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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 384**

**BURIAL  
CREMATION**

**The Burial and Cremation (Pregnancy Loss Prescribed  
Information and Forms) (Scotland) Regulations 2018**

*Made - - - - 18th December 2018*  
*Laid before the Scottish*  
*Parliament - - - - 20th December 2018*  
*Coming into force - - 4th April 2019*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 69(4), 71(6), 72(4), 74(6), 75(4)(a), 77(4), 79(5)(a) and (7)(a), 80(4)(a), 81(5)(a) and (7)(a), 85(1) and 106(1) of the Burial and Cremation (Scotland) Act 2016<sup>(1)</sup> and all other powers enabling them to do so.

*General*

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Burial and Cremation (Pregnancy Loss Prescribed Information and Forms) (Scotland) Regulations 2018 and come into force on 4 April 2019.

(2) In these Regulations unless otherwise specified, references to a section are to a section of the Burial and Cremation (Scotland) Act 2016.

(3) In these Regulations—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(2)</sup> and similar expressions are to be construed accordingly, and

“patient identifier” means a patient’s—

- (a) community health index number, or
- (b) where that number is not known, any other number or other indicator which from time to time may be used to identify a patient individually.

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(1) [2016 asp 20](#). Section 107(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) [2000 c.7](#). Section 15 was amended by paragraph 158 of schedule 17 of the Communications Act [2003 \(c.21\)](#).

- (4) A form set out in a schedule of these Regulations may be communicated electronically.
- (5) A signature required as shown on a form set out in a schedule of these Regulations must—
  - (a) where an electronic form is used or a form is an electronic communication, be—
    - (i) a signature in digital ink, or
    - (ii) an image of a signature, or
  - (b) where a paper form is used, be a signature in ink,and must be the signatory's handwritten signature.

*Pregnancy loss after 24 weeks*

**Pregnancy to be terminated after 24 weeks: prescribed information for section 69(4)**

2.—(1) The information in paragraph (2) is prescribed information for the purpose of section 69(4) (arrangements where woman's pregnancy is to be terminated after 24 weeks: appropriate health body record of prescribed information).

- (2) The information is—
  - (a) the woman's name,
  - (b) the woman's home address,
  - (c) the woman's patient identifier,
  - (d) the gestational age of pregnancy,
  - (e) any decision by the appropriate health body that it is not in the woman's best interests to be given an opportunity to decide on the matters in paragraph (3),
  - (f) where the appropriate health body considers that it is in the woman's best interests to give the woman an opportunity to decide on the matters in paragraph (3)—
    - (i) that the woman made no decision on the matters, or
    - (ii) the decision of the woman on the matters,
  - (g) where the woman decides she wishes to authorise the appropriate health body to make arrangements for the remains of the fetus to be buried or cremated—
    - (i) the name of the individual to whom the decision is communicated by the woman,
    - (ii) the position held in the appropriate health body by the individual to whom the decision is communicated by the woman, and
    - (iii) the date on which the decision is communicated to the individual by the woman, and
  - (h) where the woman decides she wishes to authorise the appropriate health body to make arrangements for the remains of the fetus to be buried or cremated in a way specified by the woman, the way specified.
- (3) The matters are—
  - (a) whether the woman wishes to make the arrangements for the remains of the fetus to be buried or cremated,
  - (b) whether the woman 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 the woman wishes to authorise the appropriate health body under paragraph (b), whether she wishes to authorise the body to make those arrangements—

- (i) as soon as practicable after the pregnancy is terminated, or
- (ii) after the expiry of the 7-day period.

(4) In this regulation references to “the woman” are to the woman whose pregnancy is to be terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967(3), as mentioned in section 69(1).

(5) In this regulation “7-day period” and “appropriate health body” have the meanings given in section 69(5).

### **No arrangements under section 69: prescribed information for section 71(6)**

**3.—**(1) The information in paragraph (2) is prescribed information for the purpose of section 71(6) (arrangements where woman’s pregnancy is terminated after 24 weeks and no arrangements under section 69: appropriate health authority record of prescribed information).

(2) The information is—

- (a) the woman’s name,
- (b) the woman’s home address,
- (c) the woman’s patient identifier,
- (d) the gestational age of pregnancy,
- (e) where the woman does not make a decision on the matters in paragraph (3), that the woman made no decision on those matters,
- (f) where the woman makes a decision on the matters in paragraph (3), the decision,
- (g) where the woman decides she wishes to authorise the appropriate health authority to make arrangements for the remains of the fetus to be buried or cremated—
  - (i) the name of the individual to whom the decision is communicated by the woman,
  - (ii) the position held in the appropriate health authority by the individual to whom the decision is communicated by the woman, and
  - (iii) the date on which the decision is communicated to the individual by the woman,
- (h) where the woman decides she wishes to authorise the appropriate health authority to make arrangements for the remains of the fetus to be buried or cremated in a way specified by the woman, the way specified, and
- (i) where section 71(5) applies, the arrangements made by the appropriate health authority for the remains to be buried or cremated.

