

Application for burial of the remains of a stillborn baby

| | | |
|--------------------------------------|--|--|
| Burial number [official use only] | | Burial authority logo and/or address: |
| Baby's name (if given) | | |
| Name of burial ground | | |
| Day and date of burial | | |
| Time of service | | |

This is a statutory form made under regulation 3 of the Burial (Applications and Register) (Scotland) Regulations 2024 and the information and questions contained in it should not be changed.

This form must be used to apply for the burial of the remains of a stillborn baby in Scotland. A stillborn baby is a baby delivered after 24 weeks gestation without showing any signs of life. The application is made to the burial authority you want to carry out the burial. The burial authority is the organisation responsible for managing the burial ground where the burial is to take place.

As the person who is applying for the burial, you are 'the applicant'. You must have the legal right to apply for the burial (see guidance note on "Legal right to apply for a burial").

The burial authority will need to check the form to make sure it contains all of the necessary information. Missing or inaccurate information may result in the burial being delayed or refused. If you are unsure about what information is required, or what any part of the form means, you can speak to the funeral director who is making the arrangements, staff at the burial authority or to any other person who is arranging the funeral. It is not a requirement to use the services of a funeral director to arrange a burial but where one is being used, the funeral director must sign the relevant part of this form.

Personal details of individuals contained in this form are not to be used for any other purpose.

The information provided on this form is a legal requirement under the Burial and Cremation (Scotland) Act 2016 ("the Act") and will be processed in line with Data Protection legislation. The data will be held by the burial authority that is carrying out the burial. It will be held securely, in confidence and processed solely for the purpose of carrying out the burial. It will not be shared with any third party, subject to any requirement made by an inspector under section 91(1) of the Act. You have the right to know what data is held about you and you can, by contacting the burial authority in writing, receive a copy of that data. The burial authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

Forms checklist

You should ensure that you have attached all required documents to this application form based on where the death occurred. The burial authority needs to have them for the burial to take place. Please see guidance note on "Forms checklist", which sets out which documents are required.

Section 1: Your information ‘the applicant’

This section is used to record your details. In completing this form you are the applicant for the burial. Please see guidance note on “Legal right to apply for a burial” on who can apply. Applicants must be 16 years of age to apply for the burial. Applicants may be under the age of 16 if they are the parent of the stillborn baby; however, you may wish to seek the support of a parent or guardian if you feel it would be helpful. If you are completing the form on behalf of a health authority, please use the business address and contact details.

| | |
|--------------------------------|--|
| Title | |
| Full name | |
| Address | |
| Postcode | |
| Telephone number | |
| Email address | |
| Relationship to stillborn baby | |

Section 2: Burial ground details

| | |
|--|--|
| Name of burial ground | |
| Burial ground address and postcode | |
| Type of burial (see guidance note on "Type of Burial") | <input type="checkbox"/> Coffin burial <input type="checkbox"/> Ashes |
| Type of lair ^(a) | <input type="checkbox"/> New lair Please describe type (see guidance note on "Type of new lair"): <input type="checkbox"/> Existing lair, but no previous burial Please describe location in burial ground (e.g. section and lair number) <input type="checkbox"/> Existing lair which contains a previous burial Please describe location in burial ground (e.g. section and lair number) and give details of last burial (deceased's full name and date of burial) |
| Is this a war grave? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, have you contacted the Commonwealth War Graves Commission and/ or the Ministry of Defence? Please briefly summarise any discussion here. (see guidance note on "War Graves") | |
| Any other requests or instructions? | |

^(a) A lair is a Scottish term for a burial plot or grave.

Section 3: Application for the burial of the remains of a stillborn baby

This section is used to record the details of a stillborn baby (please tick only one option below and move to relevant section(s)).

For stillbirth

Please tick:

- I am the parent of the baby who was stillborn (please complete section 3A.)
- I have been authorised by the parent of the stillborn baby to make the application (please complete sections 3A, and 3B.)

Section 3A: Stillborn baby

| | |
|--|--|
| Forename of baby (if given) | |
| Surname | |
| Date stillbirth was delivered (DD/MM/YYYY) | |

Section 3B: Authorisation details

| | |
|--|--|
| What is your relationship to the baby (if you are not the parent)? | |
| Name of baby's mother | |
| Address and postcode of baby's mother | |
| Unique identifying number (if you are applying on behalf of a health body). See guidance note on "The unique identifying number" | |

Section 4: Hazards

This section is used to record details of anything which might be a public health hazard or have an environmental impact on groundwater. You do not need to complete this section for ashes. (see guidance note on “Hazards”)

Are you aware if any of the following apply:

Does the baby pose a risk to public health: for example, did the mother have a notifiable infectious disease immediately before delivery?

