

Re A (A Child : Surrogacy: S.54 Criteria)

EWHC 1426 (Fam)

24/06/2020

Barristers

Andrew Powell
Mai-Ling Savage
Lucy Logan Green

Court

The High Court

Practice Areas

Private Children Law

Andrew Powell and Lucy Logan Green represented one of the applicants in a joint application for a parental order where the court was required to read down three limbs of the s54 criteria of the Human Fertilisation and Embryology Act 2008 to make a parental order. The three issues were:

- i) the application was made outside of the 6 month time limit
- ii) whether the child's home at the time of the application and the making of the order could be said to be with both applicants (in circumstances where the child had never lived or had any direct contact with the father)
- iii) whether, at the time of the application, the mother and the father could be found to be "two persons who are living as partners in an enduring family relationship" (in circumstances where the applicants separated prior to the child being born)

The court adopted a purposive interpretation to ensure that the statutory provisions of s54 were applied in a ECHR complaint manner with respect to Articles 8 and 14 and granted a parental order.

To read the full judgment [click here](#).