(3) The matters are—

- (a) whether the woman wishes to make the arrangements for the remains of the fetus to be buried or cremated, or
- (b) whether the woman 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.

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(3) 1967 c.87. Section 1 was amended by the Health Services Act 1980 (c.53), sections 1 and 2 and schedule 1, paragraph 17(1); the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 8; the Human Fertilisation and Embryology Act 1990 (c.37), section 37; the Health and Social Care (Community Health and Standards) Act 2003 (c.43), schedule 4, paragraph 10; the National Health Service (Consequential Provisions) Act 2006 (c.43), schedule 1, paragraph 30; and the Health and Social Care Act 2012, schedule 5, paragraph 9 and by S.I. 2000/90.

(4) In this regulation references to “the woman” are to the woman whose pregnancy is terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967, as mentioned in section 71(1).

(5) In this regulation “appropriate health authority” has the meaning given in section 71(7).

**Still-birth likely to occur: prescribed information for section 72(4)**

4.—(1) The information in paragraph (2) is prescribed information for the purpose of section 72(4) (arrangements where woman’s pregnancy likely to end with a still-birth: appropriate health body record of prescribed information).

(2) The information is—

- (a) the woman’s name,
- (b) the woman’s home address,
- (c) the woman’s patient identifier,
- (d) the gestational age of pregnancy,
- (e) any decision by the appropriate health body that it is not in the woman’s best interests to be given an opportunity to decide on the matters in paragraph (3),
- (f) where the appropriate health body considers that it is in the woman’s best interests to give the woman an opportunity to decide on the matters in paragraph (3)—
  - (i) that the woman made no decision on the matters, or
  - (ii) the decision of the woman on the matters,
- (g) where the woman decides she wishes to authorise the appropriate health body to make arrangements for the remains of the fetus to be buried or cremated—
  - (i) the name of the individual to whom the decision is communicated by the woman,
  - (ii) the position held in the appropriate health body by the individual to whom the decision is communicated by the woman, and
  - (iii) the date on which the decision is communicated to the individual by the woman, and
- (h) where the woman decides she wishes to authorise the appropriate health body to make arrangements for the remains of the fetus to be buried or cremated in a way specified by the woman, the way specified.

(3) The matters are—

- (a) whether the woman wishes to make the arrangements for the remains of the fetus to be buried or cremated,
- (b) whether the woman 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 the woman wishes to authorise the appropriate health 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.

(4) In this regulation references to “the woman” are to the woman who has been informed by the appropriate health body that the appropriate health body considers that it is likely that her pregnancy will end in 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), mentioned in section 72(1).

(5) In this regulation “7-day period” and “appropriate health body” have the meanings given in section 72(5).

**No arrangements under section 72: prescribed information for section 74(6)**

5.—(1) The information in paragraph (2) is prescribed information for the purpose of section 74(6) (arrangements where still-birth occurs and no arrangements under section 72: appropriate health body record of prescribed information).

(2) The information is—

- (a) the woman’s name,
- (b) the woman’s home address,
- (c) the woman’s patient identifier,
- (d) the gestational age of pregnancy,
- (e) the name of the nearest relative of the still-born child,
- (f) the relationship of the nearest relative to the still-born child,
- (g) whether the nearest relative of the still-born child decides that they will make arrangements for the remains of the still-born child to be buried or cremated,
- (h) where the nearest relative decides not to make arrangements for the remains of the still-born child to be buried or cremated, the decision of the nearest relative on the matter in paragraph (3),
- (i) where the nearest relative makes a decision to authorise the appropriate health body to make arrangements for the remains of the still-born child to be buried or cremated—
  - (i) the name of the individual to whom the decision is communicated by the nearest relative,
  - (ii) the position held in the appropriate health body by the individual to whom the decision is communicated by the nearest relative, and
  - (iii) the date on which the decision is communicated to the individual by the nearest relative, and
- (j) where the nearest relative decides they wish to authorise the appropriate health body to make arrangements for the remains of the still-born child to be buried or cremated in a way specified by the nearest relative, the way specified.

(3) The matter is whether the nearest relative authorises the appropriate health body to make arrangements for the remains of the still-born child to be buried or cremated—

- (a) in a way specified by the nearest relative, or
- (b) in a way specified by the body.

(4) In this regulation references to “the woman” are to the woman whose pregnancy has ended in 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), mentioned in section 74(1).

