Sperm donation – who are the legal parents?

AUTHOR / KEY CONTACT

Joanne Clarke
Partner

joanne.clarke@la-law.com
01202 786127

In the UK it is a criminal offence to donate sperm for commercial gain, but many men still choose to donate sperm for many other reasons. Whatever your reason, it is important to make sure that careful consideration is given to the circumstances surrounding the way in which your sperm is donated, as this will determine whether or not you are the legal father of any child born using your sperm.

Donations through a HFEA licensed clinic

If you choose to donate your sperm via a Human Fertilisation and Embryology Authority (HFEA) licensed clinic where your sperm will be used by an unknown recipient, then you will not be considered the legal father of any child born using your sperm. Although you will be biologically linked to the child, you will have no parental rights or responsibilities towards them.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge

Any child born using your sperm will, however, have a right to access certain information about you. If you became a donor before 1 April 2005 then the child is entitled to access non-identifying information about you such as your ethnicity and hair colour. If, however, you became a donor after 1 April 2005, when the child turns 18 they will be entitled to access identifying information about you including your name and address. And since 1 October 2009, you too have the right to access information about any child conceived using your sperm including whether the child is a boy or a girl and also the year that the child was born.

Known donors

If you decide to donate sperm as a known donor, this can be done either through a HFEA licensed clinic or at home. Whether or not you are the legal father of any child born using your sperm will depend upon the circumstances of the mother at the time the child was conceived.

You will not be considered the legal father of a child born using your sperm if you donate to:

1. A married couple and the child is conceived either at a licensed clinic or at home by artificial means and the husband of the child's mother consented to the arrangement.

2. An unmarried couple and the child is conceived at a HFEA licensed clinic and the relevant HFEA parent forms are signed by mother and intended father.

3. A lesbian couple who are married or in a civil partnership and conception takes place after 6 April 2009 either at a licensed clinic or at home by artificial means and the mother's partner has consented to the arrangement.

4. A lesbian couple who are not married or in a civil partnership provided that conception takes place after 6 April 2009 at a licensed clinic and both mothers have signed the relevant HFEA parent forms.

If conception takes place in any other circumstance not included in 1 – 4 above then you will be considered the child's legal father which means that you will have all the rights and responsibilities associated with being a father. Importantly this means that you may be pursued by the child's mother for a financial contribution towards the child's upbringing. The only way that your legal fatherhood can be extinguished is if the intended father applies to adopt the child.

If you are the child's legal father and you want to play an active role in the child's life then we recommend that you enter into a sperm donor agreement (see below) and a co-parenting agreement to set out between you and the child's mother how your child should be raised.

If you are the child's legal father and you do not want to play an active role in the child's life then we recommend

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge

that you enter into a sperm donor agreement to govern the use of your sperm and outline the role that you intend to play in the child's life before your sperm is donated.

If you would like any further information about the law surrounding sperm donation, or further information on the services that the Family Team at Lester Aldridge can offer, please contact the Family Team on 0344 967 0793.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge