



**To: All Children's Commissioners in the UK**

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Our Ref: AW/CCFON

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Dear Sir/Madam,

**Human Fertilisation and Embryology Bill 2008**

I am writing to all of the Children's Commissioners in the UK as a matter of urgency to request that you consider jointly intervening by asking the Prime Minister to delay the Report Stage and Third Reading of the above Bill, which is due to take place this Autumn and may soon be given an October date. The reason for this request is that the Bill appears to give no consideration to, nor demonstrate any respect for the rights of children. There is a need for a voice to speak on behalf of children in Parliament and to represent their best

interests in the provisions of this Bill. I am calling upon the Commissioners to fulfil this role. This request is made on the basis of the Children's Commissioners recognised role as legal guardians of children's interests. The statutory and international law obligations that give rise to this request are the Children Act 2004 and the UN Convention on the Rights of the Child 1989 ('UNCRC'), which the UK has signed and has to report upon. The Bill is in need of, but does not have, a full impact assessment on the rights of the child, or on its social, physical and legal impact in relation to children's welfare. Whilst the Children Act 1989 may be seen as flagship legislation in favour of the best interests of the child, this Bill may be viewed as a highly concerning and potentially very damaging step in the wrong direction as far as children's rights are concerned.

The Bill treats the interests of science and those of parents as paramount. Couched in complex language, the Bill, in its current form, is in danger of treating children as commodities for the convenience, exploitation, use and abuse of science and/or of parents.

Article 36 of the UNCRC (amongst other articles) is relevant to this Bill:

*Article 36*

*States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.*

The Bill endangers the rights of children and treats them as mere commodities in a number of different ways as described below.

### **Saviour Siblings**

In relation to the provisions that legalise the creation of 'saviour siblings', an embryo is selected to develop into a child for the sole purpose of treating an elder sibling with a serious medical condition, because its tissue is of a suitable type for donation to the elder sibling and all other embryos (potential children) are discarded. In the original version of the Bill, the elder sibling was only to be treated with stem cells from the resulting child's cord blood (a non-invasive type of procedure) and only for life threatening conditions. This has now been watered down so that the elder sibling only has to suffer from a 'serious medical condition' rather than a 'life threatening' one and the tissue that can be harvested has been extended to the use of 'bone marrow and other tissue', (much more invasive with no limits set) although whole organs have been ruled out. However, 'part organs' of the resulting child could presumably be taken. This means that the principle of *Every Child Matters* has been eroded by the child being produced for its 'spare part' potential. The psychological effects on the 'spare part' child's identity and self esteem due to his or her knowing that the only reason they exist is because of the usefulness of his or her body parts (bone marrow or part organs) or biological materials (stem cells from cord blood) have not been properly considered.

The HTA (Human Tissue Authority) Code of Practice on the Donation of Solid Organs<sup>i</sup> stipulates that a panel of not less than 3 members must be present in order to decide on a donation matter and that this may well be referred to the court, for it to decide on the best interests of the child. The current HTA Codes<sup>ii</sup> do not seem to recognise the conflict of interest between the parents, the saviour sibling and the rest of the family fully, nor the emphasis on his or her need for separate representation or even the need to refer all matters to the courts as a matter of obligation, rather than just on the basis of good practice.

However, the HTA is currently consulting on new codes of practice. Yet, none of these draft codes for Solid Organs or Bone Marrow even mention or recognise the special vulnerability of the saviour sibling. The draft HTA Code for the Donation of Solid Organs does now refer to the need for a court ruling on the child's best interests, yet the HTA draft Code on the Donation of Bone Marrow only considers a court ruling to be good practice or where there is a dispute. Not only is it ethically questionable to create saviour siblings in the first place, it is of great concern that the need for special protection with a court ruling in all cases, including bone marrow donation has not yet been fully recognised.<sup>iii</sup>

The Universal Declaration of Human Rights states in Art.1<sup>iv</sup> that all are born 'equal in dignity and rights', yet this does not seem to apply to the creation of 'spare part' children, because their rights are subjugated to those of their elder siblings.

The UNCRC only applies to the UK following a live birth, however, Articles 3, 12 and 19 may be relevant to saviour siblings in terms of the issues of the best interests of the child, the right to representation and the protection of children from exploitation.