(5) In this regulation—

“appropriate health body” has the meaning given in section 74(10), and  
“nearest relative” is to be construed in accordance with section 74(3) (read with section 74(7) to (9)).

**Appropriate health body authorised to make arrangements under section 74(4)(a): record of decision that arrangements may be made before expiry of 7 day period**

6. For the purposes of section 75(4)(a) the record of the decision under section 75(3) (record of decision of nearest relative that appropriate health body may make arrangements under section 74(4)(a) before expiry of 7-day period(4)) must be in the form set out in schedule 1.

*Pregnancy loss on or before 24 weeks*

**Pregnancy likely to end on or before 24th week: prescribed information for section 77(4)**

7.—(1) The information in paragraph (2) is prescribed information for the purpose of section 77(4) (arrangements where woman's pregnancy likely to end before, or on completion of, 24th week: relevant health body record of prescribed information).

(2) The information is—

- (a) the woman's name,
- (b) the woman's home address,
- (c) the woman's patient identifier,
- (d) gestational age of pregnancy,
- (e) any decision by the relevant health body that it is not in the woman's best interests to be given an opportunity to decide on the matters in paragraph (3),
- (f) where the relevant health body considers that it is in the woman's best interests to give the woman an opportunity to decide on the matters in paragraph (3)—
  - (i) that the woman made no decision on the matters, or
  - (ii) the decision of the woman on the matters,
- (g) where the woman decides she wishes to authorise the relevant health body to make arrangements for the remains of the fetus to be buried or cremated—
  - (i) the name of the individual to whom the decision is communicated by the woman,
  - (ii) the position held in the relevant health body by the individual to whom the decision is communicated by the woman, and
  - (iii) the date on which the decision is communicated to the individual by the woman,
- (h) where the woman decides she wishes to authorise an individual of or over 16 years of age to make arrangements for the remains of the fetus to be buried or cremated, the name of the individual and the individual's relationship to the woman, and
- (i) where the woman decides she wishes to authorise an individual of or over 16 years of age or the relevant health body to make arrangements for the remains of the fetus to be buried or cremated in a way specified by the woman, the way specified.

(3) The matters are—

- (a) whether the woman wishes to make the arrangements for the remains of the fetus to be buried or cremated,
- (b) whether the woman wishes to authorise an individual of or over 16 years of age to make those arrangements—
  - (i) in a way specified by the woman, or
  - (ii) in a way specified by the body,

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(4) Section 75(6) defines the 7-day period as the period of 7 days beginning with the day on which the authorisation is given under section 74(4)(a).

- (c) whether the woman wishes to authorise the relevant health body to make those arrangements—
  - (i) in a way specified by the woman, or
  - (ii) in a way specified by the body,
- (d) if the woman wishes to authorise the relevant health body under paragraph (c), whether she wishes to authorise the body to make those arrangements—
  - (i) as soon as practicable after the pregnancy ends, or
  - (ii) after the expiry of the 7-day period.

(4) In this regulation references to “the woman” are to the woman who has been informed by the relevant health body that the relevant health body considers that it is likely that her pregnancy will end before or on completion of its 24th week, mentioned in section 77(1).

(5) In this regulation “7-day period” and “relevant health body” have the meanings given in section 77(5).

#### **Pregnancy ends before or on completion of 24th week: arrangements**

**8.—(1)** For the purposes of section 79(5)(a) a decision under section 79(2) made before the expiry of the initial period<sup>(5)</sup> (decision by woman: arrangements for fetus to be buried or cremated) must be recorded—

- (a) in Section B of the form set out in schedule 2 where the decision is a decision under section 79(2)(c)(ii) (decision to authorise the appropriate health authority to make arrangements for the remains of the fetus to be buried or cremated in a way specified by the authority) and the woman has declined to discuss further those arrangements,
  - (b) in all other cases in Section A of the form set out in schedule 2.
- (2) For the purposes of section 79(7)(a)—
- (a) the matter mentioned in section 79(8)(a) (decision under section 79(2): arrangements for fetus to be buried or cremated) must be recorded in Section A of the form set out in schedule 2,
  - (b) the matter mentioned in section 79(8)(b) (no decision by woman after expiry of the initial period: arrangements for fetus to be buried or cremated) must be recorded in Section E of the form set out in schedule 2.
- (3) For the purposes of section 80(4)(a)—
- (a) a decision under section 80(2)(a) (change of decision under section 79(2)) must be recorded in Section C of the form set out in schedule 2,
  - (b) a decision under section 80(2)(b) (decision under section 79(2) not previously made) must be recorded in Section A of the form set out in schedule 2.

(4) For the purposes of section 83(4)(a) a decision under section 83(3) to authorise the appropriate health authority to make arrangements for the remains of the fetus to be buried or cremated before the expiry of the 7-day period must be recorded in Section D of the form set out in schedule 2 where the appropriate health authority is authorised to make arrangements by virtue of section 79(2) or 80(2).

