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Date: 31 December 2014 – House of Commons Joint Committee on Statutory Instruments

The Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015

Scottish Council on Human Bioethics Submission

In the light of the referendum vote on the 18th of September 2014 and the commitment expressed to strengthen the powers of the Scottish Parliament within the UK, the Smith Commission¹ has indicated with respect to Health and Social Affairs that:

“61. The parties are strongly of the view to recommend the devolution of abortion and regard it as an anomalous health reservation. They agree that further serious consideration should be given to its devolution and a process should be established immediately to consider the matter further.

62. The devolution of xenotransplantation; embryology, surrogacy and genetics; medicines, medical supplies and poisons; and welfare foods (i.e. matters reserved under Sections J2 to J5 of Head J – Health and Medicines, Schedule 5 to the Scotland Act 1998) should be the subject of further discussions between the UK and Scottish Governments. Those discussions are without prejudice to whether or not devolution takes place and in what form.”

Because of the above, the Scottish Council on Human Bioethics would like to ask the UK Parliament to not enact the **Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015** for Scotland.

It would be appropriate for the Westminster Parliament to put all new legislation on hold concerning these subject matters for Scotland until it has been established which elements will be devolved to the Scottish Parliament.

In the UK, it is only natural that the complex nature of devolved responsibilities in this range of policy areas should be delayed for Scotland in consideration of the full enactment of new legislation.

¹ Report of the Smith Commission for further devolution of powers to the Scottish Parliament, 27 November 2014, http://www.smith-commission.scot/wp-content/uploads/2014/11/The_Smith_Commission_Report-1.pdf