



# Surrogacy Arrangements Act 1985

## 1985 CHAPTER 49

### 1 **Meaning of “surrogate mother”, “surrogacy arrangement” and other terms.** **E** **+W+N.I.**

- (1) The following provisions shall have effect for the interpretation of this Act.
- (2) “Surrogate mother” means a woman who carries a child in pursuance of an arrangement—
  - (a) made before she began to carry the child, and
  - (b) made with a view to any child carried in pursuance of it being handed over to, and [<sup>F1</sup>parental responsibility being met] (so far as practicable) by, another person or other persons.
- (3) An arrangement is a surrogacy arrangement if, were a woman to whom the arrangement relates to carry a child in pursuance of it, she would be a surrogate mother.
- (4) In determining whether an arrangement is made with such a view as is mentioned in subsection (2) above regard may be had to the circumstances as a whole (and, in particular, where there is a promise or understanding that any payment will or may be made to the woman or for her benefit in respect of the carrying of any child in pursuance of the arrangement, to that promise or understanding).
- (5) An arrangement may be regarded as made with such a view though subject to conditions relating to the handing over of any child.
- (6) A woman who carries a child is to be treated for the purposes of subsection (2)(a) above as beginning to carry it at the time of the insemination [<sup>F2</sup>or of the placing in her of an embryo, of an egg in the process of fertilisation or of sperm and eggs, as the case may be,] that results in her carrying the child.
- (7) “Body of persons” means a body of persons corporate or unincorporate.
- [<sup>F3</sup>(7A) “Non-profit making body” means a body of persons whose activities are not carried on for profit.]
- (8) “Payment” means payment in money or money’s worth.
- (9) This Act applies to arrangements whether or not they are lawful . . . <sup>F4</sup>.

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+N.I. - England, Wales and Northern Ireland extent S - Scotland extent*

*Changes to legislation: There are currently no known outstanding effects for the Surrogacy Arrangements Act 1985, Section 1. (See end of Document for details)*

### Extent Information

- E1** This version extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only

### Textual Amendments

- F1** Words in s. 1(2)(b) substituted (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13 para. 56](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#) and substituted (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), [art. 185\(1\)](#), [Sch. 9 para. 119](#); S.R. 1996/297, [art. 2\(2\)](#)
- F2** Words substituted by [Human Fertilisation and Embryology Act 1990 \(c. 37, SIF 83:1\)](#), s. [36\(2\)\(a\)](#)
- F3** [S. 1\(7A\)](#) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), [ss. 59\(2\)](#), [68\(2\)](#); S.I. 2009/2232, [art. 2\(r\)](#)
- F4** Words repealed by [Human Fertilisation and Embryology Act 1990 \(c. 37, SIF 83:1\)](#), s. [36\(2\)\(b\)](#)

## 1 Meaning of “surrogate mother”, “surrogacy arrangement” and other terms. S

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  - (b) made with a view to any child carried in pursuance of it being handed over to, and the parental rights being exercised (so far as practicable) by, another person or other persons.
- (3) An arrangement is a surrogacy arrangement if, were a woman to whom the arrangement relates to carry a child in pursuance of it, she would be a surrogate mother.
- (4) In determining whether an arrangement is made with such a view as is mentioned in subsection (2) above regard may be had to the circumstances as a whole (and, in particular, where there is a promise or understanding that any payment will or may be made to the woman or for her benefit in respect of the carrying of any child in pursuance of the arrangement, to that promise or understanding).
- (5) An arrangement may be regarded as made with such a view though subject to conditions relating to the handing over of any child.
- (6) A woman who carries a child is to be treated for the purposes of subsection (2)(a) above as beginning to carry it at the time of the insemination [<sup>F5</sup>or of the placing in her of an embryo, of an egg in the process of fertilisation or of sperm and eggs, as the case may be,] that results in her carrying the child.
- (7) “Body of persons” means a body of persons corporate or unincorporate.
- [<sup>F3</sup>(7A) “Non-profit making body” means a body of persons whose activities are not carried on for profit.]
- (8) “Payment” means payment in money or money’s worth.
- (9) This Act applies to arrangements whether or not they are lawful . . . <sup>F6</sup>.

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**Changes to legislation:** *There are currently no known outstanding effects for the Surrogacy Arrangements Act 1985, Section 1. (See end of Document for details)*

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#### **Extent Information**

- E2** This version extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only

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#### **Textual Amendments**

- F3** [S. 1\(7A\)](#) inserted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), [ss. 59\(2\)](#), [68\(2\)](#); [S.I. 2009/2232](#), art. 2(r)
- F5** Words substituted by [Human Fertilisation and Embryology Act 1990 \(c. 37, SIF 83:1\)](#), [s. 36\(2\)\(a\)](#)
- F6** Words repealed by [Human Fertilisation and Embryology Act 1990 \(c. 37, SIF 83:1\)](#), [s. 36\(2\)\(b\)](#)

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**Skip to:**

- E+W+N.I. - England, Wales and Northern Ireland extent
- S - Scotland extent

**Changes to legislation:**

There are currently no known outstanding effects for the Surrogacy Arrangements Act 1985, Section 1.