



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 3

#### ARRANGEMENTS

##### *Pregnancy loss after 24 weeks*

#### **72 Duty of health body where still-birth likely to occur**

- (1) This section applies where an appropriate health body informs a woman that the appropriate health body considers that it is likely that the woman's pregnancy will end with a still-birth (other than in consequence of the termination of the pregnancy by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967).
- (2) If the appropriate health body considers that it would be in the woman's best interests to do so, the appropriate health body 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,
  - (b) whether she wishes to authorise the appropriate health body to make those arrangements—
    - (i) in a way specified by the woman, or
    - (ii) in a way specified by the body,
  - (c) if she wishes to authorise the body under paragraph (b), whether she wishes to authorise the body to make those arrangements—
    - (i) as soon as practicable after the still-birth occurs, or
    - (ii) after the expiry of the 7-day period.
- (3) For the purposes of subsection (2)(b), the appropriate health body must inform the woman if it would not be reasonably practicable for the body to arrange for the remains to be buried or cremated in a particular way.
- (4) The appropriate health body must keep a record of prescribed information.
- (5) In this section—

“7-day period” means the period of 7 days beginning with the day on which the still-birth occurs,

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*Status: This is the original version (as it was originally enacted).*

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“appropriate health body”, in relation to a woman, means—

- (a) if at the time when the woman is informed of the matter mentioned in subsection (1) the woman is in the care of a Health Board, that Health Board,
- (b) if at the time when the woman is informed of the matter mentioned in subsection (1) the woman is in the care of an independent health care service, that independent health care service.