

## **Cremation Form A2: Guidance Notes**

Cremation Form A2 is to be used to apply for cremation of the remains of a stillborn baby. A stillborn baby is a baby delivered after 24 weeks gestation without showing any signs of life. This is different to a pregnancy loss (at or before 24 weeks) which requires a different application form.

Different application forms are available for other categories of cremation:

- Cremation Form A1 where the application is for the cremation of an adult or child.
- Cremation Form A3 where the application is for the cremation of a pregnancy loss (by an individual).
- Cremation Form A4 where the application is for the cremation of the remains of a pregnancy loss by a health authority or body.
- Cremation Form A5 where the application is for the cremation of the remains of an adult or child by a local authority where they are making arrangements under section 87 of the Burial and Cremation (Scotland) Act 2016 (“the 2016 Act”).
- Cremation Form A6 where the application is for the cremation of a body/body parts donated for anatomical examination on or after the date of commencement of the Anatomy Act 1984.
- Cremation Form A7 where the application is for the cremation of body parts donated in Scotland and in possession of a person licensed under section 3(2) of the Anatomy Act 1984 before the commencement of the Anatomy Act 1984 or where the date of death is not known or is before 14 February 1988.

Different forms are used for burial. These are available at:

<https://www.gov.scot/publications/burial-statutory-forms/>

### **Section 1: ‘the applicant’ information**

#### **Legal right to apply for cremation**

Part 3 of the 2016 Act makes provision for arrangements to be made where a stillbirth occurs. The Cremation (Scotland) Regulations 2019 (2019 Regulations) provide that the person who may make the application for cremation is the mother or a person who is entitled to make arrangements under Part 3 of the 2016 Act.

The mother may decide to make the arrangements herself or authorise the health body to do so. Except where the stillbirth has occurred following a termination after 24 weeks, where no arrangements are being made by the woman, or the health body has not been authorised, the nearest relative of the stillborn baby may make the arrangements.

The nearest relative must be 16 years or over immediately before the stillbirth unless they are the parent of the baby. The hierarchy below sets out the nearest relative who is entitled to make the arrangements under section 74 of the 2016 Act. Where the first listed nearest relative in the hierarchy is unable or does not wish 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 authorise the appropriate health body to make the arrangements, but not any other person. The appropriate health body is either the Health Board or the independent health care service that is providing care to the mother of the baby at the time of the stillbirth.

## Section 2: Details of the stillborn baby

### Place of death: Forms checklist

The cremation authority is required to verify specific documentation in relation to the stillbirth before the cremation can proceed. This documentation should be submitted alongside this cremation application form. The required documents will differ slightly depending on the country in which the stillborn baby was delivered. The documentary requirements are set out in [the Registration of Births, Deaths and Marriages \(Scotland\) Act 1965 \(Prohibition on Disposal of a Body without Authorisation\) Regulations 2015](#).

Please use the below checklists to assist you in identifying the correct documentation to submit.

#### *Stillbirth in Scotland*

Where the stillborn baby was delivered in Scotland, and is to be cremated in Scotland, the following documentation is required:

Form 8 - Certificate of Registration of Stillbirth given by the registrar in Scotland<sup>1</sup>

Form E1 (if Procurator Fiscal has been involved and has released the remains for cremation)

If the stillbirth occurred in another country but the stillborn baby is to be cremated in Scotland then the applicant will need to obtain the paperwork issued in that country to support the application for cremation.

### 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 (SFIU) is a specialist unit responsible for investigating these deaths. The SFIU will decide whether further investigation is required. Information is available on the COPFS website: <https://www.copfs.gov.uk/>

Form E1 is issued by the SFIU 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.

## Section 3: Hazards

Recording information about hazards enables cremation authorities to manage health and safety risks to staff and to collect information for ongoing environmental risk assessment.

Notifiable diseases are listed in Schedule 1 of the Public Health etc. (Scotland) Act 2008. <https://www.legislation.gov.uk/asp/2008/5/schedule/1>.

It will be rare for a stillborn baby to have an implant, however, intra utero interventions are becoming more frequent. Not all implants will require removal prior to cremation, however, where possible components should be recycled. Please discuss with the funeral director or cremation authority if you are unsure.

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<sup>1</sup> The documentation required by regulation 3 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (Prohibition on Disposal of a Body without Authorisation) Regulations 2015 is a Form 8 specified in regulation 2(3) of the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Amendment Regulations 2015.

## **Section 4: Disposal of ashes**

Not all cremation authorities offer the same services – for example, some will scatter ashes while others will inter or bury them. If you are in any doubt about the options available to you, you should discuss them with the cremation authority or with the funeral director who is arranging the funeral. This will ensure that the cremation authority is able to carry out your instructions if it is possible. Once the cremation authority has accepted this application form, it must follow your instructions for what is to be done with the ashes.

Further information about the options are outlined below:

### **A. I or my representative will collect the ashes from the crematorium**

The person collecting the ashes must bring identification with them. If you do not collect the ashes from the crematorium within 4 weeks of the cremation taking place, the cremation authority will try to contact you to find out what you want done with the ashes. At this time you may inform them that you still intend to collect the ashes and must agree a new collection date. You may also instruct the cremation authority to bury or scatter the ashes (if they offer this service). If you do not respond or do not tell the cremation authority what your instructions are, the cremation authority may scatter or bury the ashes according to their standard procedures. If the cremation authority scatters or buries the ashes this will be recorded in its cremation register.

### **B. I authorise the funeral director who arranged the cremation to collect the ashes on my behalf.**

If you do not collect the ashes from the funeral director within 4 weeks of them being made available, the funeral director will try to contact you to find out what your instructions are for the ashes. At that point, you may inform the funeral director that you still intend to collect the ashes and must agree a new collection date. You may also instruct the funeral director to return the ashes to the crematorium for you to collect or so that the crematorium may scatter or bury them. If you do not respond or do not inform the funeral director what your instructions are, the funeral director may return the ashes to the crematorium. The cremation authority will try to contact you to find out what you want done with the ashes. At this time you may inform them that you still intend to collect the ashes and must agree a new collection date. You may also instruct the cremation authority to bury or scatter the ashes (if they offer this service). If you do not collect the ashes, they may then be scattered or buried by the cremation authority.

### **C. I instruct the cremation authority to disperse the ashes using their usual method**

The cremation authority will bury or scatter the ashes. This is usually done in a garden of remembrance, although each cremation authority will have a different procedure. The cremation authority will be able to tell you which options it offers and will record what is done with the ashes in the cremation register.

#### **C.1 I would like the ashes to be scattered/buried in the same location as a previously deceased person**

The cremation authority may be able to do this. You will need to tell them the name of the deceased, the date of their cremation and where their ashes were buried or scattered.

### **Sensitive disposal of metals**

Cremation authorities often arrange for metal which survives the cremation process to be recovered and sensitively recycled. Metals are made up of items used in the construction of the coffin (e.g. pins and staples) and some surgical implants (e.g. hip joints, pins and plates). Any proceeds received following recycling are distributed to charity. The cremation authority will need your permission to recycle and should clearly state their policy in terms of any metal recovered following cremation. If you wish, you have the right to request that these metals are returned to you.

Cremulation which is the reduction of bones into ashes is carried out in most cases following cremation, unless the cremation authority is instructed not to. You must make this clear on the application form.

If no instructions are received in the timescales in section 4, the cremation authority has the right to dispose of ashes by the procedure set out in sections 51 – 56 of the 2016 Act, and regulation 14 of the 2019 Regulations.

## **Section 5: Declaration**

### **Applicant's declaration**

#### **Declaration of right to apply for cremation**

The applicant is required to declare that they are entitled to apply for the cremation of a stillborn baby by virtue of sections 74 of the 2016 Act and using the appropriate application form as set out in the 2019 Regulations. For more information see guidance notes on Section 1 above.

It is an offence to knowingly or recklessly provide information which is false or misleading in a material way in, or in connection with, an application for cremation and if a person does so then they may be liable to a fine of up to Level 3 on the standard scale on conviction.

#### **Funeral Director's declaration**

The funeral director is to complete the second part of section 5.

The funeral director should add their funeral director registration number to the application form in the relevant section.

## **Section 6: Authorisation for cremation (to be completed by the cremation authority)**

Section 6 is for the cremation authority to complete, to record that they have received all the necessary documentation, that the form has been completed by the applicant, and that they are satisfied that the application can be approved.

The cremation authority should add their cremation authority registration number to the top section on page one.

The Scottish Government expects each burial authority, cremation authority, hydrolysis authority and funeral director to be registered on the Funeral Sector Register where each organisation will be assigned its own unique registration number.

Under the 2016 Act, burial, cremation and hydrolysis authorities have discretion whether to accept any application or to ask for additional information.

Details on how to register can be found by visiting the [Funeral Sector Register](#).