

## **FORM A2: application for cremation of a stillborn baby – 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.
- iii. 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.
- iv. The **unique identifying number** is the number given by the hospital. **It is only needs to be included in the application form if a health authority is applying for the cremation.** The unique identifying number will be entered in the cremation register.

### **2. Note 2**

#### **Procurator Fiscal**

- i. 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: <http://www.copfs.gov.uk/>
- ii. 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.

### **3. Note 3**

#### **Hazards**

- i. Examples include: pacemaker; cardiac implant; drug pump; neuro-stimulator; shunt; battery powered implant; Fixion 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.

### **4. Note 4**

#### **Declaration**

- i. The applicant is required to declare that they are entitled to apply for the cremation in terms of the Burial and Cremation (Scotland) Act 2016.
- ii. The funeral director is required to complete the second part of section 4.

### **5. Note 5**

#### **Ashes**

- i. 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 it is possible for the cremation authority to carry out your instructions. Once the cremation authority has accepted this application form, it must follow your instructions for what is to be done with the ashes.
- ii. Further information about the options at section 5 are detailed here:

#### **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 funeral 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 so that you can collect them there or so that the cremation authority 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 bury or scatter the ashes (whichever option is offered).**

The cremation authority will bury or scatter the ashes. This is usually done in the Garden of Remembrance, although each crematorium 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.

**D. I instruct the cremation authority to bury or scatter the ashes in the same location as another 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**

- iii. Crematoriums 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 crematorium 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. The cremation process will render the majority of jewellery unrecognisable and ideally should be removed before cremation.

- iv. 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.
- v. If no instructions are received in the timescales in section 5, the cremation authority has the right to dispose of ashes by the procedure set out in sections 51 – 56 of the Burial and Cremation (Scotland) Act 2016.

## **6. Note 6**

- i. The cremation authority is required to verify that the information contained in this form is correct and that the cremation can proceed.
- ii. The signatory should sign the form when they approve the cremation.