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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 384**

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

*Pregnancy loss on or before 24 weeks*

**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>(1)</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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<sup>(1)</sup> 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.