

Burial and Cremation (Scotland) Bill

Groupings of Amendments for Stage 2 (Health and Sport Committee)

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration by the Health and Sport Committee, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Meaning of “cremation”

1001, 1044

Handling and disposal of ashes

1002, 1003, 1004, 1005, 1006, 1007, 1008

Recovery of ashes

1047, 1048

Arrangements: still-birth

1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1030, 1045, 1046

Disposal of remains: nearest relative

1021, 1022, 1023, 1024, 1025, 1026

Arrangements: losses during pregnancy

1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1049, 1037, 1050, 1038, 1039, 1040, 1041, 1042, 1043

Notes on amendments in this group

Amendment 1036 pre-empts amendment 1049

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Amendments in debating order

Meaning of “cremation”

Maureen Watt

1001 In section 36, page 18, line 30, leave out from <reduction> to <metal> in line 34 and insert <burning of human remains; and includes—

(a) where a grinding process is applied to the burnt human remains, that process, and

(b) where any other process is applied to the burnt human remains, that other process.

(1A) In this Act, “ashes” means the material (other than any metal) to which human remains are reduced by cremation.

(1B) In this section—>

Maureen Watt

1044 In section 75, page 38, line 31, leave out from <is> to <36> and insert <has the meaning given by section 36(1A),>

Handling and disposal of ashes

Maureen Watt

1002 In section 37, page 19, line 5, leave out from beginning to <authorities,>

Maureen Watt

1003 After section 40, insert—

<Duty of cremation authority before carrying out cremation

(1) This section applies where—

(a) a person (“the applicant”) submits an application to a cremation authority for a cremation to be carried out, and

(b) the authority proposes to carry out the cremation.

(2) Before carrying out the cremation, the cremation authority must take reasonable steps to ascertain in which of the ways mentioned in subsection (3) the applicant wishes the ashes from the cremation to be dealt with.

(3) The ways are—

(a) for the ashes to be retained by the cremation authority during the specified period and made available for collection before the expiry of that period by the applicant,

(b) for the ashes to be retained by the cremation authority during the specified period and made available for collection before the expiry of that period by a funeral director appointed by the applicant for that purpose,

(c) for the ashes to be disposed of by the cremation authority in a specified manner or in a manner indicated by the applicant.

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- (4) In this section, “specified” means specified in regulations under section (*Handling of ashes: regulations*)(1).>

Maureen Watt

1004 After section 40, insert—

<Duty of cremation authority following cremation

- (1) This section applies where a cremation has been carried out by a cremation authority.
- (2) Where, by virtue of subsection (2) of section (*Duty of cremation authority before carrying out cremation*), the cremation authority has ascertained that the applicant wishes the ashes from the cremation to be dealt with in the way mentioned in subsection (3)(a) of that section, the cremation authority must—
- (a) retain the ashes during the specified period, and
 - (b) make the ashes available for collection before the expiry of that period by the applicant.
- (3) Where, by virtue of subsection (2) of section (*Duty of cremation authority before carrying out cremation*), the cremation authority has ascertained that the applicant wishes the ashes from the cremation to be dealt with in the way mentioned in subsection (3)(b) of that section, the cremation authority must—
- (a) retain the ashes during the specified period, and
 - (b) make the ashes available for collection before the expiry of that period by a funeral director appointed by the applicant for that purpose.
- (4) Where, by virtue of subsection (2) of section (*Duty of cremation authority before carrying out cremation*), the cremation authority has ascertained that the applicant wishes the ashes from the cremation to be dealt with in the way mentioned in subsection (3)(c) of that section, the cremation authority must dispose of the ashes—
- (a) in a specified manner, or
 - (b) where the applicant has indicated the manner in which the ashes are to be disposed of, in that manner.
- (5) In this section—
- “applicant”, in relation to a cremation, means the person who submitted the application under section 38(1) by virtue of which the cremation was carried out,
 - “specified” has the meaning given by section (*Duty of cremation authority before carrying out cremation*)(4).>

Maureen Watt

1005 After section 40, insert—

<Failure to collect ashes

- (1) This section applies where—
- (a) a cremation authority has complied with the duties in subsection (2) of section (*Duty of cremation authority following cremation*), but the applicant has failed to collect the ashes from the cremation authority before the expiry of the period specified for the purposes of that subsection, or

