

THE STATUS OF THE UNBORN HUMAN (1991)

i) The Conference of 1990 received the Report on The Status of the Unborn Human and commended it for study. The Conference further directed the Faith and Order Committee to produce a summary in popular language suitable for wider distribution. The Committee has made good progress with this “simplified” version of the report, despite the intrinsic difficulties of presenting complex and technical material in a popular style, and hopes that it will be available for sale in time to be used by study groups during the forthcoming autumn and winter.

ii) The Conference also directed the Faith and Order Committee in consultation with the Division of Social Responsibility to look into the legal situation regarding the funeral of stillborn babies. The Committee reports as follows:

The Infant Life Preservation Act (1929) set the legal age of viability at 28 weeks. S12 of the Births and Deaths Registration Act (1926) and S41 of the Births and Deaths Registration Act (1953) define a stillborn child as a child which has issued forth from its mother after the 28th week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life. A stillborn child has a right to a burial or cremation provided that certain formalities are complied with :

S5 of the Births and Deaths Registration Act (1926) states that it shall not be lawful for a person who has control over or who ordinarily buries bodies in any burial ground to permit to be buried or to bury in such burial grounds a stillborn child before there is delivered to him either a certificate given by the Registrar under the provisions of this Act relating to still births or, if there has been an inquest, an order of the Coroner.

The Cremation Regulations (1930) provide that the medical referee may permit the cremation of the remains of a stillborn child if it is certified to be stillborn by a registered Medical Practitioner after examination of the body and if the referee, after such inquiries as he may think necessary, is satisfied that it was stillborn and that there is no reason for further examination. However, before permitting the cremation he must, except when an inquest has been opened and a Coroner’s certificate given, require the production of a Registrar’s Certificate that the stillbirth has been duly registered.

S11 of the Births and Deaths Registration Act 1953 sets out the special provisions as to the registration of stillbirth. The statutes give a strict definition of stillbirth and it is therefore clear that at present only babies born dead after 28 weeks of pregnancy are defined as stillborn. Only such babies are entitled to be registered as stillborn and therefore entitled to a burial or cremation and hence a funeral, in the sense that this word is normally understood. There is no provision for funerals for babies born dead prior to the 28th week.

The Department of Social Security has published a guide, “What to do after a Death”, which indicates not only what must be done but also what help is available. A section of this guide is devoted to stillborn babies, and gives a simplified description of the procedure.

The Stillbirth and Neonatal Death Society (SANDS) has published “Miscarriage, Stillbirth and Neonatal Death – Guidelines for the Professionals.” which contains clear detailed, practical guidelines for the care and support of parents both in hospital and in the community; a discussion of the issues involved in the management of miscarriage, stillbirth and neonatal death; and examples of good practice from around the country.

As babies are being born alive before 28 weeks of pregnancy there have recently been many calls for the definition of stillbirth to be revised and the number of weeks lowered, so that more babies born dead would be entitled to burial or cremation.

There is obviously a need for a funeral service for stillborn babies, and the Church, when dealing with this matter, should also be aware that many parents would like some form of service for their dead baby even if it is not entitled to burial or cremation. There is obviously a great need for pastoral care in this area.

A helpful booklet, “Miscarriage, Stillbirth and Neonatal Death”, which has been published by the Joint Committee for Hospital Chaplaincy, gives guidelines in Pastoral care for Clergy and Hospital Chaplains.

RESOLUTION

The Conference adopts the report.

(Agenda 1991, pp.189-190)

The Conference, adopting the above resolution, added:

1. Definition of Stillbirth

The Conference resolves that a letter be sent to the Secretary of State for Health, William Waldegrave, urging him to introduce legislation to change the legal definition of stillbirth so that babies born dead after 24 weeks of pregnancy are defined as stillborn.

2. The Conference further resolves to ask the Secretary of State for Health to direct that a health circular to be sent to local authorities containing advice and guidelines to District Health Authorities and Trusts about the care that could and should be given to parents who suffer the loss of an expected baby through miscarriage or stillbirth.

3. A letter along the same lines also be sent to Michael Forsyth, MP, Minister of State, Home and Health Department, Scottish Office.