Yes No

Is the deceased chemically embalmed (e.g. formaldehyde present)?

Yes No

Are there implant(s) present in or on the body?

Yes No

Is there radioactive material currently present in or on the body?

Yes No

If you answered ‘yes’ to the questions above about implants and/or radioactive material, please give details and state whether the device has been removed. .

Section 5: Applicant's declaration and consent

5.1: Authority to open lair for burial (see guidance note on "Authority to open lair for burial")

Please tick:

I am the registered lair right-holder

I am purchasing a new lair and wish to be registered as the lair right-holder

The lair right-holder is deceased^(a)

Name of lair right-holder

Relationship of lair right-holder to deceased

I am the representative or nearest relative of the deceased, but not the lair-right holder^(b)

Name of lair right-holder

Relationship of lair right-holder to deceased

Any other information:

^(a) If the lair right-holder is deceased, the burial authority may require you to sign an indemnity or complete a transfer of the right of burial. Please contact the burial authority separately to complete the process.

^(b) If you are the nearest relative or representative of the deceased, but not the lair right-holder, you will require their permission to open the lair and written consent must be submitted with your application.

5.2: Declaration of entitlement to apply for burial

(see guidance note on "Declaration of right to apply for burial")

This section requires you to declare that the information you have provided in this form is true to the best of your knowledge and that you are entitled to apply for this burial. It is an offence to knowingly provide false information and if you do so you may be liable on summary conviction to a fine up to a Level 3 on the standard scale.

I am entitled to apply for this burial and I hereby declare that the details and information provided in sections 1-5 are complete and correct to the best of my knowledge.

Signed:

Full Name:

Date:

Section 6: Funeral director details

This section is to be completed by the funeral director if services are used.

Coffin or casket details

| | | |
|--|---|--|
| Casket material (including handles) (see guidance note on "Coffin material") | | |
| Casket shape (see guidance note on "Coffin/casket shape") | | |
| External Casket Measurements (in cm) (see guidance note on "External coffin/ashes urn or casket measurements") | Overall length | |
| | Width at widest part (including any handles fully extended) | |
| | Width at narrowest part | |
| | Depth | |
| Any other requests or instructions? | | |

I declare that I have discussed the options with the applicant and know no reason why the burial cannot take place. I understand that if I become aware of anything that may mean the burial should be delayed, I must inform the burial authority and the applicant.

Signed:

Full Name:

Date:

Company name and address:

Business email address:

Business telephone:

Section 7: Authorisation for burial (to be completed by the burial authority)

Please record the location in the burial ground of the new or existing lair to be used for this burial

(e.g. lair number/section/extension)

Please confirm that the application is in order and that the burial can take place (please tick).

I confirm that I have seen the appropriate documentation to allow the burial to take place. If any document is missing, please contact the applicant or their funeral director.

I confirm that all relevant sections of this form have been completed.

I confirm that I approve this application for burial.

Signed:

Full Name:

Position:

Date:

Burial Form 2 (BF2): Guidance Notes

Burial Form 2 (BF2) is to be used to apply for the burial of the remains of a stillborn baby in a burial ground. 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 burial:

- Burial Form 1 (BF1) where the application is for the burial of the remains of an adult or child in a burial ground (other than a burial arranged by a local authority)
- Burial Form 3 (BF3) where the application is for the burial of the remains of a pregnancy loss in a burial ground (by an individual)
- Burial Form 4 (BF4) where the application is for the burial of the remains of a pregnancy loss in a burial ground by a health authority or body
- Burial Form 5 (BF5) where the application is for the burial of the remains of an adult or child by a local authority where they are making arrangements under section 87 of the 2016 Act
- Burial Form 6 (BF6) where the application is for the burial of a body/body parts donated for anatomical examination on or after the date of commencement of the Anatomy Act 1984
- Burial Form 7 (BF7) where the application is for the burial 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 cremation. These are available at:

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

Section 1: ‘the applicant’ information

Legal right to apply for a burial

Part 3 of the Burial and Cremation (Scotland) Act 2016 (“the 2016 Act”) makes provision for arrangements to be made where a stillbirth occurs. The Regulations provide that the person who may make the application for burial is a person who is entitled to do so under the 2016 Act.