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- (b) a cremation authority has complied with the duties in subsection (3) of section (*Duty of cremation authority following cremation*), but the funeral director has failed to collect the ashes from the cremation authority before the expiry of the period specified for the purposes of that subsection.
- (2) The cremation authority must take reasonable steps to ascertain whether the applicant wishes—
 - (a) the ashes to be retained by the cremation authority during such further period as may be specified and made available for collection before the expiry of that period by the applicant,
 - (b) the ashes to be retained by the cremation authority during such further period as may be specified and made available for collection before the expiry of that period by a funeral director appointed by the applicant for that purpose, or
 - (c) the ashes to be disposed of by the cremation authority in a specified manner.
- (3) Where, by virtue of subsection (2), the cremation authority has ascertained that the applicant wishes the ashes to be dealt with in the way mentioned in paragraph (a) of that subsection, the cremation authority must—
 - (a) retain the ashes during the period mentioned in that paragraph, and
 - (b) make the ashes available for collection before the expiry of that period by the applicant.
- (4) Where, by virtue of subsection (2), the cremation authority has ascertained that the applicant wishes the ashes to be dealt with in the way mentioned in paragraph (b) of that subsection, the cremation authority must—
 - (a) retain the ashes during the period mentioned in that paragraph, and
 - (b) make the ashes available for collection before the expiry of that period by the funeral director appointed for that purpose by the applicant.
- (5) Where, by virtue of subsection (2), the cremation authority has ascertained that the applicant wishes the ashes to be dealt with in the way mentioned in paragraph (c) of that subsection, the cremation authority must dispose of the ashes in the specified manner.
- (6) Where, despite having taken the steps mentioned in subsection (2), the cremation authority does not know in which of the ways mentioned in that subsection the applicant wishes the ashes to be dealt with, the cremation authority must—
 - (a) retain the ashes, or
 - (b) dispose of the ashes in the specified manner.
- (7) In this section—
 - “applicant” has the meaning given by section (*Duty of cremation authority following cremation*)(5),
 - “specified” has the meaning given by section (*Duty of cremation authority before carrying out cremation*)(4).>

Maureen Watt

1006 After section 40, insert—

<Power of funeral director in relation to ashes

- (1) This section applies where—

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- (a) by virtue of section (*Duty of cremation authority following cremation*)(3), a funeral director has collected ashes from a cremation authority, and
 - (b) the applicant has failed to collect the ashes from the funeral director before the expiry of the specified period.
- (2) The funeral director must take reasonable steps to ascertain whether the applicant wishes—
- (a) to collect the ashes from the funeral director before the expiry of such period as may be agreed between the funeral director and the applicant, or
 - (b) the funeral director to return the ashes to the cremation authority.
- (3) Where, by virtue of subsection (2), the funeral director has ascertained that the applicant wishes to collect the ashes as mentioned in paragraph (a) of that subsection, the funeral director must make the ashes available to the applicant for collection during the period agreed by virtue of that subsection.
- (4) Where the applicant—
- (a) makes known to the funeral director that the applicant wishes to collect the ashes as mentioned in subsection (2)(a), but
 - (b) does not collect the ashes from the funeral director before the expiry of the period agreed by virtue of that subsection,
- the funeral director may return the ashes to the cremation authority.
- (5) Where, by virtue of subsection (2), the funeral director has ascertained that the applicant wishes the funeral director to return the ashes to the cremation authority, the funeral director must so return them.
- (6) Where, despite having taken the steps mentioned in subsection (2), the funeral director does not know in which of the ways mentioned in that subsection the applicant wishes the funeral director to deal with the ashes, the funeral director may return the ashes to the cremation authority.
- (7) In this section—
- “applicant” has the meaning given by section (*Duty of cremation authority following cremation*)(5),
 - “specified” has the meaning given by section (*Duty of cremation authority before carrying out cremation*)(4).>

Maureen Watt

1007 After section 40, insert—

<Duties of cremation authority where ashes returned

- (1) This section applies where, by virtue of section (*Power of funeral director in relation to ashes*)(5), a funeral director returns ashes to a cremation authority.
- (2) The cremation authority must take reasonable steps to ascertain whether the applicant wishes—
 - (a) the ashes to be retained by the cremation authority during the specified period and made available for collection before the expiry of that period by the applicant, or
 - (b) the ashes to be disposed of by the cremation authority in a specified manner.

