

[252]

McLelland v Greater Glasgow HB [2001] SLT 446, Ex Div.

[253]

Mental Capacity Act 2005.

[254]

Mental Capacity Act 2005 c. 9.

[255]

Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006/1832.

[256]

Mental Health Trust v DD [2015] EWCOP 4.

[257]

Montreal Tramways v Leveille [1933] 4 DLR 337.

[258]

24AD. Mrs U v Centre for Reproductive Medicine [2002] EWCA Civ 565.

[259]

25AD. Natallie Evans v Amicus Healthcare Ltd & Others [2004] EWCA (Civ) 727.

[260]

25AD. Natallie Evans v Amicus Healthcare Ltd & Others [2004] EWCA (Civ) 727.

[261]

Offences Against the Person Act 1861 c. 100.

[262]

2001. Parkinson v St James and Seacroft University Hospital NHS Trust. All England Law Reports. 3, (2001).

[263]

Parrillo v Italy (Application No.46470/11), Grand Chamber Judgment [2015] ECHR 755, (2016) 62 EHRR 8, 27 August 2015.

[264]

Paton v BPAS [1979] 1 QB 276.

[265]

Paton v United Kingdom (1981) 3 EHRR 408 (ECHR).

[266]

2001. Practice Note (Official Solicitor: Declaratory Proceedings: Medical and Welfare Proceedings for Adults Who Lack Capacity) 1 May 2001. Family Law Reports. 2, (2001).

[267]

Practice Note (Official Solicitor: Declaratory Proceedings: Medical and Welfare Proceedings for Adults Who Lack Capacity) 1 May 2001 - [2001] 2 FLR 158, [2001] 2 FCR 569.

[268]

Procanik by Procanik v. Cillo :: 1984 :: Supreme Court of New Jersey Decisions :: New Jersey Case Law :: New Jersey Law :: US Law :: Justia.

[269]

R (ex p. John Smeaton on Behalf of Society for the Protection of Unborn Children) v The Secretary of State for Health, Schering Health Care Limited, Family Planning Association 18 April 2002 QBD (Admin Ct) [2002] EWHC 610.

[270]

R (ex p. Mellor) v Secretary of State for the Home Dept, April 2001 (CA).

[271]

R (on the application of AB) v Human Fertilisation and Embryology Authority [2014] EWHC 1528 (Admin).

[272]

15AD. R (on the application of IM, MM) v Human Fertilisation and Embryology Authority [2015] EWHC 1706 (Admin).

[273]

30AD. R (on the application of M) v Human Fertilisation and Embryology Authority [2016] EWCA Civ 611.

[274]

R v Bourne [1939] 1 KB 687.

[275]

R v Ethical Committee of St. Mary's Hospital (Manchester), ex p. Harriot [1988] FLR 512.

[276]

31AD. R v HFEA, (ex p. Assisted Reproduction and Gynaecology Centre and H) [2002] EWCA Civ 20.

[277]

6AD. R v Human Fertilisation and Embryology Authority, ex parte Blood [1999] Fam. 151.

[278]

R v Sec of State for Health and FPA, ex p Axon [2006] EWCA 37.

[279]

R v Sheffield Health Authority, ex parte Seale (1994) 25 BMLR 1.

[280]

Re A (male sterilisation) (Mental Patient: Sterilisation), Also known as: Re A (Medical Treatment: Male Sterilisation) and as Re R-B (A Patient) v Official Solicitor and as Re RB (Male Patient: Sterilisation) [2000] 1 FLR 549.

[281]

Re A (Medical Treatment: Male Sterilisation [2000] 1 FCR 193.

[282]

Re A (medical treatment: male sterilisation) [2000] 53 BMLR 66 (CA).

[283]

1987. Re an adoption application (surrogacy).

[284]

Re an adoption application (surrogacy) [1987] 2 All ER 826.

[285]

Re B (a minor) [1987] 2 W.L.R. 1213.

