

# **BURIAL AND CREMATION (SCOTLAND) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 3 – Arrangements**

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

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

190. This section sets out the procedure to be followed by a health body where it is known that a woman's pregnancy will end in a stillbirth (but not as a consequence of a post-24 week termination). Subsection (2) provides that where a health body considers that it would be in the woman's best interests to do so, it must give the woman the opportunity to decide whether she wishes to make arrangements for the burial or cremation of the remains, or whether she wishes to authorise the health body to make the arrangements in a way specified by the woman or in a way specified by the health body.
191. Where the woman wishes to authorise the health body to make the arrangements, she must indicate whether she wishes the arrangements to be made as soon as is practicable after the stillbirth occurs or whether the health body should wait 7 days after the stillbirth occurs before making arrangements. Where the woman authorises the health authority to make the arrangements in a way she specifies, subsection (3) requires the health authority to inform her if the way she has specified is not reasonably practicable.
192. Subsection (4) requires the health authority to keep a record of information prescribed by the Scottish Ministers by regulations in relation to section 72.
193. Subsection (5) provides definitions for the purposes of this Act.