### **The Child's Right to and Need for a Father (and a Mother)**

The Bill radically redefines Parenthood and the family with no consideration of the effect that this may have upon children's lives, well-being, emotions, identity or self esteem.

It does away with the principle that it is in the best interests of children to have a father and substitutes for this the notion of 'supportive parenting'. Unlike the current position, it will no longer be a condition of IVF treatment that a single woman has to say that there will be a father-figure in the child's life. This was only as a minimal requirement of a male figure such as a brother, father, uncle or grandfather. Even this minimal requirement is being eliminated based on a misconceived argument of equal treatment for the parents and non-discrimination. This alleged discrimination is without foundation and is only examined from a parent's rather than a child's perspective, yet the child is the one who is being discriminated against by not having his or her need for a father recognised and may even have a total female or single-sex upbringing.

This change in the law has not been made for children's welfare, but simply to facilitate wants and preferences of adults who believe it is their right to have children and raise them as they choose—irrespective of what is in the best interests of the child. It also completely dismisses not only the important and unique input that a father can have in a child's life, but also the biological necessity of a child having a father in terms of conception. This, too, does not make sense, as in other legislation the Government has accepted the importance of children knowing their biological history by ending the anonymity of sperm and egg donors.

The lack of father-figures has been blamed recently for contributing to the causes of gang culture<sup>v</sup>, not to mention anti-social behaviour and poor educational performance. Across a range of indices children are known to do better when they have a father.<sup>vi</sup> This approach to doing away with consideration of the need for a father in IVF treatment, contrasts sharply with the current governmental approach to becoming a father, which is seen as a serious and significant event. Emphasis has been placed on the importance of both mother and father appearing on birth certificates, even in the case of unmarried couples.<sup>vii</sup>

Not only is the consideration of the need for a father no longer needed for IVF treatment, but the Bill amends numerous other pieces of legislation in Schedule 6 so that the child can have two mothers. In legal terms the changes will mean that the other female parent can be regarded as the 'father'. This legal fiction is carried to such an extent that two women are to be on the child's birth certificate, one as the mother and the other as the 'other parent'. There will be no need to note on the birth certificate (either on a longer or on the abridged version) that the child is donor conceived, despite this being obvious. Couples are simply to receive counselling on the importance of telling the child at an early age about his or her donor conception and suitable methods of doing so but with absolutely no legal obligation to do so. Children may have to wait until they turn 18 to apply to the Authority to ascertain their biological origins.

In the agreed female parenthood conditions in clauses 43 and 44 of the Bill, the other female and the mother simply have to give notices to each other saying they both consent to the second woman being the other parent. In theory, the two women could have met each other the night before. Like any other 'product', the child's 'parents' will then need to be registered on the birth certificate as a form of 'title' that betrays the truth.

The Bill also facilitates the creation of two-father families so that the child's right to and need for, a mother will be ignored. This is achieved by relaxing the law on surrogacy. The explanatory notes to the Bill refer to this being of help to women who cannot carry a child for medical reasons<sup>viii</sup> but they fail to note the implications for children of two-father families.

In clause 59, provision is made for non-profit organisations to charge for keeping lists and for arranging a meeting with a surrogate mother, but no charge can be made for the surrogacy arrangement itself. In other words, two men do not commission a womb, but pay for the introduction to the womb. The sperm used for the surrogate mother will determine who may register as the father and the changes in clause 54 on fast-track adoption will then allow the other male partner to adopt the child where both male partners apply to do so. This is achieved by means of parental fast-track adoption orders in clause 54. Amongst the general conditions for such an order, which can be obtained within 6 months of the child's birth, is that a surrogate mother and the sperm (relevant to fathers and 2 father families) or an egg of at least one of the applicants has been used to create the embryo for the resultant child. Previously, such orders were only available to married couples, but the Bill will extend their use to civil partners and to unmarried heterosexual or same-sex couples, who only have to be in an enduring relationship to qualify. No definition of an "enduring relationship" is given, but the concept suggests a much lower level of commitment than the marriage vows, which are unconditional and "till death us do part", meaning that the child may have an upbringing without the complementary roles of mother and father. This also means that the child will not necessarily be adopted into a stable relationship.