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(5) Section 79(9) defines “initial period” as the period of 7 days beginning with the day on which a fetus, having been parted from the woman whose pregnancy has ended, does not breathe or show any other signs of life.

### **Pregnancy ends before or on completion of 24th week: individual authorised to make arrangements**

9.—(1) For the purposes of section 81(5)(a) the authorisation under section 81(2)(a) (individual authorises appropriate health body to make arrangements for remains to be buried or cremated) must be recorded in Section A of the form set out in schedule 3.

(2) For the purposes of section 81(7)(a) the record of the facts in section 81(6) (individual does not inform the appropriate health body of arrangements made or authorise the appropriate health authority to make arrangements) must be recorded in Section C of the form set out in schedule 3.

(3) For the purposes of section 83(4)(a) a decision under section 83(3) to authorise the appropriate health authority to make arrangements for the remains of the fetus to be buried or cremated before the expiry of the 7-day period must be recorded in Section B of the form set out in schedule 3 where the appropriate health authority is authorised to make arrangements by virtue of section 81(2)(a).

### **Pregnancy losses: health authority register**

10.—(1) For the purpose of section 85(1) (duty of health authority to keep register)—

- (a) where paragraph (2) applies, the prescribed information is the information in Part 1 of schedule 4, and
- (b) where paragraph (3) applies the prescribed information is the information in Part 2 of schedule 4.

(2) This paragraph applies where, by virtue of the provisions mentioned in column 1 of the following table the health authority (as appropriate health body within the meaning of the provision mentioned in column 2 of the table) is authorised to make arrangements for the remains of the fetus to be buried or cremated

<i>Column 1</i> Provision by virtue of which the health authority is authorised to make arrangements for burial or cremation	<i>Column 2</i> Appropriate health body	<i>Column 3</i> Reference to “woman” in schedule 4
section 69(2)(b)	as appropriate health body within the meaning of section 69(5)	the woman whose pregnancy is terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967
section 71(2)(b)	as appropriate health authority within the meaning of section 69(5)	the woman whose pregnancy is terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967
section 72(2)(b)	as appropriate health body within the meaning of section 72(5)	the woman whose pregnancy is terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967
section 74(4)(a)	as appropriate health body within the meaning of section 74(10)	the woman whose pregnancy ends in still-birth other than in consequence



<i>Column 1</i> Provision by virtue of which the health authority is authorised to make arrangements for burial or cremation	<i>Column 2</i> Appropriate health body	<i>Column 3</i> Reference to “woman” in schedule 4
		of the termination of the pregnancy by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967
section 77(2)(c)	as relevant health body within the meaning of section 77(5)	the woman whose pregnancy ends in 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
section 79(2)(c)	as appropriate health authority within the meaning of section 79(9)	the woman whose pregnancy ends on or before completion of its 24th week
section 81(2)(a)	as appropriate health authority within the meaning of section 79(9)	the woman whose pregnancy ends on or before completion of its 24th week
section 84(2)	as appropriate health authority within the meaning of section 79(9)	the woman whose pregnancy ends on or before completion of its 24th week.

(3) This paragraph applies where, by virtue of the provisions mentioned in column 1 of the following table the health authority (as the appropriate health authority or health body within the meaning of the provision mentioned in column 2 of the table) is authorised to make arrangements for the remains of the fetus to be buried or cremated

<i>Column 1</i> Provision by virtue of which the health authority is authorised to make arrangements for burial or cremation	<i>Column 2</i> Appropriate health body	<i>Column 3</i> Reference to “woman” in schedule 4
section 71(5)	as appropriate health authority within the meaning of section 69(5)	the woman whose pregnancy is terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967
section 76(2)	as appropriate health body within the meaning of section 74(10)	the woman whose pregnancy ends in still-birth other than

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<i>Column 1</i> Provision by virtue of which the health authority is authorised to make arrangements for burial or cremation	<i>Column 2</i> Appropriate health body	<i>Column 3</i> Reference to “woman” in schedule 4
		in consequence of the termination of the pregnancy by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967
section 84(3)	as appropriate health authority within the meaning of section 79(9)	the woman whose pregnancy ends on or before completion of its 24th week.

(4) In this regulation and in schedule 4—

- (a) “health authority” (other than when it appears in the phrase “appropriate health authority”) has the meaning given in section 85(4),
- (b) “nearest relative” is to be construed in accordance with section 74(3) (read with section 74(7) to (9)), and
- (c) references to “the woman” are to be construed in accordance with the description in column 3 of the tables in paragraphs (2) and (3).

