



PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [*Table of Public Acts*](#).

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CHAPTER V-4.1
VITAL STATISTICS ACT

| 1. In this Act | Interpretation |
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| (a) “birth” means the expulsion or extraction from its mother of a fetus which, after complete separation from its mother, shows any sign of life; | birth |
| (b) “cemetery” means land set apart or used as a place for the interment or other disposal of dead bodies, and includes a vault, mausoleum and crematorium; | cemetery |
| (c) “cemetery owner” includes the manager, superintendent, caretaker or other person in charge of a cemetery; | cemetery owner |
| (d) “certificate” means a certified extract of the prescribed particulars of a registration filed in the office of the Director; | certificate |
| (e) “cremation” means disposal of a dead body by incineration in a crematorium; | cremation |
| (f) “Director” means the Director of Vital Statistics; | Director |
| (g) “division registrar” means a division registrar appointed for the purposes of this Act; | division registrar |
| (h) “error” means incorrect information, and includes omission of information; | error |
| (i) “funeral director” means a person who takes charge of a dead body for the purpose of burial, cremation or other disposition; | funeral director |
| (j) “incapable” means unable because of death, illness, mental disorder or incapacity, absence from the province, or otherwise; | incapable |
| (k) “international classification” means the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization; | international classification |
| (l) “medical practitioner”, except in clause 12(1)(a), means a medical practitioner registered under the <i>Medical Act</i> R.S.P.E.I. 1988, Cap. M-5; | medical practitioner |
| (m) “Minister” means the Minister of Health; | Minister |
| (n) “occupier” means the person occupying any dwelling, and includes the person having the management or charge of any public | occupier |

or private institution where persons are cared for or confined, and the proprietor, manager, keeper or other person in charge of an hotel, inn, apartment, lodging house or other dwelling or accommodation;

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| prescribed | (o) “prescribed” means prescribed by regulations; |
| registration division | (p) “registration division” means a registration division established under subsection 38(3); |
| stillbirth | (q) “stillbirth” means the complete expulsion or extraction from its mother after at least twenty weeks pregnancy, or after attaining a weight of at least 500 grams, of a product of conception in which, after the expulsion or extraction, there is no breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle. 1996,c.48,s.1; 2005,c.40,s.34. |

BIRTH

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| Notice of birth | 2. Except in the case of a birth in a hospital, the medical practitioner or other person who assumes responsibility for the delivery of a child at birth shall, within seventy-two hours after the birth, provide to the division registrar a notice of the birth in the prescribed form. 1996,c.48,s.2. |
| Reporting birth | 3. (1) Within thirty days after the birth of a child in the province, <ul style="list-style-type: none"> (a) the mother and the father of the child; (b) the child's mother, if the father is incapable or is unacknowledged by or unknown to the mother; (c) the child's father if the mother is incapable; (d) if neither parent is capable, or if the mother is incapable and the father is unacknowledged by or unknown to her, the person standing in the place of the parents of the child; or (e) if there is no person to whom clause (a), (b), (c) or (d) applies, any person who has knowledge of the birth of the child, shall complete and provide a statement in the prescribed form respecting the birth to the division registrar. |
| Statutory declaration | (2) If the statement is made by a person under clause (1)(b), (c), (d) or (e), the person making the statement shall make and submit with the statement a statutory declaration of the facts that require the statement to be made by the declarant. |
| Statement, multiple birth | (3) If a pregnancy results in the birth of more than one child, a separate statement for each child shall be completed and provided in accordance with subsection (1), and each statement shall state the number of children born and their order of birth. |

(4) A statement shall contain particulars of the mother and, if the father makes the statement, particulars of the father. Contents of statement

(5) Where a statement completed by only one parent of the child or by a person who is not the child's parent is registered, the Director shall amend the statement on application of any of the following persons: Amendment of statement by Director

- (a) the child's mother and father together;
- (b) the child's mother, if the father is incapable or is unacknowledged by or unknown to the mother;
- (c) the child's father, if the mother is incapable.