### **The Use of Children's Human Cells to Create Cloned Embryos of Themselves or Interspecies Embryos using the Child's Genetic Material for Research Without their Consent.**

The Government introduced radical changes to the Bill at the Public Bill Committee Stage, which was composed of only 17 MPs<sup>ix</sup> and not all MPs, which was warranted by the gravity of the issues being debated. The Bill will allow those most vulnerable in society, both the mentally ill and children, to have their cells used, without their effective consent, to create animal-human hybrid embryos for research purposes. Prior to this change, the Bill originally only allowed animal-human hybrid embryos (originally called "interspecies embryos" and now euphemistically named "human admixed embryos") to be created when mentally competent adults gave effective consent due to their ethically dubious and controversial nature. As a result of the changes made at Public Bill Committee Stage, a parent will now be able to give substitute consent for a child and a carer for an adult who lacks capacity. The Bill does not cover the situation where two parents disagree on the issue of consent to such research on religious, moral or ethical grounds.<sup>x</sup> There are only weak safeguards surrounding such uses of cells, which take the form of licensing conditions for research that are interpreted and applied by the Human Fertilisation and Embryology Authority.

The UK has already breached the European Convention on Human Rights and Biomedicine by allowing the creation of embryos for research purposes. Most European countries as a result of signing the Convention would not even consider this type of research. The creation of interspecies embryos oversteps that ethical and moral boundary and even goes further to allow the exploitation and abuse of young children, which is even more abhorrent. There are no provisions in the Bill that cover the situation where the child or mentally ill person whose cells are to be used shows any signs of objection.

"Existing human cells" are a third category of cells that may potentially be used without any explicit effective consent from the donor (provided certain conditions are met). Such donors originally donated their cells for research purposes and could not have known at the time of donation that the genetic material provided in the cells might be used to create animal-human hybrid embryos.

## Children's Cells

The Government's initial, response to such issues on 10<sup>th</sup> December 2007, with which we would agree, was to say that such use of cells without consent was wrong in relation to children's cells. It was stated by Baroness Royall of Blaisdon that:

*...However, if a child is incapable of giving consent to the creation of a human or interspecies embryo themselves, then it would be wrong for any person, including the parents, to make that decision for them.<sup>xi</sup>*

The Government reiterated this point again on the 21<sup>st</sup> of January 2008 in relation to a further amendment on the use of children's cells without explicit consent:

*..If a child is incapable of giving consent to the creation of a human or human-admixed embryo themselves, because they are too young to do so, it would be wrong for any person, including the parents, to make that decision for them, given the significance of creating an embryo using their genetic material....<sup>xii</sup>*

## Existing Cells

Further amendments on human cells were proposed on 21<sup>st</sup> January 2008 by Lord Patel, this time on existing cells and cell lines<sup>xiii</sup>, the provisions concerning such research would "...apply in cases where the cell lines are already in existence, and the original donor cannot be contacted to obtain such consent...". The Government stated that this would breach human rights, and in terms of scientific need, this could not be justified, Baroness Royall of Blaisdon stated that:

*...The fact that there are other possible and effective routes for research means that it is not possible to argue that interference with the rights of persons to whom the cell line relates is justified on the basis of scientific need...<sup>xiv</sup>*

However, following a letter on the 21<sup>st</sup> of January 2008 to the *Times* by scientists<sup>xv</sup> who wanted to use existing stored human cells (to study diseases) and Parliamentary debate, followed by further contact with scientists<sup>xvi</sup> the Government's position changed during the passage of the Bill. The Government wrote a letter to all Peers on this issue on 31<sup>st</sup> January 2008<sup>xvii</sup> explaining their position on consent only in relation to the infringement of Article 8 of the Convention of Human Rights (the right to private and family life) stating that such interference needs to be justified and proportionate. It was argued that such interference is justified with reference to Article 8(2) on the basis of a *further consideration* of scientific need for the "protection of public health". The letter is based on the scenario of using existing cells and cell lines and refers to stringent safeguards such as where there would be a significant and adverse impact on scientific research and rare conditions.

