

# Burial and Cremation (Scotland) Act 2016 

## 2016 asp 20

## PART 3

ARRANGEMENTS

Pregnancy loss on or before 24 weeks

78 Section 77: health body authorised to make arrangements
(1) This section applies where-
(a) a woman's pregnancy ends before or on completion of its 24th week,
(b) after being parted from the woman the fetus does not breathe or show any other signs of life,
(c) at the time when the pregnancy ends the woman is in the care of a relevant health body, and
(d) the relevant health body is authorised by virtue of section 77(2)(c) to make arrangements for the remains of the fetus to be buried or cremated.
(2) The relevant health body-
(a) may make arrangements for the remains to be buried or cremated, and
(b) if by virtue of section 77(2)(c)(i) it is authorised to do so in a specified way, must do so in that way.
(3) The relevant health body may make the arrangements-
(a) if the authorisation was given by virtue of section 77(2)(d)(i), as soon as practicable after the pregnancy ends,
(b) if the authorisation was given by virtue of section 77(2)(d)(ii) and not withdrawn before the expiry of the 7 -day period, after the expiry of that period.
(4) In this section, "7-day period" and "relevant health body" have the meanings given by section 77(5).

## Commencement Information

I1 S. 78 in force at 4.4 .2019 by S.S.I. 2018/380, reg. 2, sch. (with reg. 8)

## Changes to legislation:

There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 78.