(6) If one parent applies to amend the statement without the other because the other parent is incapable, a statutory declaration of the fact shall be attached to the application. Statutory declaration *re* incapacity

(7) Where paternity is established pursuant to the *Child Status Act* R.S.P.E.I. 1988, Cap. C-6 the Director shall on receipt of a copy of the order make a notation on the birth statement of the child to reflect the determination of paternity. 1996,c.48,s.3. Notation of paternity

4. (1) The surname of a child shall be registered as follows: Name of child

- (a) if only one parent completes the form under section 3, the surname shall be the one chosen by that parent;
- (b) if both parents complete the form under section 3, the surname shall be a surname chosen by both of them;
- (c) if both parents complete the form under section 3, but do not agree on the child's surname, the surname shall be
 - (i) the parents' surname, if they use the same surname, or
 - (ii) a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they use different surnames;
- (d) if a person who is not the child's parent completes the form under section 3, the surname shall be
 - (i) the parents' surname, if they use the same surname,
 - (ii) a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they use different surnames, or
 - (iii) if only one parent is known, that parent's surname.

(2) Notwithstanding subsection (1), no surname shall contain more than two surnames hyphenated or combined, and if the mother or father or both use a hyphenated surname, only one of the names in that surname shall be used. Multiple surnames

(3) For the purpose of subclauses (1)(c)(ii) and (1)(d)(ii), if subsection (2) applies, the one name to be used is the name that alphabetically precedes the other. 1996,c.48,s.4. Alphabetical arrangement

- Additional evidence required by Director **5.** If the division registrar is not satisfied as to the truth and sufficiency of the statement required under subsection 3(1), the division registrar shall refer the matter to the Director who, in order to obtain additional evidence as may be necessary, may
- (a) require the attendance of the person who signed the statement, or of any other person; and
 - (b) examine that person respecting any matter pertaining to the registration of the birth. 1996,c.48,s.5.
- Birth registration **6.** On the receipt, within one year after the birth, of a statement in the prescribed form respecting the birth, the division registrar, if satisfied as to the truth and sufficiency of the statement, shall register the birth. 1996,c.48,s.6.
- Birth registration by Director **7.** Where a birth is not registered within one year after the birth or the division registrar has referred the matter to the Director under section 5, if application for the registration is
- (a) made by any person to the Director in the prescribed form;
 - (b) verified by statutory declaration; and
 - (c) accompanied by a statement in the prescribed form respecting the birth and other evidence as may be prescribed,
- the Director shall register the birth if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith. 1996,c.48,s.7.
- Foundlings **8.** (1) Where a new-born child is found deserted, the person who finds the child, and any person in whose charge the child may be, shall give to the division registrar within seven days after the finding or taking charge of the child, information possessed as to the particulars required to be registered concerning the birth of the child.
- Transmittal of information to Director (2) The division registrar, on receipt of the information regarding the birth of the child and on being satisfied that every reasonable effort has been made to identify the child, shall
- (a) require the person who found or has charge of the child
 - (i) to complete a statutory declaration concerning the facts of the finding of the child, and
 - (ii) to complete, so far as the person is able, the statement required under subsection (3)(1);
 - (b) cause the child to be examined by a health officer or a medical practitioner with a view to determining as nearly as possible the date of the birth of the child;
 - (c) require the examiner to make a statutory declaration setting forth the facts as determined by the examination; and
 - (d) make a detailed report of the case and transmit it, together with the evidence regarding the birth of the child, to the Director.

(3) The Director, on receipt of the report and the evidence under subsection (2), shall review the case and, if satisfied as to the correctness and sufficiency of the matters stated, shall determine a date and place of birth, a surname and a given name and shall register the birth with that information.

Duties of Director

(4) The Director, on registering a birth under this section, shall transmit forthwith to the Director of Child Welfare a copy of all documents respecting the child received under this section.

Idem

(5) If, subsequent to the registration of a birth under this section, the identity of the child is established to the satisfaction of the Director or further relevant information is received, the Director shall

Identity of child learned after registration

(a) add to or correct the registration of the birth made under this section; or

(b) cancel the registration of birth made under this section and cause a new registration in accordance with the actual facts of the birth to be made and filed in substitution for the registration first made under this section.

(6) Where a new registration of the birth of a child is made under subsection (5), the date of registration shall be as shown on the registration first made.

New registration of birth, date

(7) The Director shall notify the Director of Child Welfare forthwith of any action taken under subsection (5).

Notice to Director of Child Welfare

(8) Where a person has received a certificate issued in respect of the registration of the birth of a child made under subsection (3), if the registration is cancelled under subsection (5), that person shall provide the certificate to the Director for cancellation if the Director so requires. 1996,c.48,s.8.

