

Briefing for the Citizen Participation and Public Petitions Committee on petition PE2046: [Provide birth certificates for stillborn babies](#), lodged by Debbie-Ann McMillan.

Brief overview of issues raised by the petition

The petition calls on the Scottish Parliament to urge the Scottish Government to enable a birth certificate to be issued in respect of any baby stillborn after 20 weeks of pregnancy.

Background

[National Records of Scotland](#) is a Non-Ministerial Department of the Scottish Government. It is responsible for the [administration of the registration of life events such as births, deaths, marriages, civil partnerships, divorces and adoptions](#).

[NHS Inform](#) provides information on how to register a stillbirth. To register the death, the medical certificate of cause of death or certificate of stillbirth is needed.

Definition of stillbirth

Section 56(1) of [the Registration of Births, Deaths and Marriages \(Scotland\) Act 1965](#) defined a stillbirth as a child which had issued forth from its mother after the 28th week of pregnancy and which did not breathe or show any other sign of life.

[The Still-Birth \(Definition\) Act 1992](#), which came into effect on 1 October 1992, amended section 56(1) of the 1965 Act (and other relevant UK legislation), replacing the reference to the 28th week with a reference to the 24th week.

The change in the definition of stillbirth was outlined in the Scottish Office letter [NHS MEL \(1992\) 48](#). This noted that the change was to bring the definition with the consensus of professional bodies about the age at which a foetus can be said to be viable.

SANDS (Stillbirth and Neonatal Death Society) position

SANDS considers that the option of official recognition for pregnancy losses that occur before 24 weeks gestation should be available and that all bereaved parents must be offered equal, high quality, individualised, safe and sensitive care. Following a consultation in 2018, it reported that bereaved parents and families who had experienced a loss before 24 weeks gestation were calling for improved support, choice and official recognition of their loss.

The majority (93%) supported a change to the system to enable registration pre-24 weeks, with 87% saying this should be optional. Only 14% believed registration should be mandatory¹.

Framework on extreme preterm birth

The British Association of Perinatal Medicine published “Perinatal Management of Extreme Preterm Birth before 27 weeks of gestation: A framework for practice”, in October 2019. This states:

“Neonatal stabilisation may be considered for babies born from 22+0 weeks of gestation following assessment of risk and multi-professional discussion with parents. It is not appropriate to attempt to resuscitate babies born before 22+0 weeks of gestation.”

Scottish Government action

In March 2023, the Scottish Government announced the launch of a baby loss memorial book – this was expected to launch in Summer 2023. There will be no statutory requirement to register the loss, and all information given is voluntarily.

In his statement on the Programme for Government 2023-24 [the First Minister, Humza Yousaf MSP, committed to launching](#) the certificate and memorial book of pregnancy and baby loss prior to 24 weeks, in September 2023.

Scottish Parliament action

The Health, Social Care and Sport Committee undertook [a short inquiry into perinatal mental health in Scotland](#) in 2021 and 2022. The report noted:

“The Committee is concerned about the evidence it has heard around the lack of support for parents and families affected by miscarriage, stillbirth and the death of an infant.”

In June 2023, motion [S6M-09345](#) Supporting SANDS Awareness Month 2023 was lodged.

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21/09/2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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¹ SANDS personal correspondence 14 September 2023

however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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