



The Art of ART: Nigeria's Move to Regulate Surrogacy

The Nigerian Surrogacy Bill 2024 has passed its second reading at the House of Representatives, paving the way for a much-needed regulatory framework for surrogacy and Assisted Reproductive Technologies (ART). The Bill aims to protect the rights of surrogate mothers and intended parents, ensure ethical practices, and prevent exploitation in surrogacy arrangements.

Key Highlights of the Regulatory Bill

- **Regulatory Oversight:**

Establishes the Nigeria Surrogacy Regulatory Commission ("NSRC") to oversee surrogacy arrangements, maintain a national registry, and provide policy advice.

- **Mandatory Registration:**

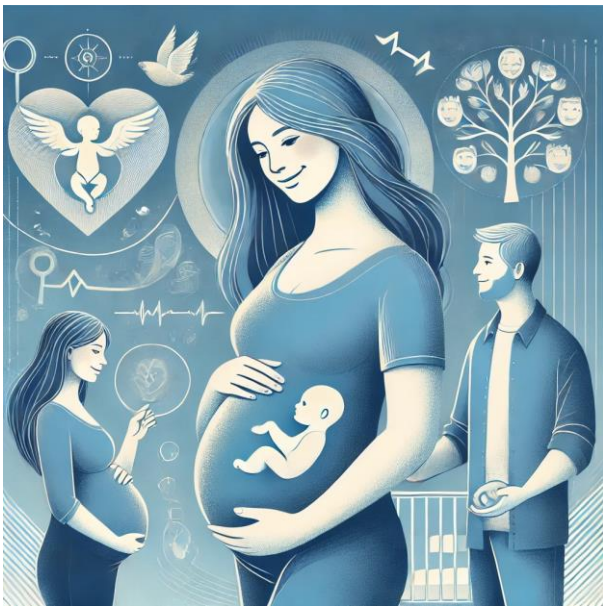
Requires surrogacy agencies to register with the Corporate Affairs Commission (CAC) and NSRC.

- **Non-Commercial Surrogacy:**

Prohibits surrogacy for profit, limiting compensation to medical expenses and reasonable reimbursements.

- **Eligibility and Consent:**

Limits surrogacy to medically certified individuals unable to conceive, requiring informed consent and binding agreements from all parties.



• **Surrogate Requirements:**

Surrogates must be at least 21 years old and undergo medical and psychological evaluations.

Implications for Key Stakeholders

1. Surrogacy Agencies :

- Agencies are expected to comply with the registration requirements, ethical practices, promoting accountability and transparency in surrogacy arrangements.
- Non-compliance with the registration and operational requirements may result in penalties, fines, or imprisonment.

2. Intended Parents:

- The Bill legally recognizes surrogacy arrangements, providing intended parents with a structured legal framework for assisted reproduction.
- The prohibition on commercial surrogacy limits compensation to medical expenses and reasonable reimbursements, which may impact the availability of surrogates.
- Intended parents are required to enter into binding legal agreements, which must be notarized and registered to ensure enforceability and reduce the risk of disputes.

3. Surrogates:

- Surrogates must meet specific health and age requirements, including being at least 21 years old and undergoing medical and psychological evaluations.
- The Bill’s prohibition on commercial surrogacy limits compensation to medical expenses and reasonable reimbursements, helping to prevent financial exploitation.

4. Healthcare Providers:

- Fertility clinics and hospitals are responsible for conducting medical screenings and evaluations for both surrogates and intended parents to ensure compliance with ethical and legal standards.
- Healthcare providers may face regulatory scrutiny and penalties if they fail to adhere to the medical and ethical requirements outlined in the Bill.

Taking a Step forward with SimmonsCooper Partners



The Surrogacy Bill 2024 is a key step toward structured regulation of assisted reproduction in Nigeria, providing clearer guidelines for surrogacy arrangements and promoting ethical practices. This framework aims to enhance transparency and ensure legal protection for all involved parties.

For expert guidance on surrogacy matters or updates on the Bill’s progress, reach out to us at info@scp-law.com or visit www.scp-law.com.