

These notes refer to the Human Fertilisation and Embryology Act 2008 (c.22) which received Royal Assent on 13 November 2008

HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Parenthood in Cases Involving Assisted Reproduction

Sections 43 and 44: Female parenthood conditions

180. [Sections 43](#) and [44](#) make provision about same-sex female couples who are not civil partners. This is similar to the provision made about opposite-sex unmarried couples by sections 36 and 37. Where one of the women has a child as a result of DI in a UK licensed clinic and the couple have in place, at the time of the transfer of the sperm or embryo which results in conception, current notices of consent to the other woman being treated as a parent, then she will be a legal parent. The same provisions about withdrawing consent and providing information to the other party will apply (see note on sections 36 and 37). Again, notice cannot be given by two persons who are within the prohibited degrees of relationship to each other. A notice under section 44 must be in writing and signed by the person giving their consent. The requirement for a signature is waived, however, if any of the parties involved are unable to sign because of illness, injury or physical disability.