Return of cancelled certificate

CHANGE OF NAME

9. (1) Except in a case to which section 10 or section 13 applies, where the birth of a child has been registered and

Alteration or addition of given name by Director

(a) the given name under which the child was registered is changed; or

(b) the child was registered without a given name,

both parents, the surviving parent, the guardian of the child, the person procuring the name to be changed or given, or the child after attaining the age of majority, may apply to the Director setting forth the particulars of the change of the name given, accompanied by a statutory declaration completed by the applicant; and

(c) a baptismal certificate, showing the given name under which the child was baptized; or

(d) such other documentary evidence as may be prescribed or is satisfactory to the Director,

and the Director, on being satisfied that the application is made in good faith and on payment of the prescribed fee, shall record the change.

Time limit

(2) No alteration of or addition to a given name shall be made in any registration of a birth under this section unless the name of the child was changed or the name was given to the child within ten years after the birth.

Certificates,
contents after
changes

(3) Any birth certificate issued after the making of an alteration or addition pursuant to this section shall be prepared as if the registration had been made containing the changed or new given name.

Return of cancelled
certificate

(4) A person who has a certificate in respect of the registration of the birth of the child that was issued before the making of an alteration or addition pursuant to this section shall, if required by the Director, provide the certificate to the Director for cancellation. 1996,c.48,s.9.

Change of name

10. (1) Where the name of a person is changed in the province in accordance with the *Change of Name Act* R.S.P.E.I. 1988, Cap. C-3, or is changed in another jurisdiction by or under a law of that jurisdiction, the Director, on production of proof of the change and satisfactory evidence as to the identity of the person,

(a) if the birth or marriage of the person is registered in the province, shall record the change;

(b) if the change was made in accordance with the *Change of Name Act* and the person was born or married in Canada but outside the province, shall transmit to the officer in charge of the registration of births and marriages in the province or territory of Canada in which the person was born or married a copy of the proof of the change of name produced to the Director; or

(c) if the change was made in accordance with the *Change of Name Act* and the person was born or married outside Canada,

shall, if requested by the person whose name has been changed, transmit to the officer in charge of the registration of births and marriages in the state in which the person was born or married, a copy of the proof of the change of name produced to the Director.

Certificates,
contents after
change

(2) Every birth or marriage certificate issued after recording a change under this section shall be issued as if the registration had been made in the name as changed. 1996,c.48,s.10.

STILLBIRTH

11. (1) Where a stillbirth occurs, the person who would have been responsible for the reporting of it under section 3, if it had been a birth, shall complete and provide to the funeral director a statement in the prescribed form respecting the stillbirth. Stillbirth registration

(2) The medical practitioner in attendance at a stillbirth or, where there is no medical practitioner in attendance, any other medical practitioner or a coroner shall complete the medical certificate included in the prescribed form showing the cause of the stillbirth and shall provide it to the funeral director. *Idem*

(3) On receipt of the statement, the funeral director shall complete the statement setting forth the proposed date and place of burial, cremation or other disposition of the body and shall provide the statement to the division registrar. Statement by funeral director re burial

(4) On receipt of the statement the division registrar shall register the stillbirth. Registration

(5) On the registration of a stillbirth, the division registrar shall forthwith prepare and deliver to the person requiring them for the purpose of the burial, cremation or other disposition of the body of the stillborn child an acknowledgment that the stillbirth is registered and a burial permit. 1996,c.48,s.11; 1999,c.48,s.1 *{eff.}* July 29/00. Burial permit

CHANGE OF SEX

12. (1) Where a person's anatomical sex structure has been changed to a sex other than that which appears in the person's birth statement, the Director, on production of Change of sex

(a) an affidavit of two medical practitioners, each affidavit stating that the anatomical sex of the person has changed; and

(b) evidence satisfactory to the Director as to the identity of the person,

shall

(c) if the birth of the person is registered in the province, record the change of sex; and

(d) if the birth of the person is registered outside the province, transmit to the officer in charge of the registration of births in the jurisdiction in which the person is registered, a copy of the proof of the change of sex produced to the Director.

(2) Every birth certificate issued after recording the change of sex under this section shall be issued as if the registration had been made with the sex as changed. 1996,c.48,s.12; 1999,c.48,s.2 *{eff.}* July 29/00. Contents of certificate after change