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- (3) Where, by virtue of subsection (2), the cremation authority has ascertained that the applicant wishes the ashes to be dealt with in the way mentioned in paragraph (a) of that subsection, the cremation authority must—
 - (a) retain the ashes during the specified period, and
 - (b) make the ashes available for collection before the expiry of that period by the applicant.
- (4) Where, by virtue of subsection (2), the cremation authority has ascertained that the applicant wishes the ashes to be dealt with in the way mentioned in paragraph (b) of that subsection, the cremation authority must dispose of the ashes in the specified manner.
- (5) Where, despite having taken the steps mentioned in subsection (2), the cremation authority does not know in which of the ways mentioned in that subsection the applicant wishes the ashes to be dealt with, the cremation authority must—
 - (a) retain the ashes, or
 - (b) dispose of the ashes in the specified manner.
- (5) In this section—

“applicant” has the meaning given by section (*Duty of cremation authority following cremation*)(5),

“specified” has the meaning given by section (*Duty of cremation authority before carrying out cremation*)(4).>

Maureen Watt

1008 After section 40, insert—

<Handling of ashes: regulations

- (1) The Scottish Ministers may by regulations make further provision about—
 - (a) the retention, return and disposal of ashes by a cremation authority, or
 - (b) the retention and return of ashes by a funeral director.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
 - (a) collection of ashes by an applicant or a funeral director,
 - (b) failure to collect ashes by an applicant or a funeral director,
 - (c) time periods in relation to collection of ashes by an applicant or a funeral director,
 - (d) notices that must or may be given—
 - (i) by a cremation authority to an applicant or a funeral director, or
 - (ii) by a funeral director to an applicant,
 - (e) time periods within which a response to such a notice is to be given,
 - (f) information such a response is to contain,
 - (g) steps a cremation authority or funeral director must or may take if such a response is not given (or is not given timeously),
 - (h) ascertaining how an applicant wishes ashes to be disposed of, or

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- (i) taking steps mentioned in section (*Duty of cremation authority before carrying out cremation*)(2), (*Failure to collect ashes*)(2), (*Power of funeral director in relation to ashes*)(2) or (*Duties of cremation authority where ashes returned*)(2).
- (3) In this section, “applicant” has the meaning given by section (*Duty of cremation authority following cremation*)(5).>

Recovery of ashes

Malcolm Chisholm

1047 In section 38, page 19, line 26, at end insert—

<() specify that the form on which applications are to be made is to include a statement of expectation that ashes will be recovered,>

Malcolm Chisholm

1048 After section 45, insert—

<Cremation authority: code of practice: further provision

Any code of practice issued by the Scottish Ministers under this Act about the carrying out by a cremation authority of functions conferred on it by or under this Act in relation to the management of a crematorium must make provision about the processes and equipment required by such an authority to ensure the recovery of the maximum amount of ashes.>

Arrangements: still-birth

Maureen Watt

1009 In section 47, page 23, line 8, leave out from <or> to end of line 9

Maureen Watt

1010 In section 47, page 23, line 10, leave out <who has died or the still-born child>

Maureen Watt

1011 In section 47, page 23, line 12, leave out <who has died or the still-born child>

Maureen Watt

1012 In section 47, page 23, line 13, leave out <or still-birth>

Maureen Watt

1013 In section 47, page 23, line 14, leave out <, in the case of a child who has died,>

Maureen Watt

1014 In section 47, page 23, line 22, leave out from beginning to <died,>

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Maureen Watt

1015 In section 47, page 23, line 38, after <person> insert <(other than a still-born child)>

Maureen Watt

1016 In section 47, page 24, line 1, leave out from beginning to <meanings> and insert—
<“still-born child” has the meaning>

