

BURIAL AND CREMATION (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 – Arrangements

Pregnancy loss on or before 24 weeks

Section 78 – Section 77: health body authorised to make arrangements

203. This section provides various powers for health bodies where they have been authorised to make arrangements by virtue of section 77.
204. By virtue of subsection (1), the section applies where certain conditions are met: a pregnancy ends before or on completion of the 24th week; the fetus did not breathe or show any other signs of life after being parted from the woman; at the time of the loss the woman was in the care of a relevant health body; and the relevant health body is authorised to make arrangements for the remains of the fetus to be buried or cremated.
205. Subsection (2) enables the health body to make the arrangements. If the woman has chosen a specific manner for disposal, the health body must use that method. Subsection (3) requires the health body to wait 7 days before making arrangements, if the woman has requested this. Otherwise, the health body must make arrangements for the disposal as soon as possible after the loss occurs.