ADOPTION

- Adoption **13.** (1) On receipt of a certified copy of an order of adoption transmitted under the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, the Director shall register the adoption.
- Birth registration substituted after adoption (2) Where, at the time of the registration of the adoption or at any time afterward, there is in the office of the Director a registration of the birth of the person adopted, the Director, on production of satisfactory evidence of the identity of the person, shall
- (a) withdraw the original registration from the registration files;
 - (b) substitute a registration of birth in accordance with the facts contained in the order of adoption; and
 - (c) mark the new registration with an indicator which will be recognizable to the Director without revealing the adoption status to external viewers of copies of the registration, so as to permit the Director to locate the original registration if necessary.
- Maintenance of original registration (3) Notwithstanding subsection (2), the Director may, at the request of an adopting parent or parents and with the agreement of the registered birth parent or parents, maintain the original registration with the notation thereon required by subsection 46(2) of the *Adoption Act*.
- Adoption in another jurisdiction (4) Where a person is adopted pursuant to an order, judgment or decree of adoption made by a court in another jurisdiction, the Director
- (a) (i) on receipt of a certified copy of the order, judgment or decree;
 - (ii) on production of satisfactory evidence of the identity of the person,
- shall, if at the time of the registration of the adoption or at any time afterward, there is in the Director's office a registration of the birth of that person, register the adoption and substitute the registration of birth in the manner referred to in subsection (2); and
- (b) shall mark the new registration with an indicator which will be recognizable to the Director without revealing the adoption status to external viewers of copies of the registration, so as to permit the Director to locate the original registration if necessary.
- Transmission of adoption order to extra-provincial authority (5) Where a person born outside the province is adopted pursuant to the *Adoption Act*, the Director shall transmit a certified copy of the order of adoption to the person having charge of the registration of births in the jurisdiction in which the person was born. 1996,c.48,s.13.
- Special register of adoptions **14.** (1) The Director shall maintain a special register in which shall be kept
- (a) the original registrations of birth withdrawn from the registration files pursuant to section 13; and

(b) the copies of all orders, judgments and decrees received by the Director for the purposes of section 13, other than the copy required for the purposes of subsection 13(5).

(2) The special register and any entry, information or documents contained in it shall not be made public or disclosed to any person except in accordance with the *Adoption Act* or such other provisions as may be prescribed. 1996,c.48,s.14. Register confidential

15. If a child born in the province is adopted pursuant to the laws of the province or of another jurisdiction and a registration of adoption has been made pursuant to section 13, any certificate of birth of that child subsequently issued by the Director Birth certificate after adoption

(a) shall be in accordance with the registration of the adoption; and
 (b) in any case where parentage is shown, shall indicate the legal parents in accordance with the *Adoption Act*,
 and nothing shall appear on any certificate issued by the Director that would disclose that the child is an adopted child. 1996,c.48,s.15.

MARRIAGE

16. (1) Immediately after a person authorized by law solemnizes a marriage in the province he or she shall prepare a statement in the prescribed form respecting the marriage, and the statement shall be signed by Marriage statement

- (a) each of the parties to the marriage;
- (b) at least two adult witnesses to the marriage; and
- (c) the person who solemnized the marriage.

(2) The person who solemnized the marriage shall, within seven days after the marriage, provide the completed statement to the division registrar. Delivery of statement to registrar

(3) On the receipt within one year after the marriage of a completed statement in the prescribed form respecting the marriage, the division registrar, if satisfied as to its truth and sufficiency, shall register the marriage. 1996,c.48,s.16. Registration within one year of marriage

17. Where a marriage is not registered within one year after the marriage, if application for its registration is Marriage registration by Director

- (a) made by any person to the Director in the prescribed form;
- (b) verified by statutory declaration; and
- (c) accompanied by a statement in the prescribed form respecting the marriage and other evidence as may be prescribed,

the Director shall register the marriage if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith. 1996,c.48,s.17.

Registration of annulment, etc.

18. (1) Where a marriage is annulled or dissolved by a court in the province, the registrar of the court shall provide to the Director a statement in the prescribed form respecting the annulment or dissolution of a marriage and the Director shall register the annulment or dissolution and cause a notation of the annulment or dissolution to be made on the registration of the marriage.

Transmission of copy to extra-provincial authority

(2) Where a marriage solemnized in another jurisdiction is annulled or dissolved in the province, the Director, on receipt of the statement respecting the annulment or dissolution, shall transmit a certified copy of the order, judgment or decree to the person having charge of registration of marriages in the jurisdiction in which the marriage was solemnized.

Dissolution or annulment in another province

(3) Where a marriage that is registered in the province is annulled or dissolved by order made by a court of competent jurisdiction in another jurisdiction, the Director, on receipt of a certified copy of the order and on production of satisfactory evidence of the identity of the persons, shall register the annulment or dissolution and cause a notation of the annulment or dissolution to be made on the registration of the marriage.

Reissue of marriage certificate

(4) Every marriage certificate issued after the making of a notation pursuant to this section shall contain a copy of the notation. 1996,c.48,s.18.