The *Times* letter of the 21<sup>st</sup> January 2008 by scientists argues for allowing for the use of existing cells without specific consent because it mirrors a similar provision in the Human Tissue Act 2004, regarding anonymous untraceable "existing holdings". However this argument was dismissed in the debate of the same day when Baroness Royall of Blaisdon stated that.

*....The noble Lord, Lord Jenkin, rightly pointed out the Government's situation in relation to the Human Tissue Bill. The Government take the view that the use of tissue for purposes under the Human Tissue Act is distinct from the use of a person's genetic material to create a human embryo or a human admixed embryo. The Bill's provisions reflect the special status of the human embryo and are compatible with the European Convention on Human Rights. For that reason, the issue is different also to the considerations being undertaken by the Organ Donation Taskforce on presumed consent for organs. ....<sup>xviii</sup>*

This change in the Government's view to that of a "compelling case" for allowing such use was reported in the debate of 4<sup>th</sup> February 2008.<sup>xxix</sup> Subsequently, the Government Minister at the Public Bill Committee of the House of Commons on the 5<sup>th</sup> of June 2008 put forward changes to the Bill on the use of human cells without the donor's consent (including those for children) by simply stating that;

*...The Government listened carefully to concerns raised in another place about the framework for consent in relation to the use of stored cells and cells from children with serious diseases, but we also made it clear that any exceptions to the requirement for consent would need to be compatible with convention rights. The Government amendments in this group provide for certain exceptions, while providing safeguards in recognition of those rights...*<sup>xxx</sup>

### **Children's Cells and adults who lack capacity**

The Government has indicated that the safeguard on the basis of *science being adversely affected to a significant extent* is a higher threshold<sup>xxxi</sup> because unlike children or those who lack capacity there may be no substitute consent by a Parent or Carer. The even lower threshold test for children or those who lack capacity is based on a *comparative effectiveness* test. In other words, could research of comparative effectiveness be done by using human cells from mentally competent adults where there was effective consent. There seems nothing to stop a simple argument in every case that the answer is no, as you need to study the effect in children or diseases for children not just adults.<sup>xxii</sup>

The provisions in the Bill have weak safeguards and are not restricted to such rare conditions, allowing for the use not only of existing cells, but also of children's cells and of the cells of those who lack capacity. In the case of children's cells research may be carried out not only into serious conditions, but any other non-serious "similar disease, disability or medical condition".<sup>xxiii</sup>

The Government appears to have treated the scientists reported "compelling case" for the use of existing cells and cell lines without explicit consent of the donor of the cells, as if this was a general case for all cells. A case which in fact may require further consideration due to the European Convention on Human Rights and the special status of the human embryo. There is a notable failure to give any specific independent consideration to the infringement of the human rights of children including the UN Convention on the Rights of the Child 1989 ('UNCRC') either for existing cells and cell lines or for the extension of that use to concurrent cells for children or the mentally ill.<sup>xxiv</sup>

The argument of scientific need is unjustified for the use of such cells as stated even by the Government itself in the early debates. No real consideration has been given to the infringement of the rights of the child.

The justification given for creating animal-human hybrids is that research on these embryos will produce treatments for diseases, however, the creation of animal-human hybrids is unnecessary for this purpose. Human embryonic stem cell research has failed to produce any treatments or cures in the last 18 years, and it is likely that hybrid embryos will be equally unsuccessful. In contrast, new research has shown that adult skin cells can be reprogrammed to act like embryonic stem cells. This ethically acceptable research removes the need to experiment on embryos, including animal-human hybrid embryos and thereby the need to use existing human cells without explicit consent in order to create such embryos.

No consideration has been given to the freedom of thought, conscience and religion of the child or for adults as laid down in Article 9 of the European Convention of Human Rights. There are strongly-held profound religious and ethical objections to such research. The Government has even chosen to side-step some of the general protections available under the Mental Capacity Act 2005 (such as the additional safeguards in section 33 of the MCA 2005<sup>xxv</sup>) for the mentally ill regarding research. They have done this by defining such research as "not intrusive".<sup>xxvi</sup>

This means that a child's DNA can be used to create an embryo or interspecies embryo without his/her consent, which may breach his/her fundamental human rights. No arguments can justify the use of human cells without the principles of free and informed consent being applied. The best option as far as the issue of the use of human cells is concerned would be at the very least to restore the original bill position whereby such use could only be by effective explicit competent adult consent to create an embryo or human admixed embryo for research purposes.