St Andrew’s House,  
Edinburgh  
18th December 2018

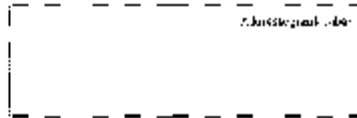
*JOE FITZPATRICK*  
Authorised to sign by the Scottish Ministers

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### SCHEDULE 1

Regulation 6

#### Form 1



Authorised on for the burial or the removal of a still born baby which may take place within 7 days  
To be completed by the nearest relative

It is to be returned to the hospital with the child

You should complete this form after you have spoken to your or the nearest contact who will respond if a coffin is available to you in your area. These options are set out in the box above.

You should also indicate the name of nearest relative (and the relationship to baby) authorising the hospital to make the arrangements. Please circle your chosen option in the box above.

The hospital will then normally arrange the burial or cremation to take place before 7 days if you wish to change your decision. If you have no objection to the burial or cremation taking place before 7 days, please tick the box below.

- I authorise the hospital to arrange the burial or cremation for 7 days (with agreement) and I understand that, by doing so, I may not be able to change my decision.

**Notes:**

When you submit this form, you will be asked to provide as much information as possible. If you are unable to do so, the Department of Cremation will have to make a request for this. You can instruct what happens in the event of such a request.

**Signature**

Your name (BLOCK CAPITALS) \_\_\_\_\_

Your address (BLOCK CAPITALS) \_\_\_\_\_

Your signature \_\_\_\_\_

Witness Name (BLOCK CAPITALS) \_\_\_\_\_

Witness Address and Postcode (BLOCK CAPITALS) \_\_\_\_\_

Witness Signature \_\_\_\_\_

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**Notes:**

This form should be completed by the nearest relative, when authorising the hospital to arrange the burial or cremation of a stillborn baby which may take place within 7 days.

The hierarchy of nearest relatives who can authorise the hospital to make the arrangements is set out below:

- the stillborn baby's parent
- the stillborn baby's brother or sister (16 years or older)
- the stillborn baby's grandparent
- the stillborn baby's uncle or aunt (16 years or older)
- the stillborn baby's cousin (16 years or older)
- the stillborn baby's niece or nephew (16 years or older)

## SCHEDULE 2

Regulation 8

### Form 2

Addressograph label

#### **Authorisation for burial or cremation following pregnancy loss**

This form is used to record your wishes. You do not have to make a decision straight away, you can take time to consider the option that is best for you. When you come to a decision please complete **Section A**.

If you do not wish to discuss the options and wish to authorise the hospital to make the arrangements of your behalf, please proceed to **section B**.

**Section C** of this form is completed if you change your decision.

**Section D** of this form is completed where you authorise the hospital to arrange the burial or cremation within 7 days (where possible).

**Section E** of this form is completed if you do not inform the hospital of your decision.

#### **Help and support**

If you have any questions about the option you have chosen or any other part of the process, for example the date on which the burial or cremation will take place, please ask your designated contact or call the telephone number below.

Contact telephone number \_\_\_\_\_

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**Section A – Your wishes for burial or cremation**

Hospital to list available options here, including the option to make own arrangements and a description of the hospital's standard procedure.

- Hospital staff have explained the options to me and I understand the options available.

Please circle your chosen option in the box above.

Making your own arrangements

If you are making your own arrangements but are not taking your pregnancy loss with you straight away please contact the hospital as soon as you have made the arrangements. If you have not contacted the hospital within 6 weeks following your pregnancy loss, or if you have informed the hospital of your arrangements but your pregnancy loss has not been collected within the 6 weeks, the hospital may make arrangements for burial or cremation of your pregnancy loss in line with the hospital's standard procedure.

Authorised individual

If you would like to authorise someone else who is 16 years or older to make the arrangements on your behalf please provide their name and contact details below. If you would like to specify burial, cremation or that the hospital decides on the arrangements, please write your wishes in the box below:

[Empty box for writing wishes]

Name of individual [BLOCK CAPITALS] .....  
Address and postcode of individual [BLOCK CAPITALS] .....  
Relationship to you: .....  
Contact details for individual: .....

**Ashes**

For shared or individual cremation, crematorium staff will make every effort to recover ashes. If ashes are not recovered, the Inspector of Cremation will investigate the reasons for this.

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If you choose shared cremation, individual ashes will not be available for collection. Shared ashes will be buried or scattered in line with the crematorium's standard procedure.

If you choose individual cremation, you can instruct what happens to the individual ashes that are recovered.

**Hospital Examination**

If you have given authorisation for the hospital to examine your pregnancy loss, there is a possibility that there will be no tissue left for burial or cremation following examination.

**Signature**

Your name [BLOCK CAPITALS].....  
Your address and postcode [BLOCK CAPITALS] .....  
Signature..... Date.....