DEATH

Reporting of death

19. Where a person dies in the province, the personal particulars of the deceased person shall be set forth in the prescribed form and provided to the funeral director

- (a) by the nearest relative of the deceased present at the death or in attendance at the last illness of the deceased;
 - (b) if no such relative is available, by any relative of the deceased residing or being in the registration division;
 - (c) if no relative is available, by any adult person present at the death;
 - (d) by any other adult person having knowledge of the facts;
 - (e) by the occupier of the premises in which the death occurred; or
 - (f) by the coroner who has been notified of the death and has made an investigation or held an inquest regarding the death.
- 1996,c.48,s.19.

Death certificate, normal circumstances

20. (1) Where a medical practitioner

- (a) attended the deceased during his or her last illness;
- (b) is able to certify the cause of death with reasonable accuracy and confidence; and
- (c) has no reason to believe that the deceased died in circumstances which require an investigation or inquest under the *Coroners Act* R.S.P.E.I. 1988, Cap. C-25.1

the medical practitioner shall without delay complete and sign a medical certificate in the prescribed form stating the cause of death according to the international classification and supply the certificate to the funeral director.

(2) Where

- (a) there was no medical practitioner in attendance during the last illness of the deceased;
- (b) the cause of death cannot be determined with reasonable accuracy and confidence; or
- (c) there is reason to believe that the deceased died in circumstances which require an post-mortem examination or an investigation or inquest under the *Coroners Act*,

Reference to coroner where circumstances require

the funeral director or a practitioner or official assuming responsibility for the deceased shall immediately notify the coroner who shall determine if an investigation, inquest or post-mortem examination.

(3) Where the coroner is notified pursuant to subsection (2) and, within forty-eight hours of notification,

Determination of cause of death by coroner

- (a) the coroner is able to certify the cause of death with reasonable accuracy and confidence and determines that the circumstances do not require a post-mortem examination or an investigation or inquest under the *Coroners Act*; or
- (b) as a result of a post-mortem examination or an investigation or inquest the coroner is able to certify the cause of death,

the coroner or another practitioner authorized by the coroner shall without delay complete and sign a medical certificate in the prescribed form stating the cause of death and supply the certificate to the funeral director.

(4) Where the coroner is notified pursuant to subsection (2) and the coroner is not able to certify the cause of death with reasonable accuracy and confidence within forty-eight hours of notification, if the body is no longer required for the purposes of a post-mortem examination, investigation or inquest, the coroner shall sign an interim medical certificate in the prescribed form, supply it to the funeral director and release the body into the care of the funeral director.

Release for burial, cause of death non ascertained

(5) When the cause of death has been determined pursuant to a post-mortem examination or investigation or inquest under the *Coroners Act*,

Final certificate re cause of death

the coroner shall sign a medical certificate in the prescribed form stating the cause of death and provide it to the Director who shall substitute it in the register of deaths for the interim certificate issued under subsection (4). 1996,c.48,s.20; 2006,c.29,s.61.

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| Form and certificate to division registrar | 21. (1) On receipt of the form referred to in section 19 and of the medical certificate or the interim medical certificate, the funeral director shall forthwith provide the form and certificate to the division registrar of the registration division in which the death occurred or, if the place of death is not known, to the division registrar of the registration division in which the body was found. |
| <i>Idem</i> | (2) Where it is impractical to provide the form and certificate to the proper division registrar, they may be provided to the nearest division registrar. 1996,c.48,s.21. |
| Death registration | 22. On receipt, within one year after a death, of the form and certificate under section 21, the division registrar, if satisfied as to the truth and sufficiency of the form, shall register the death. 1996,c.48,s.22. |
| Death not registered within one year | 23. Where a death is not registered within one year after the death or where the division registrar refuses to register a death, if application for registration of it is made by any person to the Director, accompanied by <ul style="list-style-type: none"> (a) the form and certificate under section 21; and (b) other evidence as may be prescribed, the Director, if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the death. 1996,c.48,s.23. |
| Burial permit | 24. (1) On receipt of the form and certificate under subsection 21(1), the division registrar shall prepare and issue to the funeral director a burial permit. |
| <i>Idem</i> | (2) On receipt of the form and certificate under subsection 21(2), the division registrar shall prepare and issue to the funeral director a burial permit and forward the statement and certificate to the proper division registrar. |
| Prohibitions | (3) Unless a burial permit in respect of the deceased has been obtained from a division registrar, no person shall <ul style="list-style-type: none"> (a) bury, cremate or otherwise dispose of the body of a person who dies in the province; or (b) remove the body from the registration division in which the death occurred or the body was found, except temporarily for the purpose of preparing it for burial, cremation or other disposition. |

(4) Where the body of any person is to be removed by a common carrier to the place of burial, cremation or other disposition, the removal shall not take place unless the prescribed copies of the burial permit have been affixed to the outside of the casket.

