

Ten-year time limit on storing human eggs should be scrapped, says new research

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Credit: London School of Economics (LSE)

The 10 year statutory time limit on the storage of human eggs should be scrapped to allow women to freeze their eggs for longer periods, according to new research from the London School of Economics and Political Science (LSE).

Professor Emily Jackson, of LSE's Department of Law, examined the

statutory implications of the development of a new fast-freezing technique known as vitrification which has enabled fertility clinics to start to offer the option of 'social' [egg freezing](#) to women concerned about their declining fertility.

If a woman freezes her [eggs](#) before her fertility starts to decline, IVF using her own frozen eggs will be more likely to work into her late 30s and 40s. However, Professor Jackson, points out that a woman would be ill-advised to freeze her eggs at the optimum clinical time because the statutory storage time limit will require her eggs to be destroyed after 10 years. This, she says, "represents an interference with her right to respect for her family life, which is neither necessary nor proportionate."

The Human Fertilisation and Embryology Act 1990, updated in 2008, allows eggs to be stored for up to ten years. Extensions are allowed only if a woman is facing premature infertility, such as early menopause. As a result, says Professor Jackson, most 30-year-old egg freezers would not be eligible for an extension at the age of 40, and they would therefore be unable to use their [frozen eggs](#) at the age of 41 or 42, even though this is precisely the age when they are likely to benefit from having frozen their eggs.

The limits were originally introduced because the risks of long-term storage were unknown at that point. "It is now clear that time limits on storage are not required on safety grounds," says Professor Jackson in her paper 'Social' egg freezing and the UK's statutory storage time limits, published in the latest edition of the *Journal of Medical Ethics*. The limits have been retained so that clinics are not obliged to store eggs indefinitely. But this could easily be achieved by allowing for rolling time-limited extensions, as happens for women who are prematurely infertile.

She concludes: "Because social egg freezing is in its infancy, we do not

know what practical impact the 10-year time limit will have upon women who have frozen their eggs. If a woman has 3 years of storage left, at what point should she give up on meeting a suitable partner and attempt IVF with donor sperm, for example? It seems likely that women faced with the imminent destruction of their eggs will feel under pressure to use their eggs before time runs out for them, ironically perhaps creating a newly ticking non-biological clock.

"Nor do we know if the statutory time limit is shaping women's decisions about when to freeze their eggs. For example, are women putting off freezing their eggs until their mid-30s in order to ensure that their eggs will be usable until their mid-40s? More research is needed into how the 10-year time limit shapes women's decisions about the freezing and subsequent use of their eggs.

"The 2009 Regulations were not passed in order to accommodate the interests of women freezing their eggs as insurance against age-related fertility decline. Their impact upon this patient group is therefore inadvertent. Nevertheless, it is clear that, in relation to social egg freezing, the 2009 Regulations are a backward and regressive step which, contrary to the Minister's reassurance in parliament, leave some women demonstrably worse off than they would have been under the previous Regulations. By mandating the destruction of a woman's eggs during her reproductive lifespan, unless she happens to be prematurely infertile, the rules are illogical and their effects perverse.

"The current rules allow for extraordinarily long extensions of storage, for up to 55 years, at the same time as ruling out short extensions for [women](#) who suffer natural age-related fertility decline. Prematurely infertile men can therefore store their sperm well into old age, while a woman who freezes her eggs at the age of 30 will not be able to use her own eggs in treatment when she is 41."

More information: Emily Jackson. 'Social' egg freezing and the UK's statutory storage time limits, *Journal of Medical Ethics* (2016). [DOI: 10.1136/medethics-2016-103704](https://doi.org/10.1136/medethics-2016-103704)

Provided by London School of Economics (LSE)

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