

Concealment of Birth: Data, Cases and Repeal

This is a briefing by [Dr Emma Milne](#) on Concealment of Birth (Offences Against the Person Act 1861, s60).

Year	Police recorded crime
Apr 2002 to Mar 2003	7
Apr 2003 to Mar 2004	6
Apr 2004 to Mar 2005	6
Apr 2005 to Mar 2006	8
Apr 2006 to Mar 2007	4
Apr 2007 to Mar 2008	8
Apr 2008 to Mar 2009	8
Apr 2009 to Mar 2010	6
Apr 2010 to Mar 2011	9
Apr 2011 to Mar 2012	5
Apr 2012 to Mar 2013	2
Apr 2013 to Mar 2014	2
Apr 2014 to Mar 2015	5
Apr 2015 to Mar 2016	4
Apr 2016 to Mar 2017	9
Apr 2017 to Mar 2018	12
Apr 2018 to Mar 2019	19
Apr 2019 to Mar 2020	7
Apr 2020 to Mar 2021	9
Apr 2021 to Mar 2022	6
Apr 2021 to Mar 2023	7
Oct 2021 to Sep 2022	1
Oct 2022 to Sep 2023	12

The table outlines police recorded offences of concealment of birth (in England and Wales.

The offence of concealment of birth is committed if a person conceals the dead body of a baby to conceal the fact it was ever born.

There are an average of 7 cases per year. Note the change in reporting months from 2021.

Police recorded crime indicates cases reported to the police that an individual force has recorded.

A further review of Home Office [Police Recorded Crime](#) indicates that the recorded instances of the offence are spread across the country, rather than focused in certain areas.

ONS (2024) [Crime in England and Wales](#).

Nature of cases

[Research by Dr Emma Milne](#) illustrates that today:

- The offence allows for the prosecution of women when it is believed that they have committed a more serious crime, but there is no evidence to support a conviction.
- In the past concealment of birth has been used to criminalise a woman if it is suspected, but cannot be proven, she has killed a newborn baby.
- More recently, the offence has been charged in instances where it is believed a woman has ended her pregnancy outside of the parameters of the Abortion Act 1967, but the prosecution lack evidence to support a conviction for this crime.

- In all the cases analysed by Dr Emma Milne, the women convicted of concealment of birth are incredibly vulnerable, and have experienced a “crisis pregnancy”.
- The crisis has caused them to keep their pregnancy a secret from the wider world. They also frequently deny their pregnancy to themselves, resulting in them giving birth alone and then disposing of the body of the infant, most often in a panic. Examples of cases are provided below.

Concealment of birth should be removed from the criminal law

- Convicting people of one offence because another cannot be proven (specifically when the convicted offence is so far from the suspected crime) is a misuse of the criminal law.
 - An important aspect of criminal law is that it appropriately and fairly labels the wrongdoing of the defendant.
 - If a more serious crime is suspected – murder, for example – concealment of birth is not an appropriate substitute.
- Other, more appropriate offences exist that could capture the wrongdoing of hiding a dead body.

Alternatives to concealment of birth

- The inappropriate disposal of a dead body is governed by numerous provisions, statutory and otherwise. For example:
 - local authorities have the power to [prevent contact with a dead body](#) for public health reasons.
 - if a registrar learns that a body has not been properly disposed of, then he/she must [report the matter to the officer responsible](#) for environmental health for the district.
- Failure to register a live birth or stillbirth is a criminal offence under the Births and Deaths Registration Act 1953.
- Concealing the birth of a body to prevent an investigation into the death is in breach of two common law crimes, both have a maximum punishment of life imprisonment:
 - disposal of a corpse with intent to obstruct or prevent a coroner’s inquest when there is a duty to hold one (*R v Purcy* [1934] 24 Cr. App. R. 70).
 - perverting the course of justice (*R v Williams* [1991] 92 Cr App R 158).

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Find out more about the research:



Recent cases of concealment of birth

From [research by Dr Emma Milne](#)

Lily was in her mid-thirties when she discovered she was pregnant. Although a termination of the pregnancy was scheduled, she did not attend the appointment, claiming that her abusive partner, the father of the baby, prevented her from attending. Police records and hospital admissions support her claim that their relationship was abusive and violent. Four years later, the body of a full-term baby was discovered in the grounds of a house in which Lily had previously resided. Identification of Lily's former partner through DNA, followed by a media campaign on the BBC's programme Crimewatch, resulted in Lily being arrested, ten years after giving birth to the child. Lily states she gave birth to the baby following an assault by her partner, which resulted in stomach pains, bleeding and the baby 'falling out'. Lily pleaded guilty to concealment and preventing the lawful burial of the corpse. At the same hearing, Lily was also sentenced for numerous offences of fraud and dishonesty. Lily's barrister maintained that all offences committed were done so in the context of domestic violence and abuse, and that Lily was acting under the influence of her partner and in fear of him and what he may do to her and their young child. In sentencing, the judge concluded that an immediate custodial sentence would be unproductive and harmful to her children, as it would be for no more than a couple of months due to the deduction of time from Lily's period in custody and year on curfew while on remand. For all indictments, Lily was sentenced to a one-year community order with supervision.

Hannah concealed her pregnancy from her family and gave birth alone in her home. Following her arrest and subsequent medical examination, she told a nurse that she passed out after the labour. The child was born alive and died within two hours of birth. There were no signs of injury to the child and no cause of death could be ascertained. In her mid-twenties, Hannah's family disapproved of her relationship with her boyfriend. After not attending two appointments to terminate the pregnancy, Hannah carried the child to full term. The morning after giving birth to the child, Hannah left the body in the front garden of a friend's house; the friend later discovered it. The police traced Hannah after identifying her boyfriend, through his DNA, as the father of the baby. Hannah pleaded guilty to concealment and child cruelty due to not seeking medical assistance for the child. She was sentenced to 26-weeks imprisonment, suspended for 2 years.

Olivia and Michael had been in a relationship for approximately 18 months when Olivia gave birth unexpectedly. She claims she only discovered she was pregnant a month before giving birth, and Michael claims he did not know about the baby until the birth. Michael took the body of the baby and left it in a bag near railway tracks. Two years later, following Michael's arrest for offences of violence, he told the police of the birth of the baby and abandonment of the body. The pathology report indicated that the child was born eight weeks premature; due to the prematurity it was not possible to determine if live born, nor the cause of death. Both Olivia and Michael were charged with, and pleaded guilty to concealment of birth. Each received a prison sentence of 10 months, suspended for 2 years. The judge stated the sentence was suspended due to early guilty pleas, their youth, and the context of lack of support at the time of the pregnancy and birth.