

# 1GC | Family Law

## Professor Kirsty Horsey

Year of Call:



## Practice Overview

Kirsty Horsey is a Professor of Law at Kent Law School. She recently completed a secondment as a Senior Research Associate at the London Women's Clinic and London Egg Bank.

Kirsty's long-term research interest focuses on the laws regulating surrogacy. She has worked with external non-profit and charitable organisations to facilitate and encourage reform. One such collaborative project – the SurrogacyUK Working Group on Surrogacy Law Reform – led to the publication of two Research Reports on the state of the law governing surrogacy, together with recommendations for reform, in 2015 and 2018 (see publications list). Professor Horsey is also part of the secretariat for the All Party Parliamentary Group on Surrogacy.

Her research interests lie primarily in the regulation of surrogacy, other forms of assisted human reproduction and genetic technologies. She is particularly interested in where these areas overlap and intersect with issues in family law, especially the concept of legal parenthood. She also researches within the law of tort, in particular those obligations based on 'relationship', assumptions of responsibility and/or imbalances of power.

## Publications

ORCID ID - <https://orcid.org/0000-0002-9316-7314>

### Articles

Horsey, K. and Jackson, E. (2023) 'The Human Fertilisation and Embryology Act 1990 and non-traditional families', *The Modern Law Review*. Wiley. Available at: <https://doi.org/10.1111/1468-2230.12818>.

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Horsey, K., Arian-Schad, M., Macklon, N. and Ahuja, K. (2023) 'UK intended parents' characteristics, experiences, and views on surrogacy law reform', *International Journal of Law, Policy and the Family*. Oxford University Press. doi: 10.1093/lawfam/ebad004.

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Horsey, K., Arian-Schad, M., Macklon, N. and Ahuja, K. (2022) 'UK surrogates' characteristics, experiences, and views on surrogacy law reform', *International Journal of Law, Policy and the Family*.

Oxford University Press. doi: 10.1093/lawfam/ebac030.

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Horsey, K. and Mahmoud, Z. (2022) 'Surrogates' and intended parents' experiences of surrogacy arrangements: a systematic review', *Reproductive BioMedicine Online*. Elsevier. doi: 10.1016/j.rbmo.2022.09.017.

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Horsey, K., Gibson, G., Lamanna, G., Priddle, H., Linara-Demakakou, E., Nair, S., Arian-Schad, M., Thackare, H., Rimington, M., Macklon, N. and others. (2022) 'First clinical report of 179 surrogacy cases in the UK: Implications for policy and practice', *Reproductive BioMedicine Online*. doi: 10.1016/j.rbmo.2022.05.027.

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Jackson, B., Horsey, K. and Spearman, A. (2021) 'Surrogate decision making in crisis', *Journal of Medical Ethics*, pp. 297-298. doi: 10.1136/medethics-2021-107573.

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Horsey, K. and Powell, A. (2020) 'A Step Too Far? Whittington Hospital NHS Trust v XX [2020] UKSC 14', *Medical Law Review*. Oxford University Press. doi: 10.1093/medlaw/fwaa037.

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Horsey, K. (2018) 'Surrogacy 2.0: What can the law learn from lived experience?', *Contemporary Issues in Law*. Lawtext Publishing.

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Horsey, K. (2016) 'Not withered on the vine: The need for surrogacy law reform', *Journal of Medical Law and Ethics*. Paris Legal Publishers, pp. 181-196. doi: 10.7590/221354016X14803383336888.

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Horsey, K. (2016) 'Fraying at the edges – UK surrogacy law in 2015', *Medical Law Review*. Oxford University Press. doi: 10.1093/medlaw/fww013.

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Horsey, K. and Sheldon, S. (2012) 'Still Hazy After All These Years: The Law Regulating Surrogacy', *Medical Law Review*, pp. 67-89. doi: 10.1093/medlaw/fwr039.

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Horsey, K. (2010) 'Challenging presumptions: legal parenthood and surrogacy arrangements', *Child and Family Law Quarterly*. Jordan Publishing Ltd, pp. 449-474.

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## Books

Horsey, K. and Rackley, E. (2024) Casebook on Tort Law (17th edition). Oxford University Press.

Horsey, K. and Rackley, E. (2023) Tort Law (8th edition). Oxford University Press

Horsey, K. and Rackley, E. (2021) Tort Law (7th edition). Oxford University Press.

Horsey, K. and Rackley, E. (2021) Casebook on Tort Law (16th edition). Oxford University Press.

Horsey, K. and Rackley, E. (2019) Tort Law (6th edition). Oxford, UK: Oxford University Press.

Horsey, K. and Rackley, E. (2019) Kidner's Casebook on Torts (15th edition). Oxford University Press.

Horsey, K. and Rackley, E. (2017) Tort Law (5th edition). Oxford, UK: Oxford University Press.

Horsey, K. and Rackley, E. (2017) Kidner's Casebook on Torts (14th edition). Oxford, UK: Oxford University Press. doi: 10.1093/he/9780199678822.001.0001.

Horsey, K. and Rackley, E. (2015) Tort Law (4th Edition). Oxford University Press.

Horsey, K. and Rackley, E. (2015) Kidner's Casebook on Torts (13th Edition). Oxford University Press.

Horsey, K. and Rackley, E. (2013) Tort Law (3rd Edition). Oxford University Press.

Horsey, K. and Rackley, E. (2011) Tort Law (2nd Edition). Oxford University Press.

Horsey, K. and Rackley, E. (2009) Tort Law. Oxford: Oxford University Press. doi: 10.1007/978-1-137-12044-1\_4.