Maureen Watt

1017 After section 47, insert—

<Arrangements on termination of pregnancy after 24 weeks

- (1) This section applies where a woman’s pregnancy is terminated after its 24th week by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967.
- (2) 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, or
 - (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 authority.
- (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 disposed of in a particular way.
- (4) Subsection (5) applies if—
 - (a) the woman informs the appropriate health body that she does not wish to make arrangements for the remains of the fetus to be buried or cremated,
 - (b) the woman is unable to make a decision under subsection (2), or
 - (c) the woman does not inform the appropriate health body of a decision that she has made under subsection (2).
- (5) The appropriate health body may make arrangements for the remains to be buried or cremated.
- (6) The appropriate health body must keep a record of prescribed information in the prescribed form and manner.
- (7) In this section—

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

 - (a) if at the time when the pregnancy is terminated the woman is in the care of a Health Board, that Health Board,
 - (b) if at the time when the pregnancy is terminated the woman is in the care of an independent health care service, 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,

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

Maureen Watt

1018 After section 47, insert—

<Arrangements on still-birth

- (1) This section applies where a still-birth occurs other than in consequence of the termination of a woman’s pregnancy by virtue of section 1(1)(b), (c) or (d) of the Abortion Act 1967.
- (2) The nearest relative of the still-born child may make arrangements for the remains of the still-born child to be buried or cremated.
- (3) The nearest relative, in relation to the still-born child, is the person who immediately before the still-birth was—
 - (a) the still-born child’s parent,
 - (b) the still-born child’s brother or sister,
 - (c) the still-born child’s grandparent,
 - (d) the still-born child’s uncle or aunt,
 - (e) the still-born child’s cousin,
 - (f) the still-born child’s niece or nephew.
- (4) The nearest relative—
 - (a) may authorise the appropriate health body to make arrangements for the disposal of the remains of the still-born child—
 - (i) in a way specified by the nearest relative, or
 - (ii) in a way specified by the body, but
 - (b) otherwise may not authorise any other person to make arrangements for the disposal of the remains.
- (5) For the purposes of subsection (4)(a), the appropriate health body must inform the nearest relative if it would not be reasonably practicable for the body to arrange for the remains to be disposed of in a particular way.
- (6) The appropriate health body must record prescribed information in the prescribed manner.
- (7) Relationships in different paragraphs of subsection (3) rank in the order of those paragraphs and for the purposes of that subsection a relationship of the half-blood is to be treated as a relationship of the whole blood.
- (8) Where more than one person falls within a paragraph of subsection (3)—
 - (a) each such person ranks equally for the purpose of the paragraph, and
 - (b) either (or any) person falling within the paragraph may be the nearest relative.
- (9) For the purposes of subsection (3), a person’s relationship with the still-born child is to be left out of account if—
 - (a) except in the case of the still-born child’s parent, the person, immediately before the child’s death, was under 16 years of age,

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- (b) the person does not wish or is unable to make arrangements for the remains to be buried or cremated, or
 - (c) it is not reasonably practicable to communicate with the person in the time available.
- (10) In this section—
- “appropriate health body”, in relation to a woman, means—
- (a) if at the time when the still-birth occurs the woman is in the care of a Health Board, that Health Board,
 - (b) if at the time when the still-birth occurs the woman is in the care of an independent health care service, that independent health care service,
- “still-birth” and “still-born child” have the meanings given by section 56(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.>

Maureen Watt

1019 After section 47, insert—

<Section (*Arrangements on still-birth*): power of appropriate health body

- (1) This section applies where the appropriate health body is authorised under section (*Arrangements on still-birth*)(4)(a) to make arrangements for the remains of a still-born child to be buried or cremated.
- (2) After the expiry of the 7-day period, the appropriate health body may make arrangements for the remains to be buried or cremated.
- (3) Subsections (4) and (5) apply if the person who authorised the appropriate health body to make the arrangements for the disposal of the remains informs the body that the person has decided that the body may make the arrangements before the expiry of the 7-day period.
- (4) The appropriate health body must—
 - (a) record the person’s decision in the appropriate form, and
 - (b) take reasonable steps to secure the person’s signature.
- (5) The appropriate health body—
 - (a) may make arrangements for the disposal of the remains before the expiry of the 7-day period, and
 - (b) if by virtue of section (*Arrangements on still-birth*)(4)(a)(i) it is authorised to do so in a specified way, must do so in that way.
- (6) In this section—

“7-day period” means the period of 7 days beginning with the day on which authorisation is given under section (*Arrangements on still-birth*)(4)(a),

“appropriate health body” has the meaning given by section (*Arrangements on still-birth*)(10).>

Maureen Watt

1020 After section 47, insert—

<Section (*Arrangements on still-birth*): general power of appropriate health body

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- (1) This section applies where it appears to the appropriate health body that no arrangements have been made under section (*Arrangements on still-birth*)(2) or (4) for the remains of a still-born child to be buried or cremated.
- (2) The appropriate health body may make arrangements for the remains to be buried or cremated.
- (3) In this section, “appropriate health body” has the meaning given by section (*Arrangements on still-birth*)(10).>

Maureen Watt

1030 In section 50, page 25, leave out lines 34 to 40

Maureen Watt

1045 In section 75, page 39, line 2, at end insert—

<“fetus” includes embryo,>

Maureen Watt

1046 In section 75, page 39, line 3, at end insert—

<“Health Board” has the meaning given by section (*Arrangements on termination of pregnancy after 24 weeks*)(7),

“independent health care service” has the meaning given by section (*Arrangements on termination of pregnancy after 24 weeks*)(7),>

Disposal of remains: nearest relative

Maureen Watt

1021 In section 48, page 24, line 6, leave out from first <the> to end of line 7 and insert <section 46(2) or 47(2).>

Maureen Watt

1022 In section 48, page 24, line 11, at end insert <, and

() whether the adult or child is of a particular religion or belief.>

Maureen Watt

1023 In section 48, page 24, line 13, at end insert—

<“belief” has the meaning given by section 10(2) of the Equality Act 2010,>

Maureen Watt

1024 In section 48, page 24, line 14, at end insert—

<“religion” has the meaning given by section 10(1) of the Equality Act 2010.>

Maureen Watt

1025 In section 49, page 24, line 21, leave out from first <the> to end of line 22 and insert <section 46(2) or 47(2).>

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Maureen Watt

1026 In section 49, page 24, line 25, leave out subsections (3) and (4)

Arrangements: losses during pregnancy

Maureen Watt

1027 In section 50, page 24, line 38, leave out <at or before> and insert <before or on completion of>

Maureen Watt

1028 In section 50, page 25, line 10, after <arrangements> insert—

- <(i) in a way specified by the woman, or
- (ii) in a way specified by the authority,>

Maureen Watt

1029 In section 50, page 25, line 17, at end insert—

- <(3A) Subsection (3B) applies if, before the expiry of the initial period, the woman informs the appropriate health authority of a decision that she has made under subsection (2).
- (3B) As soon as practicable after the woman informs the appropriate health authority of the decision the authority must—
 - (a) record the decision in the prescribed form, and
 - (b) take reasonable steps to secure the woman's signature.
- (3C) Subsection (4) applies if the woman does not inform the appropriate health authority before the expiry of the initial period of a decision that she has made under subsection (2).>

Maureen Watt

1031 In section 51, page 26, leave out line 11 and insert—

- <() where she has previously made a decision under section 50(2), a new decision under that section replacing the decision she made previously,>

Maureen Watt

1032 In section 52, page 26, line 35, at end insert—

- <() If by virtue of section 50(2)(b)(i) the individual is authorised to make arrangements for the disposal of the remains in a way specified by the woman, the individual must specify that way under subsection (2)(a)(i).>

Maureen Watt

1033 After section 52, insert—

<Duty to transfer remains

- (1) Subsection (2) applies where by virtue of a decision made by a woman under section 50(2)(a) the arrangements for the disposal of the remains of a fetus are to be made by the woman.

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- (2) The appropriate health authority must give the remains to the woman.
- (3) Subsection (4) applies where by virtue of a decision made by a woman under section 50(2)(b) an individual is authorised to make the arrangements for the disposal of the remains of a fetus.
- (4) The appropriate health authority must give the remains to the individual.>

Maureen Watt

1034 In section 53, page 27, line 21, leave out <dispose> and insert <make arrangements for the disposal>

Maureen Watt

1035 In section 53, page 27, line 23, at end insert—

- <(2A) Subsections (2B) and (2C) apply if the person who authorised the appropriate health authority to make the arrangements for the disposal of the remains informs the authority that the person has decided that the authority may make the arrangements before the expiry of the 7-day period.
- (2B) The appropriate health authority must—
 - (a) record the person’s decision in the appropriate form, and
 - (b) take reasonable steps to secure the person’s signature.
- (2C) The appropriate health authority—
 - (a) may make arrangements for the disposal of the remains before the expiry of the 7-day period, and
 - (b) if by virtue of section 50(2)(c)(i), 51(2) or 52(2)(a)(i) it is authorised to do so in a specified way, must do so in that way.>

