



Watershed moment for UK surrogacy law

The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 comes into force today (3 January 2019) enabling single people for the very first time to apply for parental orders.

Parental orders are the mechanism in the UK by which intended parents are able to become the legal parents of children born through surrogacy.

The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 is the long awaited outcome of the then President of the Family Division, Sir James Munby's judgment in *Z (A child) (No 2)* [2016] EWHC 1191 (Fam), in which he declared key provisions of the Human Fertilisation and Embryology Act 2008, relating to applications for parental orders, incompatible with the UK's obligations under the [Human Rights Act 1998](#), which incorporated the [European Convention of Human Rights](#) into UK domestic law. Section 54 of the Human Fertilisation and Embryology Act 2008 had hitherto stipulated that an application for a parental order had to be made by two people who were married, in a civil partnership or living together in an enduring relationship. Single people had therefore been excluded.

Remedial orders, such as Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 are used to remove any incompatibility with Convention rights in primary legislation identified by either our domestic courts or the European Court of Human Rights. The order makes the necessary changes to the current law to permit applications for parental orders by single people.

Single people are now finally able to become legal parents by virtue of parental orders following a surrogacy arrangement in the same way as couples.

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