

# Reporting, Certification or otherwise of Fetal Deaths, Still Births and Neo-Natal Deaths

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## **Introduction**

This Guidance Note has been prepared to assist the Registrar of Births, Deaths and Marriages, Medical Practitioners, Midwives and other interested persons to provide appropriate help and assistance to the parent or parents involved as well as the immediate next of kin.

## **Terminology**

A Fetus is the name given to an unborn child after the eighth week of development.

A Still Birth is defined in Section 41 of the Births and Deaths Registration Act 1953 (as amended) in that a Still Born Child means a child which has issued forth from its mother after the 24th 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, and the expression Still Birth shall be construed accordingly.

Consequently an infant is not considered to be born alive until it is issued completely from its mother's body, whether naturally or by caesarean section. It is not necessary for the placenta to have been delivered nor for the umbilical cord to have been cut. However, signs of life are essential. A child which has breathed or shown any other signs of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles is considered as live born for registration purposes, irrespective of the number of weeks gestation.

## **Delivery of a deceased fetus prior to the end of the 24th week of pregnancy**

In these circumstances it is not possible for a Registered Medical Practitioner to give a Cause of Death Certificate. Nor is it possible for a Still Birth Certificate to be issued because such does not fall within the definition. It is not reportable to the Coroner and it is not possible for the Registrar of Births, Deaths and Marriages to issue any form of Certification. If you are in any doubt as to the position, you are advised to contact the Coroner's and Registrar's Offices for advice.

## **Still Births**

Where a child has issued forth from its mother after the 24th week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any signs of life, that is a Still Birth. A duly Registered Medical Practitioner, or if no such Practitioner was present, a Registered Midwife who was present at the delivery can complete a Certificate of Still Birth. Such a Certificate has to be completed and forwarded to the Registrar of Births, Deaths and Marriages as soon as possible. You are advised to read carefully the Guidance Notes accompanying the book of Still Birth Certificate Forms.

In rare circumstances, if there is no doctor or midwife qualified to give a Certificate of Still Birth then there is provision for the Registrar of Births, Deaths and Marriages to ask the informant if he or she is prepared to make a declaration that the child was Still Born. The declaration must be made in the prescribed form and the Registrar will help the informant, if necessary, to complete it.

If there is any doubt as to whether or not the child was born dead, or if it was found that there are any suspicious circumstances then the matter should be referred to the Coroner so that further enquiries can be made.

## **Neo-Natal deaths in the full term or premature status and pre-24th week of pregnancy fetuses**

These deaths are reportable to the Coroner because the child has survived independently, whereas a Still Birth is defined in terms of having no separate existence from the mother (and therefore the Coroner has no jurisdiction over the body). Clearly it may be difficult to determine whether death occurred before complete expulsion from the mother or soon afterwards but there are important medico-legal issues which rest on this. Important evidence on this question falls into the following categories:

- Examination of the lungs to seek evidence as to whether or not respiration ever occurred.
- The nature of the division of the umbilical cord and whether separation of the cord has begun through the latter is not clear for three to five days after birth.
- The presence of vernix indicates whether the child was washed or not after birth.
- Food in the stomach is clear evidence of survival after birth.

The Coroner's jurisdiction is dependent upon him being informed of the fact that there is

a dead body of a human being within his jurisdiction whether of a newly born child or a fully-grown adult. Consequently, if a child has been completely expelled from its mother and did breathe or show other signs of life, irrespective of whether or not it was before or after the 24th week of pregnancy and the child subsequently dies, unless a duly Registered Medical Practitioner can legitimately give a Cause of Death Certificate, the matter is reportable to the Coroner. Circumstances infinitely vary but in order to give a Cause of Death Certificate, the Registered Medical Practitioner would usually have to have been present at the birth and attended the deceased child during its "last illness" and be satisfied as to the cause of death.

A Neo-Natal Death Certificate can be issued up to 28 days after the birth and is different to the Medical Certificate as to the cause of death given in any other case. The explanatory notes at the beginning of both books of certificates should be read because they contain helpful information.

Invariably, it is advisable to report the matter to the Coroner.