Carr, H., Carter, S. and Horsey, K. (2009) Skills for Law Students. Oxford University Press.

## Book sections

**To be published in 2024:** Horsey, K., (2024) 'How surrogates and intended parents navigate and view the law' in Horsey, K., Mahmoud, Z. and Wade, K. (eds) (2024) Future Directions in Surrogacy Law (Bristol: Bristol University Press)

**To be published in 2024:** McCandless, J. and Horsey, K., (2024) 'Reproductive Harm, Social Justice and Tort Law: Rethinking 'Wrongful Birth' and 'Wrongful Life' Claims' in Horsey, K. (ed) (2024) Diverse Voices in Tort Law (Bristol: Bristol University Press)

Horsey, K. (2022) 'Legal Parenthood and Parental Responsibility', in Lamont, R. (ed.) Family Law (2nd edition). Oxford University Press, pp. 319-368.

Horsey, K. (2019) 'How Can a Reformed Surrogacy Law Reflect Pragmatism and Respect Ethics?', in Phillips, A. M., de Campos, T. C., and Herring, J. (eds) Philosophical Foundations of Medical Law. Oxford University Press. doi: 10.1093/oso/9780198796558.001.0001.

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Horsey, K. and Rackley, E. (2018) 'Great Debates in Tort Law', in Auchmuty, R. (ed.) Great Debates in Gender and Law. UK: Palgrave.

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Rackley, E. and Horsey, K. (2018) 'Tort Law', in *Great Debates in Gender and Law*. Palgrave Macmillan.

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Horsey, K. (2018) 'The Warnock Report of 1984', in Auchmuty, R. and Rackley, E. (eds) *Women's Legal Landmarks*. UK: Hart/Bloomsbury Publishing.

Horsey, K. (2017) 'Challenging presumptions: legal parenthood and surrogacy arrangements', in Gilmore, S. (ed.) *Parental Rights and Responsibilities*. Oxford: Routledge.

Horsey, K. (2016) 'Surrogacy in the United Kingdom: Present and Future Challenges', in Scott Sills, E. (ed.) *Handbook of Gestational Surrogacy: International Clinical Practice and Policy Issues*. Cambridge University Press, pp. 266-275.

Horsey, K. and Neofytou, K. (2015) 'The Fertility Treatment Time Forgot: What Should be Done About Surrogacy in the UK?', in Horsey, K. (ed.) *Revisiting the Regulation of Human Fertilisation and Embryology*. Abingdon, Oxfordshire: Routledge, pp. 117-135.

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Horsey, K. (2013) 'Swept Under the Carpet: Why Surrogacy Law Needs Urgent Review', in Priaux, N. and Wrigley, A. (eds) *Ethics, Law and Society*. Ashgate.

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Horsey, K. (2012) 'Trust in the Police? Police Negligence, Invisible Immunity and Disadvantaged Claimants', in Richardson, J. and Rackley, E. (eds) *Feminist Perspectives on Tort Law*. Routledge.

Mackenzie, R. (2006) 'Beyond Genetic and Gestational Dualities: Surrogacy Agreements, Legal Parenthood and Choice in Family Formation', in Horsey, K. and Biggs, H. (eds) *Human Fertilisation and Embryology: Reproducing Regulation*. London: Taylor & Francis Ltd, pp. 181-205.

Horsey, K. (2006) 'Unconsidered Inconsistencies: Parenthood and Assisted Conception', in Horsey, K. and Biggs, H. (eds) *Human Fertilisation and Embryology: Reproducing Regulation*. London: Routledge Cavendish, pp. 155-180.

Lee, E. J. (2006) 'The abortion debate today', in Biggs, H. and Horsey, K. (eds) *Human Fertilisation and Embryology: Reproducing Regulation*. London: Routledge, pp. 231-250.

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## Edited books

**To be published in 2024:** Horsey, K., Mahmoud, Z. and Wade, K. (eds) (2024) Future Directions in Surrogacy Law (Bristol: Bristol University Press)

**To be published in 2024:** Horsey, K. (ed) (2024) Diverse Voices in Tort Law (Bristol: Bristol University Press)

Horsey, K. (2015) Revisiting the Regulation of Human Fertilisation and Embryology. Edited by K. Horsey. Routledge.

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Horsey, K. and Biggs, H. (eds) (2006) Human Fertilisation and Embryology: Reproducing Regulation. London: Routledge Cavendish.

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## Edited journals

Horsey, K. (ed.) (2016) 'Journal of Medical Law and Ethics: Special edition on surrogacy law reform', Journal of Medical Law and Ethics. Paris Legal Publishers, pp. 153-280. doi: 10.7590/221354016X14803383336527.

## Research reports (external)

Wade, K., Horsey, K. and Mahmoud, Z. (2023) Children's Voices in Surrogacy Law: Phase Two Preliminary Report. University of Leicester.

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Wade, K., Horsey, K. and Mahmoud, Z. (2023) Children's Voices in Surrogacy Law: Phase One Preliminary Report. Children's Voices in Surrogacy Law.

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Horsey, K. (2018) Surrogacy in the UK: further evidence for reform: Second Report of the Surrogacy UK Working Group on Surrogacy Law Reform. Surrogacy UK.

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Horsey, K. (2015) Surrogacy in the UK: Myth busting and reform Report of the Surrogacy UK Working Group on Surrogacy Law Reform. Kent, UK: Surrogacy UK.

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## Education

University of Kent PhD, Law

## Memberships & Associations

Fellow of the RSA

Member of the SLSA

Member of IME (Institute of Medical Ethics)