



# Burial and Cremation (Scotland) Act 2016

## 2016 asp 20

### PART 3

#### ARRANGEMENTS

##### *Pregnancy loss on or before 24 weeks*

#### **81 Individual authorised to make arrangements**

- (1) This section applies if an individual is authorised under section 79(2)(b) to make arrangements for the remains of a fetus to be buried or cremated.
- (2) If the individual does not wish to make the arrangements—
  - (a) the individual may authorise the appropriate health authority to make arrangements for the remains to be buried or cremated—
    - (i) in a way specified by the individual, or
    - (ii) in a way specified by the authority, but
  - (b) otherwise may not authorise any other person to make arrangements for the remains to be buried or cremated.
- (3) If by virtue of section 79(2)(b)(i) the individual is authorised to make arrangements for the remains to be buried or cremated in a way specified by the woman, the individual must specify that way under subsection (2)(a)(i).
- (4) For the purposes of subsection (2)(a), the appropriate health authority must inform the individual if it would not be reasonably practicable for the authority to arrange for the remains to be buried or cremated in a particular way.
- (5) If an appropriate health authority is authorised by an individual under subsection (2)(a), it must—
  - (a) record the authorisation in the prescribed form, and
  - (b) take reasonable steps to secure the individual's signature.
- (6) Subsection (7) applies if—
  - (a) under section 79(7)(a) or 80(4)(a) the appropriate health authority has recorded a decision under section 79(2)(b) to authorise an individual, and
  - (b) the individual—

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**Changes to legislation:** There are currently no known outstanding effects for the Burial and Cremation (Scotland) Act 2016, Section 81. (See end of Document for details)

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- (i) does not inform the authority that the individual has made arrangements for the remains to be buried or cremated, and
  - (ii) does not authorise the authority under subsection (2)(a) to make those arrangements.
- (7) The appropriate health authority must—
- (a) record those facts in the prescribed form, and
  - (b) take reasonable steps to secure the individual's signature.
- (8) In this section, “appropriate health authority” has the meaning given by section 79(9).

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**Commencement Information**

**II** S. 81 in force at 4.4.2019 by S.S.I. 2018/380, reg. 2, sch. (with reg. 8)

**Changes to legislation:**

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