

Board of the Assisted Human Reproduction Regulatory Authority

Surrogacy Committee

Terms of Reference

Version Control

Version Number	Purpose of Revision	Amended	Approved
0.1	Initial Draft		
0.2	Revisions prior to Board consideration	01/07/2026	
1.0	Chair's revisions	13/07/26	

1. Background and Purpose

The Surrogacy Committee (“the Committee”) is established to support the Authority in fulfilling its statutory functions relating to permitted domestic and international surrogacy under the Health (Assisted Human Reproduction) Act 2024.

Its purpose is to:

- Consider and advise the Board whether applications for surrogacy meet the criteria for permitted surrogacy as set out in Parts 7 and 8 of the Act;
- Consider and advise the Board whether relevant person(s) present a potential significant risk of harm or neglect to any child that may be born as a result of the surrogacy agreement, or any other child;
- Consider and advise the Board whether the criteria for surrogate mothers and intending parents set out in the Act have been complied with;
- Consider and advise the Board whether a named jurisdiction meets the criteria for approval under Part 8 of the Act;
- Provide assurance to the Board that the AHRRA’s regulatory functions in relation to surrogacy are being discharged lawfully, consistently, and in accordance with statutory obligations.

These are set out in more detail below

2. Authority

The Committee is an advisory committee of the AHRRA Board and is authorised to:

- Review and recommend decisions on applications for approval of domestic surrogacy agreements.

- Advise the Board whether a named jurisdiction meets the criteria for approval under Part 8 of the Act;
- Review and recommend decisions on applications for approval of international surrogacy agreements.
- Oversee compliance with statutory requirements for:
 - eligibility of surrogate mothers
 - eligibility of intending parents
 - consent
 - counselling and legal advice
 - medical and psychological assessments
 - reasonable expenses
- Request information, reports, and expert advice from AHRRA staff or external specialists.
- Recommend enforcement or corrective actions where surrogacy-related non-compliance is identified.
- Advise the Board on surrogacy-related policy, codes of practice, and statutory instruments.

The Committee does not have executive powers or decision-making authority beyond those explicitly delegated by the Board. Where external expertise is recommended by the Committee, any expenditure on same will require approval by the Board.

3. Functions and Responsibilities

3.1 Surrogacy Agreements - Process and Documentation

The Committee will:

- Consider the application process and guidance documentation for domestic and international surrogacy agreements, to include mandatory documentation and required third party verifications.
- Review and approve draft relevant information documents to progress for Board approval.
- Provide oversight of the development of policies, procedures, guidance documentation and decision-support tools relevant to surrogacy.
- Oversee the maintenance and publication of the National Surrogacy Register

3.2 Domestic surrogacy

The Committee will:

- Oversee the assessment process for pre-approval of domestic surrogacy agreements.
- Review evidence of:
 - surrogate eligibility
 - informed consent
 - intending parent eligibility
 - medical, psychological, and legal reports
 - compliance with requirements regarding reasonable expenses
 - embryo transfer restrictions (e.g., single-embryo transfer)
- Recommend approval or refusal of applications to the Board.

3.3 International Surrogacy

The Committee will:

- Advise the Board as whether specific jurisdictions meet the criteria of the Act as an ‘approved surrogacy jurisdiction’.
- Oversee the assessment process for pre-approval of international surrogacy agreements
- Review evidence of:
 - surrogate eligibility
 - informed consent
 - intending parent eligibility
 - medical, psychological, and legal reports
 - compliance with requirements regarding reasonable expenses
 - embryo transfer restrictions (e.g., single-embryo transfer)
- Recommend approval or refusal of applications to the Board.

3.4 Policy, Standards, and Guidance

The Committee will:

- Advise the Board on the development of:
 - surrogacy-specific codes of practice
 - statutory instruments
 - information documents for surrogates and intending parents
- Review international best practice and recommend updates to AHRRA’s regulatory framework.

3.5 Assurance to the Board

The Committee will:

- Provide assurance that AHRRA's surrogacy regulatory functions are effective and compliant.
- Review surrogacy-related risks and contribute to the Authority's risk register.
- Report systemic issues, trends, or concerns to the Board.

4. Membership

4.1 Composition

Membership will include:

- **At least one Board member**, who will act as Chair.
- Members with expertise in:
 - Assisted human reproduction and surrogacy
 - Obstetrics or reproductive medicine
 - Psychology or counselling
 - Ethics
 - Child welfare/children's rights
 - Law (particularly family and reproductive law)
 - Social work or safeguarding

4.2 Appointment

- Members are appointed by the Board for a defined term (typically 3 years).
- The Board may appoint external experts as advisors.
- The CEO, Director of Surrogacy, and relevant staff may be in attendance.

4.3 Conflicts of Interest

- Members must comply with the Conflict of Interest policy of the AHRRA.

5. Meetings

- The Committee will meet at least four times per year, with additional meetings as required.
- A quorum will consist of the Chair plus at least two other members.
- Papers will be circulated at least five working days in advance.
- Minutes will be recorded, approved, and submitted to the Board.

6. Reporting

The Committee will report to the Board through:

- A written report summarising recommendations, and issues requiring Board attention.
- Escalation of significant risks, ethical concerns, or compliance issues.

An annual report will summarise:

- Number and type of surrogacy applications reviewed
- Recommended approval and refusal rates
- International jurisdiction assessments
- Compliance and monitoring outcomes
- Key risks, trends, and recommendations for improvement

7. Review of Terms of Reference

- The Committee will review these Terms of Reference annually.
- Amendments require Board approval.

8. Secretariat

AHRR staff will provide secretariat support, including:

- Agenda and circulation of meeting papers
- Minute-taking
- Record-keeping
- Tracking of actions and decisions

9. Data Protection and Confidentiality

- Members must comply with all applicable data protection legislation.
- Committee papers and discussions are confidential unless otherwise agreed by the Board.

Date Approved by AHRR Board:

DD/MM/YYYY

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DD/MM/YYYY