



Health and Social Care Committee

House of Commons London SW1A 0AA

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From Steve Brine MP

Letter by email to
Rt Hon Steve Barclay MP
Secretary of State for Health and Social Care

19 September 2023

Dear Steve

Earlier this month I met with National AIDS Trust, in my role as Chair of the Health and Social Care Committee, and due to my interest as a Co-Chair of the APPG on HIV/AIDS. I am writing to draw your attention to some important points that were discussed during that meeting regarding access to fertility treatment for people living with HIV.

At Department Oral Questions on 6 June, I raised the issue of the restrictions that prevent many people living with HIV status from accessing fertility treatment, both by law and by the Government's microbiological safety guidelines. I asked your colleague, the Parliamentary Under Secretary of State, if the Government would follow the scientific evidence, particularly on undetectable viral load, and remove these surely discriminatory restrictions.

In answer to my question, the Minister confirmed that the Department was expecting the Advisory Committee on the Safety of Blood, Tissues and Organs (SaBTO) to reconsider this specific issue, and make its recommendations based on a review of the scientific advice. The Minister confirmed that its recommendations were expected by the end of June, and assured me that the Department would act 'swiftly' in response.

On 18 August 2023, SaBTO published the papers for their meeting on 15 June. The minutes confirm that the working group concluded that the "scientific evidence indicates that people living with HIV who are on effective treatment have an undetectable viral load in blood, and thus are considered at very low risk of transmitting HIV sexually." SaBTO members unanimously supported the recommendations made by the working group regarding considering a change to the law, to remove restrictions for people with HIV status. An action was noted for the Chair of the SaBTO to write to UK Health Ministers indicating their support for legislative change.

I would, therefore, be grateful if you could provide answers to the following questions:

- Has the Department received SaBTO's scientific advice on updating the Human Fertilisation and Embryology Act 1990, to allow all people living with HIV to access fertility treatment?
- Has the Department assessed whether the Secretary of State has the power to change the law to give effect to any scientific advice they have received in this area?
- Will the Department commit to a specific timeline within which it will assess any scientific advice they have received from SaBTO on HIV and fertility treatment, and to bring forward any legislation needed to give effect to such advice?

I look forward to hearing from you.

Yours sincerely

A handwritten signature in blue ink that reads "Steve Brine". The signature is written in a cursive style with a large, stylized 'S' and 'B'.

Steve Brine MP
Chair, Health and Social Care Committee