



# 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  - (b) if the authorisation was given by virtue of section 77(2)(d)(ii) and not withdrawn before the expiry of the 7-day period, after the expiry of that period.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**

**II** 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.