

# Is Scottish law on cloning to change with no discussion by MSPs?

**T**HE Scottish Government confirmed, at the end of last week, that it could not stop new UK proposals which would legalise the creation of cloned human or animal-human embryos from vulnerable Scottish adults.

This is because the provisions are reserved to the UK Parliament, which has indicated, in its draft bill on human embryology, that it would expressly suspend important sections of Scottish legislation protecting adults, who could not give explicit consent, from certain forms of biomedical research.

In this regard, the Scottish minister for public health, Shona Robinson, admitted that, because human cloning was reserved to the UK Parliament, it did not need to have any specific legislative consent in Scotland.



The draft legislation is all the more controversial since the moral status of such cloned embryos has not yet been resolved by society.

Indeed, though some members of the general public may consider these embryos as just piles of cells that can be used for destructive research, others may consider them as very small children with full moral status.

It is the first time in the world that the possibility of creating embryos for research without a

person's specific consent is being envisaged in legislation.

It would also raise the possibility of a person regaining mental capacity and then discovering that he or she had been used to create cloned embryos for destructive research.

The person might consider these clones to be his or her children.

Researchers want to create these cloned embryos from disabled adults, who cannot give explicit consent, in order to study the specific disorder, at the

embryonic and stem-cell level, with which they are afflicted.

However, it is doubtful that such a project would ever be very useful, since the cloning process itself is still associated with many unresolved scientific difficulties.

Thus, the advantages of creating such clones are very much in the realm of hopes and aspirations in the understanding of the disorders.

The disadvantages, however, are already very real to those who do not believe that human or animal-human embryos can just be reduced to valueless piles of cells.

A question also arises whether the creation of embryos from a person for research can, in fact, just be assimilated to a certain aspect of this research. This is because the creation of

embryos can be considered as an important element of the reproductive freedom of a person – a freedom that has a corresponding right for the person not to be used in this way in order to create cloned embryos.

In a way, the proposals currently being suggested by the UK government would be similar to a situation in which human embryos would be created for research from parents, but without their knowledge or explicit consent.

In this regard, it should be noted that no public consultation has ever taken place concerning these important matters in any part of the UK.

Indeed, these proposals were only accepted by the government in a House of Commons committee because of the powerful lobby of scientific

bodies that now exists within the UK.

It is, therefore, unfortunate that proposals with such consequences are being accepted by the UK government without the usual consultative procedures taking place which are expected in a democratic society.

What is more, the Westminster bill is proposing to amend important sections of Scottish legislation, which were carefully and cautiously drafted in order to respond to the necessary protections due to the most vulnerable adults in society.

This may, then, be a case in which Scottish legislation is being amended without anybody in Scotland being aware of what is happening and without the proposals even being discussed by members of the Scottish Parliament.