



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 3

#### ARRANGEMENTS

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

#### **69 Arrangements on termination of pregnancy after 24 weeks**

- (1) This section applies where 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.
- (2) If the appropriate health body considers that it would be in the woman's best interests to do so, the appropriate health body must give the woman an opportunity to decide—
  - (a) whether she wishes to make the arrangements for the remains of the fetus to be buried or cremated,
  - (b) whether she 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 she wishes to authorise the 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.
- (3) For the purposes of subsection (2)(b), the appropriate health body must inform the woman if it would not be reasonably practicable for the body to arrange for the remains to be buried or cremated in a particular way.
- (4) The appropriate health body must keep a record of prescribed information.
- (5) In this section—

“7-day period” means the period of 7 days beginning with the day on which the pregnancy is terminated,

“appropriate health body”, in relation to a woman whose pregnancy is to be terminated as mentioned in subsection (1), means—

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*Status: This is the original version (as it was originally enacted).*

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(a) if the woman is in the care of a Health Board as regards the termination, that Health Board,

(b) if the woman is in the care of an independent health care service as regards the termination, that independent health care service,

“Health Board” means a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

“independent health care service” is to be construed in accordance with section 10F of the National Health Service (Scotland) Act 1978.