



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Ms Lexi Ellingsworth
Request-644658-854e56c5@whatdotheyknow.com

6 March 2020

Dear Lexi,

Freedom of Information Request Reference FOI-1208035

Thank you for your request dated 5 March, in which you asked the Department of Health and Social Care (DHSC):

"I understand that the Department of Health funded the recent public consultation on Proposed Surrogacy Law via the Law Commission.

Please can you confirm:

What were the instigating factors for decision makers to commission this work?

How much funding was given to the Law Commission in order for them to carry out this work?

As this work is ongoing, please can you provide the figures to date, or the recent budget submission."

Your request has been handled under the Freedom of Information Act (FOIA).

DHSC holds the information you have requested.

Please see the table overleaf which sets out a timeline of DHSC engagement with the Law Commission in respect of surrogacy law reform.

For further information about any representations that the Commission had which led up to its initial approach in 2016, or responses to its consultation about projects for its 13th Work Programme, you may wish to approach the Law Commission of England and Wales directly.

Contact details can be found on the Commission's website at: <https://www.lawcom.gov.uk/contact/>

April 2016	The Law Commission made an initial approach to DHSC officials about the prospect of a broad legislative review of surrogacy legislation. This was in response to representation made to the Commission by stakeholders.
May 2016	Health Minister, Jane Ellison, supported the principle of a Law Commission review and shared this intention with other Government departments that might have an interest. No objections were raised and she subsequently wrote to the Law Commission expressing support for a project.
Autumn 2016	The Law Commission published a public consultation about prospective projects to include in its 13th work programme. There was widespread support for including surrogacy in the programme from those who responded to this consultation.
December 2016	A Short Lords Debate was brought by Baroness Barker about surrogacy reform. Baroness Chisholm responded for the Government and set out Government plans to support reform in this area, including support for the Law Commission project.
April 2017	Health Minister, Baroness Blackwood, wrote to the Law Commission expressing formal support for including surrogacy as a project in their work programme.
October 2017	Following the election, new Health Minister, Phillip Dunne, wrote to the Law Commission repeating formal support (as a new Government) for including surrogacy as a project in its work programme.
December 2017	The Law Commission published its 13 th Work Programme including surrogacy as project.

The surrogacy project is a three-year project and is due to complete with a draft Bill in 2021.

DHSC has funded the project with a budget of £150,000 in 2018/19 and £160,549 in 2019/20. Costs for 2020/21 have not yet been finalised.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/concerns/>

Yours sincerely,

Jane Spencer
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