### **Creation of a Child Using Three Adults**

The Bill will allow the issuing of future regulations for the creation of a child in human reproduction by scientific manipulation using three adults, so as to prevent a woman's serious mitochondrial disease from being passed on by using the outer egg of a donor woman. It is alarming that such a provision is in the Bill when the current state of play is that research is only at an experimental stage. Even though the Government states that regulations will not be brought in until such procedures are safe and legislative drafts have been consulted upon, it is nonetheless alarming that the Government should even provide a regulatory power in the Bill before the technology has been made safe. Allowing this to happen shows a lack of consideration for the safety of the child and the mother and makes scientific convenience paramount. There is no consideration for the physical or psychological effect of such a procedure on the child in terms of their own sense of identity. It is noteworthy that ancestry can be traced thorough a person's mitochondrial DNA. In addition, there is a potential human cloning loophole in the current wording of the Bill.<sup>xxvii</sup>

### **In Conclusion**

In summary, there are many issues raised by this Bill that may endanger the Child's Human Rights and in relation to the UN Convention on the Rights of the Child that need to be addressed urgently. The preamble to the UNCRC states that "*the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth*". The Bill does not provide that protection; rather it deprives the child of such safeguards. Articles 2, 3, 7, 8, 12, 13, 14, 16, 19, 21, 32 and 36 of the UNCRC may be relevant to the Rights of the Child raised in this Bill.<sup>xxviii</sup> In our opinion, the Bill is a step in the wrong direction not only generally but as far as the rights of children are concerned and we call upon the Children's Commissioners to take urgent action by intervening to support the rights of children in the UK before it is too late.

Yours faithfully,



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<sup>i</sup> See [http://www.hta.gov.uk/db/documents/2006-07-04\\_Approved\\_by\\_Parliament\\_-\\_Code\\_of\\_Practice\\_2\\_-\\_Donation\\_of\\_Solid\\_Organs\\_200607133233.pdf](http://www.hta.gov.uk/db/documents/2006-07-04_Approved_by_Parliament_-_Code_of_Practice_2_-_Donation_of_Solid_Organs_200607133233.pdf) -this is stated in point 10 to include the principles relating to consent communication and donation for organs, part organs, tissue and cells. See Paragraphs 27 to 36 on children .Even the independent assessors section does not have specific reference to the Saviour Sibling scenario.

<sup>ii</sup> See HTA code of practice on bone marrow  
[http://www.hta.gov.uk/db/documents/2006-07-04\\_Approved\\_by\\_Parliament\\_-\\_Code\\_of\\_Practice\\_6\\_-\\_Bone\\_Marrow\\_and\\_PBSC\\_200607134731.pdf](http://www.hta.gov.uk/db/documents/2006-07-04_Approved_by_Parliament_-_Code_of_Practice_6_-_Bone_Marrow_and_PBSC_200607134731.pdf)

<sup>iii</sup> See HTA Codes of Practice Consultation  
[http://www.hta.gov.uk/consultations\\_and\\_events/current\\_consultations.cfm?cit\\_id=440&widCall=customWidgets.content\\_view\\_1&usecache=false](http://www.hta.gov.uk/consultations_and_events/current_consultations.cfm?cit_id=440&widCall=customWidgets.content_view_1&usecache=false)

Code of Practice Consultation August 2008 on the Donation of Solid Organs  
[http://www.hta.gov.uk/db/documents/Microsoft\\_Word\\_-\\_2008-08-01\\_Donation\\_of\\_solid\\_organs\\_for\\_transplantation\\_code\\_of\\_practice\\_2.pdf](http://www.hta.gov.uk/db/documents/Microsoft_Word_-_2008-08-01_Donation_of_solid_organs_for_transplantation_code_of_practice_2.pdf)

Note it is of particular concern in point A9- how the court test of best interests is not limited to medical interests, and should take account of potential emotional, psychological and social benefits and risks.

