

SCHEDULE 2

APPLICATION FORM FOR THE CREMATION OF A STILLBORN BABY

Commencement Information

II Sch. 2 in force at 4.4.2019, see [reg. 1\(1\)](#)

Position

Guidance Notes:

1. Note 1

- i. A stillborn baby is a baby who was delivered after 24 weeks gestation without showing any signs of life.
- ii. The nearest relative is entitled to make the arrangements. The nearest relative must be 16 years or over unless they are the parent of the baby. The hierarchy below sets out the nearest relative who is entitled to make the arrangements (section 74 of the 2016 Act). Where the nearest relative in the hierarchy is unable to make the arrangements for any reason, the application can be made by the next nearest relative listed below them in the hierarchy:
 - Parent;
 - Brother or sister;
 - Grandparent;
 - Aunt or uncle;
 - Cousin; or
 - Niece or nephew.

The nearest relative may not authorise any other person to make arrangements but may authorise the appropriate health body to make the arrangements. The appropriate health body is either the Health Board or the independent health care service that is providing care to the mother at the time of the stillbirth.

2. Note 2

Procurator Fiscal

All deaths which are sudden, suspicious, unexplained or unexpected are reported to the Procurator Fiscal who may instruct the police to investigate the circumstances of the death. Within the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Fatalities Investigation Unit (SFUI) is a specialist unit responsible for investigating these deaths. The SFUI will decide whether further investigation is required. Information is available on the COPFS website: <http://www.copfs.gov.uk/investigating-deaths/our-role-in-investigating-deaths>.

Form EI is issued by the SFUI when the cremation has been approved and may be sent directly to the crematorium. It must be received by the crematorium before the cremation is due to take place.

3. Note 3

Hazards

- i. Examples include: pacemaker; cardiac implant; drug pump; neuro-stimulator; shunt; battery powered implant; fixation nails used in treatment of bone fractures. Please discuss with the funeral director or cremation authority if you are unsure.
- ii. Notifiable diseases are listed in Schedule 1 of the Public Health etc. (Scotland) Act 2008 <http://www.legislation.gov.uk/asp/2008/5/schedule/1>.
- iii. Some injections for cancer treatment contain radioactive material which may mean that the cremation has to be delayed for a short period.

Changes to legislation:

There are currently no known outstanding effects for the The Cremation (Scotland) Regulations 2019.