



Egg & Sperm Donors: Frequently Asked Questions

In the UK it is illegal to donate eggs or sperm for financial gain, however many individuals are deciding to donate. It is important to know the legal implications in relation to donation for yourself, the intended parents and the children who are later born.

Egg Donors

Who is the legal mother?

An egg donor will never be treated as the legal mother. This is because the law states that the legal mother is always the woman who gives birth to the child.

Will I have any responsibilities for the child?

As an egg donor will not be treated as the legal mother, you will have no responsibilities for the child, despite being genetically related. You will not be named on the birth certificate, you will not be financially responsible and will not have a say in the child's upbringing.

Please see our factsheet 'Surrogacy: FAQ's' for further information if egg donation is being used in surrogacy.

What information can be accessed by any child conceived following donation?

If conceived at a fertility clinic, the Human Fertilisation and Embryology Authority will keep details of the donation on their Register of Information. This means that when any child conceived with the use of your egg reaches the age of 18, they will be able to access, identifying information about you.

Please see our factsheet 'Children's rights when born through assisted conception' for further advice, including advice if the child was born before 1 April 2005.

www.simpsonmillar.co.uk
Telephone 0844 858 3200

Can I find out if any children have been conceived from my egg donation?

Yes, if you donated after 1 August 1991, you are entitled to request information from the HFEA about the number, sex and year of birth of any child born from your donation.

Sperm donors

Unknown sperm donors

Who is considered the legal father?

If you chose to donate sperm to a HFEA licensed clinic for the use by unknown recipients, you will not be treated as the legal father of the children. This means that although you are genetically related to the child, you will not be named on the birth certificate and will not have any financial responsibility towards the child.

What information will be accessed by any child conceived following donation?

If you donate after 1 April 2005, despite donating to unknown recipients, any child conceived, upon reaching the age of 18 is able to request information about you.

Please see our factsheet 'Children's rights when born through assisted conception' for further advice.

Known sperm donors

Who is considered the legal father?

The law surrounding donation to known recipients is much more complex and in certain circumstances, you could be treated as the legal father.

If you donate sperm to a married couple or to civil partners (post 6 April 2009), then you will not normally be considered the legal father. The mother who gave birth to the child and her husband / partner will be considered as the legal parents. You will therefore have no parental responsibility over the child. This applies to conception whether it takes place at a licensed clinic or through home insemination.

If however you donate to an unmarried or non-civil partnered couple, your status as father is dependant upon whether a licensed clinic is used. If a licensed clinic is used, then the mother and her partner can choose to be named as the legal parents, excluding you as the father as a result.

If you donate to an unmarried or non-civil partnered couple through home insemination, you will be considered the legal father and will have responsibilities for the child. Parental status can be transferred to the non-biological father or non-birth mother, but an application for Adoption or a Parental Order is required through the Courts.

What information will be accessed by any child conceived following donation?

If conceived at a fertility clinic, the Human Fertilisation and Embryology Authority will keep details of the donation on their Register of Information. This means that when any child conceived with the use of your sperm reaches the age of 18, they will be able to access, if requested, identifying information about you.

Please see our factsheet 'Children's rights when born through assisted conception' for further advice, including advice if the child was born before 1 April 2005.

Can I find out if any children have been conceived from my sperm donation?

Yes. If you donated through a licensed clinic, you are also able to find out information about children conceived using your sperm. As with egg donation, you cannot find out identifying information but can find out the number, sex and year of birth of any child.

This guide contains information on current legal issues applicable at the time of printing. Note there may have been changes subsequently which have not been incorporated in to the material. This guide is intended for information purposes only and its content should not be applied to any particular set of facts or relied upon without legal or other professional advice. For further information please contact:

Emma Pearmaine,
Family Law Solicitor
Tel: 0844 858 3200
Email: emma.pearmaine@simpsonmillar.co.uk