Point 91 refers to parental consent being given on behalf of children; concern here is on the conflict of interest issue for the saviour sibling case.

Note that in the code of practice for the donation of bone marrow - August 2008, in the consultation, it is only good practice or where there is a dispute to refer for a court ruling on the child's best interests –see point 43 and A8, also the assessors see the parents and child together (77) and the parent can consent on behalf of the child- see points 87 to 89 –no special mention or consideration is given to the saviour sibling case.

[http://www.hta.gov.uk/db/documents/Microsoft\\_Word\\_-\\_2008-08-01\\_Donation\\_of\\_bone\\_marrow\\_code\\_of\\_practice\\_200807310247.pdf](http://www.hta.gov.uk/db/documents/Microsoft_Word_-_2008-08-01_Donation_of_bone_marrow_code_of_practice_200807310247.pdf)

<sup>iv</sup> See <http://www.un.org/Overview/rights.html>.

<sup>v</sup> See <http://www.telegraph.co.uk/news/uknews/1895844/'Family-breakdown-makes-children-join-gangs'.html>.

<sup>vi</sup> See <http://www.guardian.co.uk/uk/2007/mar/16/politics.homesandgardens> where the point was made by education secretary Alan Johnson in March 2007: "Fathers' involvement is associated with children's better educational outcomes, school attendance, behaviour, higher educational expectations and better social and emotional outcomes."

<sup>vii</sup> See the Department for Work and Pensions' press release of 2 June 2008:

<http://www.dwp.gov.uk/mediacentre/pressreleases/2008/jun/hse081-020608.asp> "Plans to change the law to require dads as well as mums to be named on the birth certificate are being announced by Secretary of State for Work James Purnell and Children's Secretary Ed Balls in a joint White Paper published today."

"Mr Purnell said: 'All children deserve the best start in life. It's crucial that from the day they are born, both mum and dad recognise the role they play in their child's life and how that shapes their child's identity. Registering a child's birth isn't just a legal requirement, it's a lifetime commitment by both parents to safeguard their child's development, health and welfare, and provide them with direction and guidance throughout childhood. We want to ensure that while continuing to protect vulnerable women and children, we promote parental responsibility and child welfare by significantly increasing the number of birth registrations which hold the details of both mother and father.' "

"Mr Balls said: 'Every child has the right to know who their parents are and we want to make things as easy as possible for both parents to take responsibility for their children. Becoming a father is a serious and significant event, as we know that when fathers are involved in their child's life it can help them succeed at school, as well as stay on the right track during the teenage years and—for children in separated families—improve emotional health and well-being. Engaging fathers at the birth of their child, including registering fathers on the birth certificate, is vital in establishing that close involvement.' "

<sup>viii</sup> See explanatory notes 248 to 253 on clause 59: <http://www.publications.parliament.uk/pa/cm200708/cmbills/070/en/08070x-d.htm>.

<sup>ix</sup> See Public Bill Committee list -the Members of Parliament were 17 including the Minister of State, Department of Health but excluding the Chairmen

<http://www.publications.parliament.uk/pa/cm200708/cmpublic/human/080603/am/80603s01.htm>

<sup>x</sup> See column 117 where the Minister commented that if there was a dispute between Parents they would have to go to court to resolve it.

<http://www.publications.parliament.uk/pa/cm200708/cmpublic/human/080605/pm/80605s03.htm>

<sup>xi</sup> See comments by Baroness Royall of Blaisdon at columns 20 and 21 of 10<sup>th</sup> December 2007 on amendments 50 and 54 by Lord Patel on the use of children's gametes (egg or sperm ) or cells for the creation of human or interspecies embryos for research from a child not able to give consent :

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/71210-0003.htm>

<sup>xii</sup> See amendment 76 by Lord Patel on consent in relation to children for storage and use for research in column 49 and Government comment by Baroness Royall of Blaisdon in column 52 on the 21<sup>st</sup> January 2008

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80121-0008.htm>

<sup>xiii</sup> See columns 37 to 49 of 21<sup>st</sup> January 2008, column 37 with amendment on existing cells and columns 46 to 47 the Ministers response

