



Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 3

ARRANGEMENTS

Pregnancy loss after 24 weeks

71 Section 69: no arrangements

- (1) This section applies where—
 - (a) a woman's pregnancy is terminated after its 24th week by virtue of section 1(1) (b), (c) or (d) of the Abortion Act 1967, and
 - (b) it appears to the appropriate health authority that no arrangements have been or are being made by virtue of section 69(2) for the remains of the fetus to be buried or cremated.
- (2) The appropriate health authority must give the woman an opportunity to decide—
 - (a) whether she wishes to make the arrangements for the remains of the fetus to be buried or cremated, or
 - (b) whether she wishes to authorise the appropriate health authority to make those arrangements—
 - (i) in a way specified by the woman, or
 - (ii) in a way specified by the authority.
- (3) For the purposes of subsection (2)(b), the appropriate health authority must inform the woman if it would not be reasonably practicable for the authority to arrange for the remains to be buried or cremated in a particular way.
- (4) Subsection (5) applies if—
 - (a) the woman informs the appropriate health authority that she does not wish to make arrangements for the remains of the fetus to be buried or cremated,
 - (b) the woman is unable to make a decision under subsection (2), or
 - (c) the woman does not inform the appropriate health authority of a decision that she has made under subsection (2).

Changes to legislation: There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 71. (See end of Document for details)

- (5) The appropriate health authority may make arrangements for the remains to be buried or cremated.
- (6) The appropriate health authority must keep a record of prescribed information.
- (7) In this section, “appropriate health authority”, in relation to a woman whose pregnancy is terminated as mentioned in subsection (1), means—
 - (a) if the time when the pregnancy is terminated the woman is in the care of a Health Board, that Health Board,
 - (b) if at the time when the pregnancy is terminated the woman is in the care of an independent health care service, that independent health care service.

Commencement Information

II [S. 71](#) in force at 4.4.2019 by [S.S.I. 2018/380](#), [reg. 2](#), [sch.](#) (with [reg. 8](#))

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