

British widow wins battle for husband's frozen sperm

March 6 2014

A British woman won a High Court battle on Thursday to preserve her late husband's sperm for at least another decade so that she can bear his children.

Beth Warren, 28, had challenged a ruling by fertility regulators that the sperm stored by her husband Warren Brewer before his death in 2012 should be destroyed next year.

Judge Mary Hogg said in a written ruling: "I am satisfied it was his wish that Mrs Warren should have the opportunity to have the use of his sperm after his death in order to have his child or children if she so wanted."

Brewer, a ski instructor who was 32 when he died, had frozen his sperm in April 2005 before receiving radiotherapy for a brain tumour, a treatment which risked making him infertile.

He named Warren as his partner and made clear he wanted her to use his sperm after he died, the judge said.

But he failed to give legal consent for it to be preserved beyond the statutory ten years, meaning Warren must use it before April 2015 or see it destroyed.

Still grieving and trying to rebuild her life, Warren argued at the High Court that she was not ready to start a family.

She asked for the sperm to be stored for the maximum 55 years allowed under the law—until April 2060—so she could choose to have his children later.

The judge approved her request, extending the storage period to at least April 2023 and then until April 2060 pending regular procedural reviews.

Warren, who took her husband's first name as her surname, said she was "elated" at the ruling.

She said her husband "was my life. I know we didn't get that life we wanted. So we made this plan".

"Now I feel I can just move on in my life. With what I want to do. With this chance Warren left me."

However, the judge later granted the Human Fertilisation and Embryology Authority (HFEA) the right to appeal, a decision which Warren's lawyer said left her "downhearted".

The HFEA licences fertility clinics carrying out assisted conception procedures such as in vitro fertilisation (IVF) as well as human embryo research.

In a statement, it said it had hoped to find a way for Warren to store the sperm for longer without creating a precedent.

"However, because the judgment acknowledges that written consent to store the sperm beyond April 2015 is not in place, the judgment may have implications for other cases in which the [sperm](#) provider's wishes are less clear," it said.

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