

# Schedule 3

# Regulation 3 Form BF3

## Application for burial of the remains of a pregnancy loss in a burial ground (by individual)

Burial number [official use only]		Burial authority logo and/or address:   <b>Clackmannanshire Council</b>   Comhairle Siorrachd Chlach Mhanann www.clacks.gov.uk
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 pregnancy loss in Scotland, where the loss occurred on or before the end of the 24th week of gestation and showed no signs of life. This application form should be completed by the woman who has experienced the pregnancy loss, unless the woman authorises another person to complete the form on her behalf or if she is unable to due to exceptional circumstances.

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. 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 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 (see guidance note on “Legal right to apply for a burial”). Applicants must be 16 years of age or older to apply for a burial. Applicants may be under the age of 16 if they are the woman who experienced the loss; however, you may wish to seek the support of a parent or guardian if you feel it would be helpful.

Title	
Full name	
Address	
Postcode	
Phone number	
Email address	

**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 <sup>(a)</sup>	<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 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?	

<sup>(a)</sup> A lair is a Scottish term for a burial plot or grave.

**Section 3: Application for the burial of the remains of a pregnancy loss**

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

- I am the person who experienced the pregnancy loss (please complete section 3A).
- I have been authorised by the person who experienced the pregnancy loss to make the application (please complete sections 3A and 3B).

**Section 3A: Details of the pregnancy loss**

Date pregnancy loss occurred (DD/MM/YYYY)	
Forename of baby (if given)	
Surname	

- Please tick to confirm that the midwife, registered nurse or medical professional has issued a letter or certificate to confirm that a pregnancy loss has taken place.

**Section 3B: Details of the person who experienced the pregnancy loss**

Please state your relationship to the person who experienced the pregnancy loss	
Full name of the person who experienced the pregnancy loss	
Address and postcode of the person who experienced the pregnancy loss	

**Section 4: Applicant’s declaration and consent**

**4.1: 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<sup>(a)</sup>

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<sup>(b)</sup>

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.

**4.2: 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 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 5: 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	Overall length	
	Width at widest part (including any handles fully extended)	

"External coffin/ashes urn or casket measurements")	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 6: Authorisation for burial (to be completed by the burial authority)**

Please confirm 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 3 (BF3): Guidance Notes

Burial Form 3 (BF3) is to be used to apply for the burial of the remains of a pregnancy loss in a burial ground by an individual, such as the woman who experienced the pregnancy loss or another individual nominated to make the arrangements.

A different application form (BF4) is required where a health authority or body is making the application for the individual or shared burial of the remains of a pregnancy loss in a burial ground.

The relevant application form for each category of burial is:

- 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 2 (BF2) where the application is for the burial of the remains of a stillborn baby in a burial ground
- 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

The woman who experienced the pregnancy loss is the person entitled to make the arrangements and complete this burial application form. Alternatively she can authorise another individual or the health authority to make the arrangements on her behalf under Part 3 of the Burial and Cremation (Scotland) Act 2016. This form applies to individuals who are making the application.

An authorised individual must be 16 years or older to be eligible to apply for a burial; however, if the woman who experienced the loss is the applicant and is under 16 years then this limit does not apply.

The authorised individual may not authorise any other person to make arrangements but may instead authorise the appropriate health body to make the application. The appropriate health body is either the Health Board or the independent health care service that is providing care to the woman at the time when the pregnancy ends.

If the remains to be buried are the ashes following cremation of the remains of a pregnancy loss, Part 3 of the 2016 Act will apply in the same way as the burial of the remains of a pregnancy loss, as described above.

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

## Forms checklist For a coffin burial

Alongside this application form, please also submit

### Either

A Medical Certificate of Pregnancy Loss

### Or

Health Authority/medical practitioner confirmation that the pregnancy has ended.

## For the burial of ashes

Where the remains of a pregnancy loss were cremated and the ashes are to be buried, no additional documentation requires to accompany this completed application form.

## 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.

Please indicate whether you would like:

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

For example:

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

The options available will depend on what your chosen burial authority offers so you may wish to check this in advance.

### 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 rightholder, 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.

### 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 provide the burial authority with any details which may apply to the best of your knowledge for coffin burials.

Please advise if the woman who experienced the pregnancy loss recently had any notifiable diseases listed in Schedule 1 of the Public Health etc. (Scotland) Act 2008.

<http://www.legislation.gov.uk/asp/2008/5/schedule/1>

While it is rare for a foetus to have an implant, intra-utero interventions are possible in a pregnancy of less than 24 weeks but currently very unusual. 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 4: Applicant's declaration

### 4.1 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 arrange a burial. 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 woman who experienced the pregnancy loss or the person authorised by them, 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 woman who experienced the pregnancy loss. The burial authority will require the permission of the lair

rightholder to open the lair and their written consent (which could 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 person 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.

**4.2 Declaration of right to apply for burial**

The applicant is required to declare that they are entitled as the woman who experienced the pregnancy loss, or the individual authorised by them, to apply for the burial by virtue of Part 3 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 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 burial and if a person does so then they may be liable to a fine of up to Level 3 on conviction.

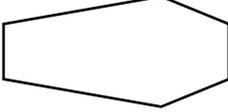
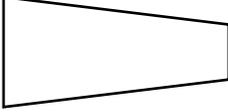
**Section 5: Funeral director details**

**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.

The funeral director is required to sign and complete the declaration at the end of section 5.

### **Section 6: 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.