Witness name [BLOCK CAPITALS]..... Job title.....  
Witness Address and Postcode [BLOCK CAPITALS] .....  
Witness signature ..... Date.....

If, after discussing the options, you would like more time to consider your decision, please tick the box below.

I would like more time to consider my decision.

Please contact the hospital on the number below as soon as you have reached a decision.

Hospital telephone number: \_\_\_\_\_

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**Section B - Decline to discuss**

I have declined to discuss this matter and understand that the hospital will proceed according to its standard procedure.

**Signature**

Your name [BLOCK CAPITALS].....  
Your address and postcode [BLOCK CAPITALS] .....  
Signature..... Date.....

Witness name [BLOCK CAPITALS]..... Job title .....  
Witness Address and Postcode [BLOCK CAPITA.....  
Witness signature ..... Date.....

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**Section C – Changing your decision**

Please record your new decision in the box below.

Making your own arrangements

If you are making your own arrangements but are not taking your pregnancy loss with you straight away please contact the hospital as soon as you have made the arrangements. If you have not contacted the hospital within 6 weeks following your pregnancy loss, or if you have informed the hospital of your arrangements but your pregnancy loss has not been collected within the 6 weeks, the hospital may make arrangements for burial or cremation of your pregnancy loss in line with the hospital's standard procedure.

Authorised individual

If you would like to authorise someone else who is 16 years or older to make the arrangements on your behalf please provide their name and contact details below. If you would like to specify burial, cremation or that the hospital decides on the arrangements, please write your wishes in the box below:

Name of individual [BLOCK CAPITALS] .....  
Address and postcode of individual [BLOCK CAPITALS] .....  
Relationship to you: .....  
Contact details for individual: .....

**Ashes**

For shared or individual cremation, crematorium staff will make every effort to recover ashes. If ashes are not recovered, the Inspector of Cremation will investigate the reasons for this.

If shared cremation is chosen, individual ashes will not be available for collection. Shared ashes that are recovered will be buried or scattered in line with the crematorium's standard procedure.

If you choose individual cremation, you can instruct what happens to the individual ashes that are recovered.



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Corrected version of the extract of Form 2 "Authorisation for burial or cremation following pregnancy loss" (Section C continued plus Sections D and E) which appears on page 17 of S.S.I. 2018/384

**Hospital Examination**

If you have given consent for the hospital to examine your pregnancy loss there is a possibility that there will be no tissue left for burial or cremation following examination.

**Signature** (secure the patient's signature where possible)

Your name [BLOCK CAPITALS].....  
Your address and postcode [BLOCK CAPITALS] .....  
Signature..... Date.....

Witness name [BLOCK CAPITALS].....  
Job title.....  
Witness Address and Postcode [BLOCK CAPITALS] .....  
Witness signature .....  
Date.....

**Section D - Date of burial or cremation**

The hospital will not normally arrange the burial or cremation to take place before 7 days, in case you wish to change your decision. If you have no objection to the burial or cremation taking place before 7 days, please tick the box below.

I authorise the hospital to arrange the burial or cremation before 7 days (where possible) and I understand that by doing so I may not be able to change my decision.

**Signature**

Your name [BLOCK CAPITALS].....  
Your address and postcode [BLOCK CAPITALS] .....  
Signature.....  
Date.....

Witness name [BLOCK CAPITALS].....  
Job title.....  
Witness Address and Postcode [BLOCK CAPITALS] .....  
Witness signature .....  
Date.....

**Section E – Where no decision has been made**

Where the hospital has not been informed of a decision, the hospital should record that fact in the box below and, where possible, secure the patient's signature.

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Corrected version of the extract of Form 2 "Authorisation for burial or cremation following pregnancy loss" (Section E continued) which appears on page 18 of S.S.I. 2018/384

**Signature**

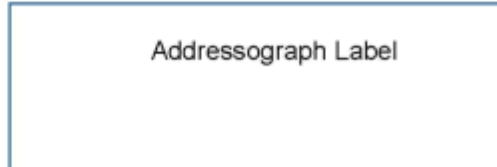
Your name [BLOCK CAPITALS].....  
Your address and postcode [BLOCK CAPITALS] .....  
Signature..... Date.....

Witness name [BLOCK CAPITALS]..... Job title.....  
Witness Address and Postcode [BLOCK CAPITALS] .....  
Witness signature ..... Date.....

SCHEDULE 3

Regulation 9

Form 3



**Authorisation for burial or cremation following pregnancy loss  
To be completed by the authorised individual**

This form is used to record your wishes. When you come to a decision please complete **Section A**.

**Section B** of this form is completed where you authorise the hospital to arrange the burial or cremation within 7 days (where possible).

