

Burial and Cremation (Scotland) Act 2016

2016 asp 20

PART 3

ARRANGEMENTS

Pregnancy loss on or before 24 weeks

77 Duty of health body where pregnancy loss likely to occur

- (1) This section applies where—
 - (a) a woman is in the care of a relevant health body, and
 - (b) the relevant health body informs the woman that the relevant health body considers that it is likely that the woman's pregnancy will end before or on completion of its 24th week.
- (2) If the relevant health body considers that it would be in the woman's best interests to do so, the relevant 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 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,
 - (c) whether she 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 she wishes to authorise the 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.
- (3) For the purposes of subsection (2)(c), the relevant 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.

Changes to legislation: There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 77. (See end of Document for details)

(4) The relevant 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 fetus is parted from the woman and does not breathe or show any other signs of life,

“relevant health body”, in relation to a woman, means—

- (a) if at the time when the woman is informed of the matter mentioned in subsection (1) the woman is in the care of a Health Board, that Health Board,
- (b) if at the time when the woman is informed of the matter mentioned in subsection (1) the woman is in the care of an independent health care service, that independent health care service.

Commencement Information

II S. 77 in force at 4.4.2019 by S.S.I. 2018/380, reg. 2, **sch.** (with reg. 8)

Changes to legislation:

There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 77.