

# The law and uterus transplantation; what are the implications in the UK?

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## Objective

To investigate the legalities of a uterus transplant in the UK, both from a recipient and donor perspective.

## Design

A narrative review of the law and the potential implications of a uterus transplant in the UK.

## Methods

The following databases were searched for published studies available in the English language over the last 10 years. PUBMED, EMBASE, Cochrane central register of controlled trials (CENTRAL). Furthermore, UK legal policy documents were accessed online and case law documents were interpreted by a legal expert.

### Q What regulations are in place?

- UTx necessitates the creation of embryos via IVF It is therefore anticipated that the procedure will be subject to the regulatory frameworks of both the **Human Fertilisation and Embryology (HFE) Act 1990, the Human Tissue (HT) Act 2004 and Human Organ (Deemed Consent) Act 2019**. If this procedure becomes a clinical treatment, as it will come under **dual regulation**, it is important that attention is given to how the procedure can be safeguarded, so as to avoid anomalies of a woman with AEFI seeking to procreate via a UTx and having IVF, only to be later refused access to the UTx procedure.

### Q How are uterus’ allocated?

- As UTx transitions to a clinical procedure, **policies in parallel to other SOT’s** must be considered for its incorporation into practise. This includes the allocation of deceased donor uterus’ which importantly may need to factor the ageing recipient, in addition to regulatory policies on living UTx donors.

### Q Can any woman chose to donate her uterus?

- **Altruistic donation** is not considered in the UK at present. Altruistic donation would be lawful in England and the same rules apply to non-directed LD- it is permitted provided there is appropriate consent and the donation is made by an adult with capacity, free from duress, coercion and there has been no payment.

### Q What if the donor requests her uterus back?

- The possibility of the donor changing her mind after retrieval and requesting the uterus back (**organ restitution**), perhaps even once it has served its required ‘purpose’, is one which needs consideration from a legal standpoint. Given its **temporary therapeutic purpose**, the question arises as to whether the uterus is analogous to an implantable medical device for example, where ownership once extracted rests with the surgical team. English law does not currently address organ restitution.

### Q What if a recipient refuses to have a hysterectomy following a uterus transplant?

The law is clear, assuming the recipient is an adult patient with capacity, **she has the right** to consent, or in this context **to refuse** the recommended treatment.<sup>43</sup> She thus has a right to refuse a hysterectomy and this is the case even if refusal may result in her death.