Maureen Watt

1036 In section 54, page 27, line 29, leave out subsections (1) and (2) and insert—

- <(1) This section applies where—
 - (a) section 50(1) applies in relation to a woman,
 - (b) the relevant period has expired, and
 - (c) no arrangements have been made by virtue of section 50, 51 or 52 for the disposal of the remains of the fetus.
- (2) As soon as is reasonably practicable after the expiry of the relevant period, the appropriate health authority must consider whether it would be in the best interests of the woman for the authority to contact the woman for the purpose of seeking to establish—
 - (a) whether the woman wishes to decide who should make arrangements for the disposal of the remains, and
 - (b) in the event that the woman would wish to authorise the authority to make those arrangements, whether the woman would wish to specify the way in which the authority should make the arrangements.

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- (2A) If the appropriate health authority determines by virtue of subsection (2) that it would not be in the best interests of the woman for the authority to contact her for the purpose mentioned in that subsection, the authority may make arrangements for the disposal of the remains.
- (2B) If the appropriate health authority determines by virtue of subsection (2) that it would be in the best interests of the woman for the authority to contact her for the purpose mentioned in that subsection, the authority must take reasonable steps to contact the woman for that purpose.
- (2C) Subsection (2D) applies if by virtue of subsection (2)—
 - (a) the appropriate health authority is authorised by the woman to make arrangements for the disposal of the remains, and
 - (b) the woman has specified the way in which the authority should make those arrangements.
- (2D) The authority may—
 - (a) make arrangements for the disposal of the remains, and
 - (b) except where it would not be reasonably practicable to do so, must do so in the way specified by the woman.
- (2E) Subsection (2F) applies if, at any time after having contacted or taken reasonable steps to contact the woman under subsection (2B), it appears to the appropriate health authority—
 - (a) that no arrangements have been or are being made for the disposal of the remains, and
 - (b) that in all the circumstances of the case it would be in the woman’s best interests for the authority to make those arrangements.
- (2F) The authority may make arrangements for the disposal of the remains.>

Malcolm Chisholm

- 1049** In section 54, page 27, line 35, leave out from <make> to end of line and insert <—
- (a) contact the woman,
 - (b) make arrangements for the disposal of the remains, and
 - (c) where the woman expresses a view, make such arrangements in a way she has specified.
- () If the woman informs the appropriate health authority that she requires a further period to make a decision under subsection (2)(c), the authority must take such steps as it considers necessary to accommodate that request.>

Maureen Watt

- 1037** After section 54, insert—

<Duty of health body where pregnancy loss likely to occur

- (1) This section applies where a relevant health body informs a 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) The relevant health body must inform the woman of—

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- (a) the duties imposed by sections 50 and 51, and
 - (b) other prescribed information.
- (3) The relevant health body need not comply with the duty imposed by subsection (2) where it considers that it would not be in the woman's best interests to do so.
- (4) In this section, "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.>

Malcolm Chisholm

1050 In section 55, page 28, line 8, leave out <a specified> and insert <an electronic>

Maureen Watt

1038 In section 55, page 28, line 9, at end insert <or>

Maureen Watt

1039 In section 55, page 28, line 10, leave out <(including creating criminal offences)>

Maureen Watt

1040 In section 55, page 28, line 11, at end insert—

<() A register kept under this section must be kept indefinitely.>

Maureen Watt

1041 In section 55, page 28, line 12, leave out subsection (3)

Maureen Watt

1042 In section 55, page 28, line 18, leave out <has the meaning given by section 50(6)> and insert <means a Health Board or an independent health care service>

Maureen Watt

1043 After section 55, insert—

<Registers under section 55: offences

- (1) A health authority commits an offence if, without reasonable excuse, the authority contravenes section 55(1) by failing to prepare or maintain a register as required under that section.
- (2) A health authority which commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this section, "health authority" means a Health Board or an independent health care service.>

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