The woman 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 not authorise any other person to make arrangements but may instead 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 of the baby at the time of the stillbirth.

If the remains to be buried are the ashes of a stillborn baby, the hierarchy is the same as that set out in section 74 of the 2016 Act and will apply in the same way as the burial of the remains of a stillborn baby, as described above.

An application for burial is not required for the scattering of ashes.

Place of death: forms checklist

The burial authority is required to verify specific documentation in relation to the stillbirth before the burial can proceed. This documentation should be submitted alongside this burial 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 buried in Scotland, the following documentation is required:

Form 8 – Certificate of Registration of Stillbirth given by the registrar in Scotland¹

Stillbirth in England or Wales

Where the stillborn baby was delivered in England or Wales, but is to be buried in Scotland, the following documentation² is required:

A Certificate of Registration of Stillbirth given by the registrar in England or Wales **and** a coroner's certificate confirming no inquest is to be held and authorising removal of the stillborn baby's body out of England or Wales

or

A coroner's certificate authorising the burial or cremation of the stillborn baby's body.

Stillbirth in Northern Ireland

Where the stillborn baby was delivered in Northern Ireland, but is to be buried in Scotland, the following documentation³ is required:

A Certificate of Registration of Stillbirth given by the registrar in Northern Ireland or a coroner's certificate authorising the burial or cremation of the stillborn baby's body

and

A coroner's certificate authorising removal of the stillborn baby's body out of Northern Ireland.

1 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.

2 See regulation 4 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (Prohibition on Disposal of a Body without Authorisation) Regulations 2015.

3 See regulation 5 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (Prohibition on Disposal of a Body without Authorisation) Regulations 2015.

Stillbirth abroad

Where the stillborn baby was delivered abroad, but is to be buried in Scotland, then please provide the following documentation to the burial authority, where this is available:

- A Certificate of Registration of Stillbirth (or equivalent) given by the registrar in the country where the stillborn baby was delivered

For the burial of ashes, no matter where the stillbirth or the cremation occurred

Where the ashes of a stillborn baby are to be buried in Scotland, then please provide the following information and documentation to the burial authority, where this is available:

The date the cremation took place

The name of the crematorium

The address of the crematorium

- A certificate confirming cremation has taken place, where available

or

- An extract from the cremation register showing the cremation entry, where available

A certificate may have been issued by the cremation authority to the person making the funeral arrangements at the time the cremation took place. If you have misplaced this, you may be able to ask the relevant cremation authority for a copy of this certificate. Alternatively, where available, you may be able to ask the cremation authority for a copy of the details included in the crematorium's register of cremations.

Where no documents evidencing details of the cremation are available, please attach the certificate of registration of stillbirth issued by the registrar in that country instead. It would be helpful if these papers were translated into English.

Section 2: Burial ground details

Type of Burial

In this section please indicate whether the burial is for ashes in an ashes urn or casket or for a coffin burial. The word "coffin" should be read to include coffin alternatives, e.g. woollen shrouds.

Type of new lair

Please provide a description of the type of lair required. A lair is a Scottish term for a burial plot or grave. The options available will depend on what your chosen burial authority offers so you may wish to check this in advance.

Please indicate whether you would like:

- A full coffin lair, or
- An ashes urn or casket lair

For example:

- Traditional lawn lair
- Woodland/green lair
- Faith section – please indicate which faith
- Baby section

War Graves

If the lair which is to be used for the burial is a war grave, please indicate whether the Ministry of Defence (MoD) and/or the Commonwealth War Graves Commission (CWGC) has been contacted as the lair right-holder.

The CWGC has a role in maintaining MoD graves and even where the CWGC is not the lair right-holder, a CWGC headstone may mark the lair. In this instance, the CWGC should be contacted as they may take steps to temporarily remove the headstone and add further inscription.

Section 3B: Authorisation details

The unique identifying number

The unique identifying number is the number given by the hospital. It only needs to be included in the application form if a health authority is applying for the burial. The unique identifying number will be entered in the burial register.

Section 4: Hazards

Recording information about hazards enables burial authorities to manage health and safety risks to staff and to collect information for ongoing environmental risk assessment. Please complete this section to the best of your knowledge for coffin burials.

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>.