**Section C** of this form is completed if you do not inform the hospital of your decision.

**Help and support**

If you have any questions about the option you have chosen or any other part of the process, for example the date on which the burial or cremation will take place, please ask your designated contact or call the telephone number below.

Contact telephone number \_\_\_\_\_

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**Section A**

**Options:**

Hospital to list all available options here, including option to make own arrangements and a description of the hospital's standard procedure.

I ..... (name of the authorised individual)  
..... (relationship to patient) have been authorised to make the arrangements for burial or cremation.

**Hospital staff have explained the options to me and I understand the options available.**

Please circle the chosen option in the box above.

Making your own arrangements

If you are making your own arrangements but are not taking the pregnancy loss with you straight away please contact the hospital as soon as you have made the arrangements. If you have not contacted the hospital within 6 weeks following your pregnancy loss, or if you have informed the hospital of your arrangements but your pregnancy loss has not been collected within the 6 weeks, the hospital may make arrangements for burial or cremation of your pregnancy loss in line with the hospital's standard procedure.

Arrangements in line with the patient's wishes

**I authorise the hospital to make the arrangements in line with the patient's wishes** (if you know the patient's wishes, please write them in the box below).

**Ashes**

For shared or individual cremation, crematorium staff will make every effort to recover ashes. If ashes are not recovered, the Inspector of Cremation will investigate the reasons for this.

If you choose shared cremation, individual ashes will not be available for collection. Shared ashes will be buried or scattered in line with the crematorium's standard procedure.

If you choose individual cremation, you can instruct what happens to the individual ashes that are recovered.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Corrected version of the extract of Form 3 "Authorisation for burial or cremation following pregnancy loss - To be completed by the authorised individual" (Section A continued plus sections B and C) which appears on page 21 of S.S.I. 2018/384

**Hospital Examination**

If the patient has given authorisation for the hospital to examine their pregnancy loss, there is a possibility that there will be no tissue left for burial or cremation following examination.

**Signature**

Your name [BLOCK CAPITALS].....  
Your address and postcode [BLOCK CAPITALS] .....  
Signature..... Date.....  
  
Witness name [BLOCK CAPITALS]..... Job title.....  
Witness Address and Postcode [BLOCK CAPITALS] .....  
Witness signature .....  
Date.....

**Section B - Date of burial or cremation**

The hospital will not normally arrange the burial or cremation to take place before 7 days, in case you wish to change your decision. If you have no objection to the burial or cremation taking place before 7 days, please tick the box below.

I authorise the hospital to arrange the burial or cremation before 7 days (where possible) and I understand that by doing so I may not be able to change my decision.

**Signature**

Your name [BLOCK CAPITALS].....  
Your address and postcode [BLOCK CAPITALS] .....  
Signature..... Date.....  
  
Witness name [BLOCK CAPITALS]..... Job title.....  
Witness Address and Postcode [BLOCK CAPITALS] .....  
Witness signature .....  
Date.....

**Section C – Where no decision has been made**

Where the hospital has not been informed of a decision, the hospital should record that fact in the box below and, where possible, secure the signature of the authorised individual.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Corrected version of the extract of Form 3 "Authorisation for burial or cremation following pregnancy loss - To be completed by the authorised individual" (Section C continued) which appears on page 22 of S.S.I. 2018/384

**Signature**

Your name [BLOCK CAPITALS].....  
Your address and postcode [BLOCK CAPITALS] .....  
Signature.....  
Date.....

Witness name [BLOCK CAPITALS].....  
Job title.....  
Witness Address and Postcode [BLOCK CAPITALS] .....  
Witness signature .....  
Date.....

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Notes:**

This form should be completed by the authorised individual when arranging the burial or cremation of a pregnancy loss up to and including 23 weeks and 6 days gestation.

The authorised person must be 16 years or older.

If it is not possible to obtain the signature of the authorised person, a member of staff should sign the last part of Section C.

## SCHEDULE 4

Regulation 10

### REGISTER OF PREGNANCY LOSS

#### PART 1

(Information where the health authority is authorised to make arrangements by virtue of the provisions specified in regulation 10(2))

##### **A. Details of woman**

- Woman's surname
- Woman's patient identifier

##### **B. Details of remains of fetus or stillborn child buried or cremated**

- Unique identification number (assigned by the hospital and entered into the cremation register by the crematorium)
- The gestational age of the fetus or still-born child

