

PRESS RELEASE

FOR IMMEDIATE RELEASE

MEDIA CONTACT

Name: Emily Knight
E-Mail: emily@ldmhpartners.com

Date: 17/02/2026

High Court Safeguards Patients' Fertility Rights in Landmark Embryo and Gamete Storage Ruling

First group litigation of its kind secures continued storage for 14 of 15 patients after consent errors

London, 17 February 2026 – The High Court has granted declarations permitting the continued storage of embryos and gametes for 14 patients whose fertility material was at risk of destruction due to consent errors. The judgment, handed down by Mrs Justice Morgan DBE in *AA and Others v the Human Fertilisation and Embryology Authority and Others*, is the first of its kind and provides significant guidance on the operation of transitional consent provisions introduced by the Health and Care Act 2022.

The patients were represented by specialist medical and healthcare solicitors Jasjote Grewal, James Lawford Davies, and Nils McGuinness Hoppe of LDMH Partners, with Emma Sutton KC and Imogen Gould of Serjeants' Inn Chambers instructed as counsel. It is the first time that group litigation of this nature has been brought in the field of embryo and gamete storage.

Background

The Health and Care Act 2022 amended the Human Fertilisation and Embryology Act 1990 to extend maximum gamete and embryo storage periods from 10 years to 55 years, subject to patients renewing their consent every 10 years. A transitional period ran from 1 July 2022 to 30 June 2024, during which clinics were required to contact existing patients to obtain renewed consent under the new statutory framework.

Where renewed consent was not provided by the deadline, consent was deemed withdrawn and clinics were legally required to remove and dispose of the stored material – regardless of the patients' actual wishes. There was no statutory mechanism to correct administrative errors after the deadline had passed.

Following the end of the transitional period, a group of 15 patients discovered that their consent had not been renewed due to a range of administrative failures, including clinics failing to write to patients, sending correspondence to incorrect addresses, and operating fragmented communication systems that separated storage payment from consent renewal processes. An emergency out-of-hours order was obtained to preserve the stored material pending litigation at the end of 2024.

The Judgment

The Court held that relief should be granted where patients could demonstrate that they had not been provided with a fair and reasonable opportunity to renew their consent in accordance with the legislation. Of the 15 applications heard, 14 were successful. Each application was determined on its individual facts.

The sole unsuccessful application involved circumstances where the applicants had changed their wishes regarding continued storage. The Court drew a distinction between renewing consent and changing consent, holding that an administrative error could not be relied upon to recharacterise a change of mind.

Impact on Patients

For many of the patients involved, the stored embryos and gametes represented their only or primary prospect of becoming genetic parents. Without the Court's intervention, this material would have been destroyed as a consequence of administrative errors that were often not of the patients' making. The judgment secures the continued storage of their reproductive material and preserves the possibility of future parenthood.

Statements

James Lawford Davies, solicitor and partner at LDMH Partners, said:

"This judgment sends an important signal to fertility clinics about the need for rigorous administrative processes when managing consent under the new statutory framework. It also provides much-needed clarity on how the transitional provisions should operate in practice, which will be of direct relevance to any clinic or patient affected by similar failures."

Nils McGuinness Hoppe, solicitor advocate and partner at LDMH Partners, said:

"For our clients, this case was not an abstract legal question. The material at stake represented their chance of becoming genetic parents. The prospect of its destruction through no fault of their own was devastating. We are pleased that the Court has recognised the fundamental importance of what was at risk and has provided a principled route to relief where administrative failures have denied patients a fair opportunity to renew their consent."

NOTES TO EDITORS

About the case: [AA and Others v the Human Fertilisation and Embryology Authority and Others \[2026\] EWHC 317 \(Fam\)](#). The judgment was handed down by Mrs Justice Morgan DBE in the High Court of Justice, Family Division on 16 February 2026.

Reporting restrictions: A Transparency Order/Reporting Restrictions Order made pursuant to CPR Rule r.39.2(4) on 20 February 2025 is in force. The order prohibits the disclosure in any report of these proceedings or other publication of: (a) the name or address of any Claimant, the Claimant's Litigation Friend, or other immediate family members; (b) any details (including other names, addresses, or a specific combination of facts) that could lead to the identification of any Claimant. The names of any clinic that is a party to the proceedings are also subject to reporting restrictions pending further order of the Court. This Injunction has

effect until further order. Media reporting must comply with the terms of this order. Breach may constitute contempt of court.

About LDMH Partners: LDMH Partners is a specialist life sciences law firm with offices in York, UK, and Hannover, Germany. The firm advises clinics, hospitals, universities, research institutions, and life sciences businesses on the legal, regulatory, and ethical issues arising from innovative research, product development, and clinical application. The firm has recognised expertise in fertility law and assisted reproduction, and its lawyers have been involved in many of the leading cases in the UK in this field. The firm is authorised and regulated by the Solicitors Regulation Authority.

Legal team: The patients were represented by James Lawford Davies (solicitor and partner), Jasjote Grewal (associate solicitor) and Nils McGuinness Hoppe (solicitor advocate and partner) of LDMH Partners. Emma Sutton KC and Imogen Goold of Serjeants' Inn Chambers were instructed as counsel.

Relevant legislation: Human Fertilisation and Embryology Act 1990 (as amended); Health and Care Act 2022, Schedule 17, Part 2.