



*In Vitro
Health*

10 DOWNING STREET

From the Private Secretary

8 April 1982

In Vitro Fertilisation: Possible Inquiry into
Medical Ethics

The Prime Minister has seen Mr. Fowler's letter to the Home Secretary of 4 April. She has commented that the Lord Chancellor will no doubt wish to comment ~~about~~ the suggestion that the chairman of this inquiry should be a judge. Her own view is that this inquiry does not call for a judge as chairman.

I am copying this to Michael Collon (Lord Chancellor's Office), Brendan O'Gorman (Department of Health and Social Security), Christine Duncan (Lord Advocate's Department) and to David Wright (Cabinet Office).

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RW

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Prime Minister 2

The Rt Hon William Whitelaw CH MC MP
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Mr Fowler seeks a committee agreement to his proposals for an inquiry into the implications of in vitro fertilisation.

The H-C will have to be consulted about a judge. Personally I do not think this is being called for - one or two

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IN VITRO FERTILISATION: POSSIBLE ENQUIRY INTO MEDICAL ETHICS

You will have seen my minutes of 20 February and 4 March to the Prime Minister. I am now satisfied that there is a strong case for establishing a Committee with an outside Chairman and members to consider the implications of recent developments in the field of human fertilisation and to advise Ministers on any safeguards which might be required.

The initial use of techniques for fertilising human eggs outside the womb was to help couples who could not otherwise conceive. This has proved relatively uncontroversial. The techniques could also be used to remove an egg from one woman and to implant it in a different woman after fertilisation; there is also the possibility of storing, or even of manipulating the fertilised egg before implantation. These further developments raise difficult moral and legal questions - the rights of a child vis-a-vis its genetic and its biological parent; the responsibilities and liabilities of those handling human embryos; the circumstances in which an embryo developed in vitro might be kept or destroyed; and so on. Public concern about these issues has been focussed by recent reports in the press and on television, and there have been repeated calls - both inside and outside the House - for a Government enquiry. Public interest is likely to be kept alive by fresh announcements from the various teams working in this area.

The British Medical Association, the Royal College of Obstetricians and Gynaecologists, the Council of Churches and the Council for Science and Society have all established working parties in this field but none are sufficiently broadly based or sufficiently representative to be regarded as a source of authoritative advice to Government. In my view, only an official enquiry can fill the bill. Its Report would be the subject of consultation in the usual way before the Government reached its own conclusions.

Possible terms of reference of such a Committee would be:-

"To consider recent and potential developments in medicine and science related to human fertilisation and embryology; to consider what policies and safeguards should be applied, including consideration of relevant legal matters; and to make recommendations."

E. R.

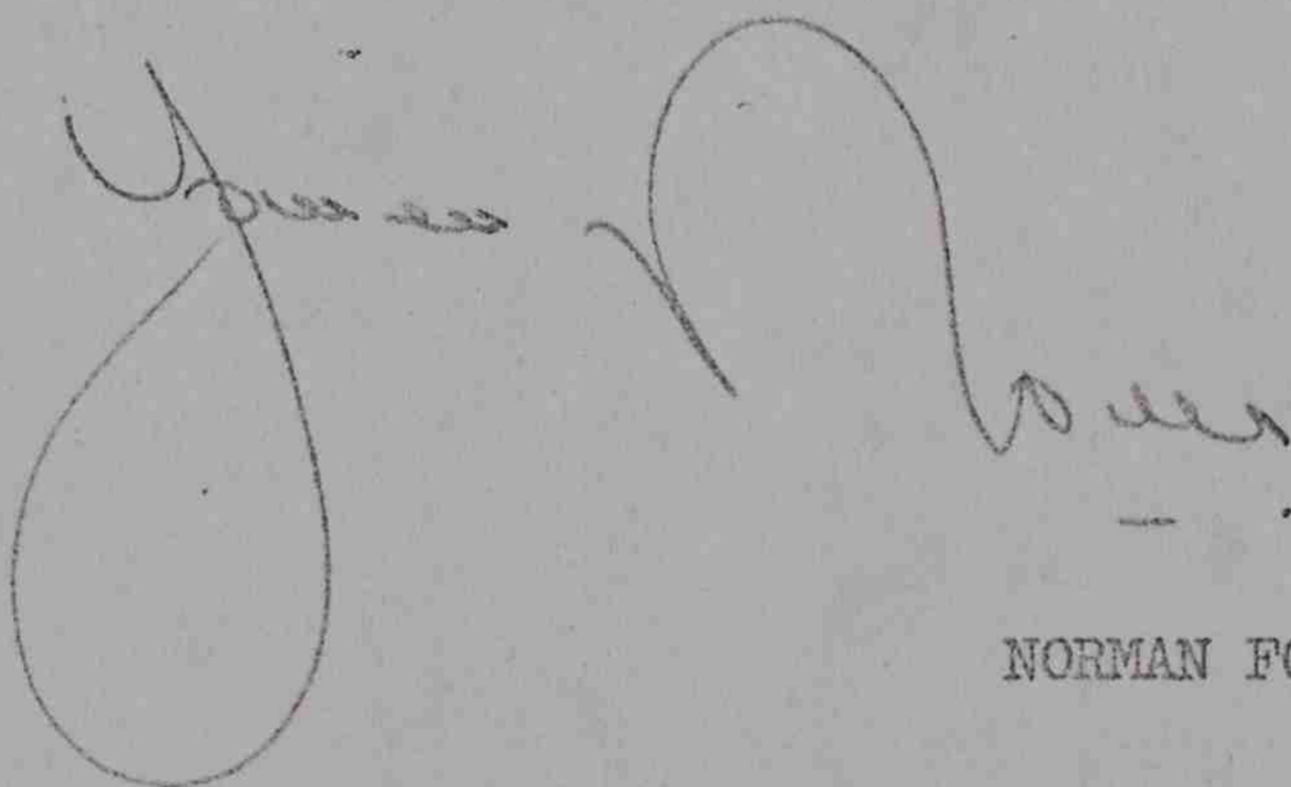
These are fairly tightly drawn to exclude other controversial problems in medical ethics - criteria for death, care of handicapped infants, abortion - which have also been the subject of public concern in recent months. A wider remit would make the task both much larger and much more controversial; it would also be much less acceptable to the medical profession.

The Chairman might be legally qualified - perhaps a judge from the Family Division - or lay; the members would include doctors, scientists, lawyers, persons with a background in marriage counselling and in theology as well as four or five non-experts. I feel it would be important to ensure a fair spread of religious beliefs among the membership. The work of the Committee might take 18 months to 2 years.

I would expect the Secretaries of State for Scotland and Wales to be jointly involved as Health Ministers, in the appointment of the Committee. The Secretary of State for Northern Ireland might also wish to be involved, though these issues might prove particularly divisive in the Province. In view of the scientific and the legal aspects of the subject, the Secretary of State for Education and Science, the Lord Chancellor and the Lord Advocate might also wish to be sponsors.

There are no resource implications, except for the cost of the Committee and its servicing which would be met from my Department's allocations.

I am copying this letter to the Prime Minister, to the members of H Committee, to the Chancellor of the Duchy of Lancaster, to the Lord Advocate and to Sir Robert Armstrong. I would welcome colleagues' comments and their agreement to the establishment of the Committee. In view of the level of public interest, it would be desirable to make an announcement of this decision and, if possible, the name of the Chairman as soon as possible. I hope to have suggestions for the latter in the near future.



NORMAN FOWLER

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