



Surrogacy Arrangements Act 1985

1985 CHAPTER 49

1 Meaning of " surrogate mother ", " surrogacy arrangement " and other terms

- (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 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 or, as the case may be, embryo insertion that results in her carrying the child.
- (7) " Body of persons " means a body of persons corporate or unincorporate.
- (8) " Payment " means payment in money or money's worth.
- (9) This Act applies to arrangements whether or not they are lawful and whether or not they are enforceable by or against any of the persons making them.