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80121-0006.htm>

<sup>xiv</sup> See columns 46 to 49 of 21<sup>st</sup> January 2008 ,column 47 with Ministers quoted comment

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80121-0007.htm>

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<sup>xxv</sup> See letter of 21<sup>st</sup> January 2008 <http://www.timesonline.co.uk/tol/comment/letters/article3221046.ece> -note that whilst this letter was discussed in the debate on the 21 January but it was only just published that morning and the Government promised to respond to all Peers on this issue in their letter of the 31<sup>st</sup> of January 2008

<sup>xxvi</sup> See paragraph 21 of letter of the 31<sup>st</sup> of January 2008

<http://www.parliament.uk/deposits/depositedpapers/2008/DEP2008-0287.pdf>

<sup>xxvii</sup> See letter of the 31<sup>st</sup> of January to all Peers

<http://www.parliament.uk/deposits/depositedpapers/2008/DEP2008-0287.pdf>.

<sup>xxviii</sup> See Column 47 of 21<sup>st</sup> January 2008 comments by Baroness Royall of Blaisdon

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80121-0007.htm>

<sup>xxix</sup> See columns 897-898 <http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80204-0010.htm>.

<sup>xxx</sup> See Column 96 with comment by Minister and columns 89 to 96 of Gov. amendments and with some comment on members amendments on the morning of the 5 June 2008

<http://www.publications.parliament.uk/pa/cm200708/cmpublic/human/080605/am/80605s05.htm>

Again in the afternoon of the 5<sup>th</sup> of June 2008 a number of amendments in this area of human cells was introduced by the Gov. without any real debate-see columns 123 to 130

<http://www.publications.parliament.uk/pa/cm200708/cmpublic/human/080605/pm/80605s04.htm>

<sup>xxxi</sup> See Columns 118-120 for comments by the Minister and Dr Evan Harris on the higher threshold on the 5<sup>th</sup> of June 2008 at the Public Bill Committee

<http://www.publications.parliament.uk/pa/cm200708/cmpublic/human/080605/pm/80605s03.htm>

<sup>xxxii</sup> See Paragraph 14 of schedule 3 of the Bill which inserts a new Paragraph 15 for children and new Paragraphs 16 to 19 for persons who lack capacity of the 1990 Act

<http://www.publications.parliament.uk/pa/cm200708/cmbills/120/08120.67-73.html>

<sup>xxxiii</sup> See Schedule 3, particularly paragraph 14, which inserts the new paragraph 15:

<http://www.publications.parliament.uk/pa/cm200708/cmbills/120/08120.67-73.html>.

<sup>xxxiv</sup> See Column 96 with comment by Minister and columns 89 to 96 of Gov. amendments and with some comment on members amendments on the morning of the 5 June 2008

<http://www.publications.parliament.uk/pa/cm200708/cmpublic/human/080605/am/80605s05.htm>

Also in Peers letter of the 31<sup>st</sup> of January 2008 there was a reference to Alzheimer's disease and children's rare conditions but this only looked at existing cells and cell lines and not the use of concurrent cells without any specific consideration of its impact on children. See letter to Peers of the 31<sup>st</sup> of January 2008

<http://www.parliament.uk/deposits/depositedpapers/2008/DEP2008-0287.pdf>

<sup>xxxv</sup> For the text of section 33 MCA 2005, see: [http://www.opsi.gov.uk/ACTS/acts2005/ukpga\\_20050009\\_en\\_3#pt1-pb8-11g33](http://www.opsi.gov.uk/ACTS/acts2005/ukpga_20050009_en_3#pt1-pb8-11g33).

<sup>xxxvi</sup> See Para 25 of Schedule 7: <http://www.publications.parliament.uk/pa/cm200708/cmbills/120/08120.109-115.html>.

<sup>xxxvii</sup> For further information, please see: <http://www.timesonline.co.uk/tol/news/politics/article4133539.ece>.

<sup>xxxviii</sup> For the text of the UNCRC, see: [http://www.everychildmatters.gov.uk/\\_files/589DD6D3A29C929ACB148DB3F13B01E7.pdf](http://www.everychildmatters.gov.uk/_files/589DD6D3A29C929ACB148DB3F13B01E7.pdf).