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 burial, however, where possible, components should be recycled. Please discuss with the funeral director or burial authority if you are unsure.

Section 5: Applicant's declaration

5.1: Authority to open lair for burial

A lair right-holder is the person in whom the right of burial in a lair is vested. The lair right-holder has the right to be buried in, and to decide who else can be buried, in the lair.

In some burial grounds (especially green/woodland burial grounds), a person can purchase a right of burial in a section of a burial ground, but where no particular lair has been identified. In this case, 'lair-right holder' should be read to encompass this.

You are required to select one of the following options:

1. "I am the registered lair right-holder"

Please choose this option if you are the person who currently has the existing right of burial in the lair. You may have pre-purchased or reserved a lair and are choosing to bury someone in it. The lair may have been used for a previous burial, and is being reopened for a further burial. At the time of purchase, you will likely have been given a lair certificate, which has the lair number on it. This is used to identify the lair and should, where possible, be submitted with this application.

2. "I am purchasing a new lair and wish to be registered as the lair right-holder"

Please select this option if you are purchasing the rights in a new lair for someone who has died. You will likely be required to complete an additional form to purchase the rights and to be registered in the burial authority's Register of Lair Right-Holders. Your funeral director may be able to help you with this or you can contact the relevant burial authority.

3. “The lair right-holder is deceased”

Please choose this option if the lair right-holder of the lair to be used for the burial, is deceased and the right of burial is being transferred to you. Please contact the burial authority to complete the transfer process. You may be asked to sign a statutory declaration to allow the burial to go ahead before the transfer is finalised, depending on burial authority policy.

4. “I am the representative or nearest relative of the deceased, but not the lair-right holder”

Please select this option if you are, for example, the nearest relative of the deceased and are arranging the burial but are not or do not intend to be recorded as the lair right-holder.

If a new lair is required, the burial authority will assist you in purchasing the rights in a lair. You will need to consider who is to become the registered lair right-holder and they will need to complete further paperwork provided by the burial authority.

If an existing lair is to be used for the burial, but you are not the registered lair right-holder, please state the name of the lair right-holder and their relationship to the stillborn baby. The burial authority will require the permission of the lair right-holder to open the lair and their written consent (which can be provided to the burial authority in varying formats, e.g. letter, email – you should check the details with the burial authority you are using) should be submitted with your application. If that lair right-holder is deceased, a transfer of the right of burial will be required. Please contact the burial authority to complete the transfer process. You may be asked to sign a statutory declaration to allow the burial to go ahead before the transfer is finalised, depending on burial authority policy.

5.2: Declaration of right to apply for burial

The applicant is required to declare that they are entitled to apply for the burial of a stillborn baby by virtue of the Burial and Cremation (Scotland) Act 2016 and regulation 3 of the Burial (Applications and Register) (Scotland) Regulations 2024. For more information see guidance notes at 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 burial and if a person does so they may be liable to a fine of up to Level 3 on conviction.

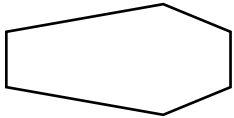

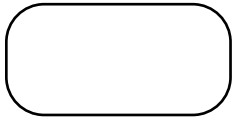
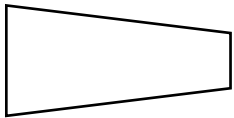
Section 6: Funeral director details

Coffin material (including handles)

Please state what material the coffin or ashes urn or casket (including any handles) are made from: for example, a coffin or ashes urn or casket may be wicker, wool, cardboard, plywood, MDF, chipboard, solid wood and handles could be: metal, rope, wood, plastic. If a shroud is used, please also note that here and describe the shroud material.

Coffin/ashes casket shape

Please state the shape of the coffin or the ashes urn or casket, e.g. traditional coffin, rectangular, rounded, tapered.

| | |
|--|---|
| Traditional coffin <input type="checkbox"/> |  |
| Rectangular <input type="checkbox"/> |  |
| Rounded <input type="checkbox"/> |  |
| Tapered <input type="checkbox"/> |  |

External coffin/ashes urn or casket measurements

Please state the external measurements of the coffin/ashes urn or casket to assist the burial authority with lair preparation. This should be recorded in cm and should be inclusive of any handles.

Section 7: Authorisation for burial

The burial authority is required to verify that the information contained in the application form is in order and that they have seen the appropriate documentation before the burial can proceed.

The burial authority signatory should then sign and date the application form when they approve the burial.