[286]

1987. Re B (a minor) (wardship: sterilisation) [1987] 2 All ER 206 (HL).

[287]

Re B (a minor) (wardship: sterilisation) [1988] A.C. 199.

[288]

Re B (a minor) (wardship: sterilisation)[1987] 2 W.L.R. 1213.

[289]

1985. Re C [1985] FLR 846.

[290]

Re C (A Child) [2002] EWHC 157 (Fam Div).

[291]

17AD. Re D (A Minor) [1976] 2 W.L.R. 279.

[292]

1976. Re D (a minor) [1976] 1 All ER 326.

[293]

Re D (a minor) [1976] 2 WLR 279.

[294]

Re E (Assisted Reproduction: Parent), also known as: AB v CD, [2013] EWHC 1418 (Fam) official transcript on Westlaw.

[295]

2007. Re G (Surrogacy: Foreign Domicile) [2007] EWHC 2814 (Fam).

[296]

Re G (Surrogacy: Foreign Domicile) [2007] EWHC 2814 (Fam).

[297]

2007. Re G (Surrogacy: Foreign Domicile) [2007] EWHC 2814 (Fam).

[298]

Re IJ (a child) [2011] EWHC 921 (Fam).

[299]

Re L (a minor) [2010] EWHC 3146 (Fam).

[300]

Re R-B (A Patient) v Official Solicitor 1999 WL 1425731.

[301]

Re S (Adult Patient: Sterilisation: Patient's Best Interests) [2001] Fam 15.

[302]

2009. Re S (Parental Order) [2009] EWHC 2977 (Fam).

[303]

Re SL [2000] 55 BMLR 105(CA).

[304]

Re SL (Adult Patient) (Medical Treatment) [2000] 3 WLR 1288.

[305]

Re SL v SL [2000] 2 FLR 389.

[306]

Re T (a child)( Surrogacy: residence order) [2011] EWHC 33 (Fam).



[307]

\*Re X and another (Foreign Surrogacy) , [2008] EWHC 3030 (Fam). All England Reporter.

[308]

2008. Re X and Y (Foreign Surrogacy) [2008] EWHC 3030 (Fam).

[309]

Rees v. Darlington Memorial Hospital NHS Trust [2003] UKHL 52, [2003] 3 WLR 1091, HL.

[310]

26AD. Rose and another v Secretary of State for Health, Human Fertilisation and Embryology Authority [2002]EWHC 1593 (ADMIN).

[311]

Section 8 Family Law Reform Act 1969.

[312]

Surrogacy Arrangements Act 1985 c. 49.

[313]

1986. Thake and another v Maurice. All England Law Reports. 1, (1986).

[314]

The Hague, 'A preliminary report on the issues arising from international surrogacy arrangements' April 2012.

[315]

The Juridical review.

[316]

The New law journal.

[317]

24AD. Thompson v Sheffield Fertility Clinic (QBD) 2000 WL 33148917.

[318]

Trust A and Another v H (An Adult Patient) [2006] EWHC 1230 (Fam) - Family Law Week.

[319]

Turpin v. Sortini :: :: Supreme Court of California Decisions :: California Case Law :: California Law :: US Law :: Justia.

[320]

1983. Udale v Bloomsbury Area Health Authority. All England Law Reports. 2, (1983).

[321]

VO v France application no 53924/00 8 July 2004 (ECHR).

[322]

Warren v Care Fertility (Northampton) Ltd [2014] EWHC 602 (Fam).

[323]

Watt v Rama [1972] VicRp 40; [1972] VR 353 (14 December 1971).

[324]

What is contraception? - Contraception guide - NHS Choices.

[325]

X v St Bartholomew's Hospital Centre for Reproductive Medicine [2015] EWFC 13; [2015].

[326]

Yearworth v North Bristol NHS Trust [2009] EWCA Civ 37, [2009] 3 WLR 118 (CA).