

*These notes refer to the Human Fertilisation and Embryology Act 2008 (c.22) which received Royal Assent on 13 November 2008*

# **HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2: Parenthood in Cases Involving Assisted Reproduction**

##### ***Section 35: Woman married at time of treatment***

171. There is no change to the existing position in relation to a child conceived as a result of treatment with donor sperm by a married woman. Her husband will be treated as the child's father, unless it is shown that he did not consent to his wife's treatment. This provision (and others which operate to determine legal parenthood) is subject to the common law presumption that a child is the legitimate child of a married couple, as to which see the note on section 38 below.