##### **C. Details of authorisation**

- The name of the individual to whom the authorisation to make arrangements for the remains of the fetus or stillborn baby to be buried or cremated is communicated and the date on which the authorisation is given
- That the woman has authorised the health authority to make arrangements for the burial or cremation (where applicable)
- Where the woman does not provide authorisation—  
the name of the individual who made the decision to authorise the health authority to make arrangements for burial or cremation of the fetus and the individual's relationship to the woman; or  
the name of the individual who made the decision to authorise the health authority to make arrangements for the burial or cremation of the still-born child and the individual's relationship to the still-born child
- The way in which the remains of the fetus or still-born child are to be buried or cremated as specified in the decision to authorise the health authority to make arrangements for burial or cremation (where applicable)
- Where there is a change in a decision to authorise the health authority or an individual of, or over the age of, 16 to make arrangements for the burial or cremation of the fetus or still-born child, a record of all changes made including a change in the way in which the remains are to be buried or cremated and a change to who is authorised to make the arrangements for burial or cremation

##### **D. Details of burial or cremation**

- The name of the individual who collected the fetus or still-born child from the mortuary and the date of collection
- That the remains of the fetus or still-born child were buried or cremated (whichever is the case)
- The place of the burial or cremation (whichever is the case)



## PART 2

(Information where the health authority is authorised to make arrangements by virtue of the provisions specified in regulation 10(3))

### A. Details of woman

- Woman's surname
- Woman's patient identifier

### B. Details of remains of fetus or stillborn child buried or cremated

- Unique identification number (assigned by the hospital and entered into the cremation register by the crematorium)
- The gestational age of the fetus or still-born child

### C. Details of authorisation

- The basis on which the health authority is authorised to make arrangements for the burial or cremation of the fetus or still-born child

### D. Details of burial or cremation

- The name of the individual who collected the fetus or stillborn baby from the mortuary and the date of collection
- That the remains of the fetus were buried or cremated (whichever is the case)
- The place of the burial or cremation (whichever is the case)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision regarding arrangements for burial or cremation following pregnancy loss under Part 3 (arrangements) of the Burial and Cremation (Scotland) Act 2016 ("the 2016 Act").

Regulation 2 makes provision for the prescribed information to be recorded where, as provided in section 69(1) of the 2016 Act, a woman's pregnancy is to be terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967 ("the 1967 Act").

Regulation 3 makes provision for the prescribed information to be recorded where, as provided in section 71(1) of the 2016 Act, a woman's pregnancy is terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the 1967 Act and no arrangements for burial or cremation have been or are being made by virtue of section 69(2) of the 2016 Act.

Regulation 4 makes provision for the prescribed information to be recorded where, as provided in section 72(1) of the 2016 Act, a woman is informed that it is likely that the woman's pregnancy

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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 1967 Act.

Regulation 5 makes provision for the prescribed information to be recorded where, as provided in section 74(1) of the 2016 Act, a still-birth occurs other than in consequence of the termination of the pregnancy by virtue of section 1(1)(b), (c) or (d) of the 1967 Act and no arrangements for burial or cremation have been or are being made by virtue of section 72(2) of the 2016 Act.

Regulation 6 and schedule 1 are relevant where burial or cremation of a still-born child is authorised under section 74(4)(a) of the 2016 Act. They make provision for the prescribed form of record of the nearest relative's decision under section 75(3) of the 2016 Act that arrangements for burial or cremation authorised under section 74(4)(a) of the 2016 Act may be made before the expiry of the period of 7 days beginning on the day on which that authorisation was given.

Regulation 7 makes provision for the prescribed information to be recorded where, as provided in section 77(1) of the 2016 Act, a woman is informed that it is likely that the woman's pregnancy will end before or on completion of its 24th week.

Regulation 8 and schedule 2 are relevant where, as provided in section 79(1) of the 2016 Act, a woman's pregnancy ends before completion of its 24th week and no arrangements for burial or cremation have been made. They make provision for the prescribed form of record of—

- a decision on arrangements for burial or cremation made by a woman under section 79(2) of the 2016 Act in the period of 7 days beginning with the day on which a fetus, having been parted from the woman whose pregnancy has ended, does not breathe or show any other signs of life;
- the matters mentioned in section 79(8) of the 2016 Act: either a decision under section 79(2) of the 2016 Act by the woman after that 7 day period or the fact that no such decision has been notified;
- a decision under section 80(2) of the 2016 Act: either a change of decision under section 79(2) of the 2016 Act by the woman or a decision under that section where one has not previously been made.

Regulation 9 and schedule 3 are relevant where an individual is authorised under section 79(2)(b) of the 2016 Act to make arrangements for burial or cremation. They make provision for the prescribed form of record of—

- authorisation under section 81(2)(a): individual authorises the appropriate health body to make arrangements for remains to be buried or cremated;
- record of the facts in section 81(6) (individual does not inform appropriate health body of arrangements made or authorise appropriate health authority to make arrangements).

Regulation 10 and schedule 4 prescribe information to be contained in the register to be prepared and maintained by a health authority under section 85(1) of the 2016 Act.