Procedures for removal of body

(5) The funeral director shall

Funeral director, duties

- (a) at the place of burial, cremation or other disposition, remove any copies of the burial permit affixed to the outside of the casket;
- (b) deliver the prescribed copy of the burial permit to the person conducting the funeral or religious service; and
- (c) deliver the prescribed copy of the burial permit to the cemetery owner or, where no person is in charge of the cemetery at the time of the burial or other disposition of the body, write across the face of the burial permit the words "No person in charge", append his or her signature to the permit, and provide it to the Director.

(6) Unless a coroner otherwise orders, where a death occurs outside the province and the burial, cremation or other disposition of the body is to take place in the province, a burial permit or other document authorized under the law of the place in which the death occurs, signed by the division registrar or other proper officer, is sufficient authority for the burial or other disposition of the body.

Death outside province, supporting documents

(7) For the purpose of burial, cremation or other disposition of a body outside the province, the Director or a division registrar, upon the request of a funeral director, may issue certified copies of a registration of death, medical certificate or other prescribed form to be provided as necessary to the authorities of a jurisdiction in or into which the body is to be transported. 1996,c.48,s.24; 2006,c.29,s.61.

Issue of documents for burial etc., out of province

25. No cemetery owner shall permit the burial or cremation of a dead body in the cemetery unless the funeral director or the person officiating at the burial has provided to the cemetery owner the prescribed copy of the burial permit. 1996,c.48,s.25.

Duties of cemetery owner

26. (1) Where the death of a person known to be born in another province is registered in this province, the Director shall send a certified copy or other such official notification of the registration to the official responsible for registrations in the relevant jurisdiction.

Notification to other province of registration of death

(2) Where the Director receives from the official responsible for registrations in another jurisdiction a certified copy or other such official notification of the registration of the death of a person known to be born in this province, the Director shall make a notation to record the death on the person's registration of birth. 1996,c.48,s.26.

Notation of death occurring outside province

BIRTH OR DEATH ON AIRCRAFT OR VESSEL

Births and deaths at sea or on aircraft **27.** (1) Where a birth or death occurs on a vessel underway or on an aircraft in flight, and the vessel's first port of call or the aircraft's first place of landing after the birth or death is in the province, the birth or death shall, for the purposes of this Act, be deemed to have occurred in the province.

Idem (2) Where a vessel recovers a body at sea and the vessel's first port of call after the recovery is in the province, the death shall, for the purposes of this Act, be deemed to have occurred in the province. 1996,c.48,s.27.

ADMINISTRATION

Church records **28.** Where registers or records of baptisms, marriages or burials kept by any church or religious body in the province are now on file or are afterward with the approval of the Director placed on file in the office of the Director, the registers or records shall be preserved and shall remain in the custody of the Director as part of the records of the Director's office. 1996,c.48,s.28.

Fraudulent or improper registrations and certificates **29.** (1) On written application by any person and after notice to and hearing of all persons interested or, where the holding of a hearing is not possible, on receipt of a statutory declaration or other evidence satisfactory to the Director that may be adduced by any person interested, the Director, if satisfied that an event registered under this Act did not in fact occur, may

- (a) order cancellation of the registration; and
- (b) order that every certificate issued in respect of that registration be delivered to the Director for cancellation.

Idem (2) On written application by any person and after notice to and hearing of all persons interested or, where the holding of a hearing is not possible, on receipt of a statutory declaration or other evidence satisfactory to the Director that may be adduced by any person interested, the Director, if satisfied that a certificate was obtained or is being used for unlawful or improper purposes, may order the delivery to the Director of that certificate.

Cancelled certificate to Director (3) A person who possesses or controls a certificate in respect of which an order has been made under subsection (1) or (2) shall forthwith, on receipt of the order, deliver the certificate to the Director for cancellation.

Director, retention of documents (4) The Director shall retain all registrations and certificates cancelled under this section, together with the Director's order and all related documents. 1996,c.48,s.29.

30. (1) If, while registration documents are in the possession of a division registrar, it is reported that an error exists in the registration, other than an error of the kind referred to in subsection 29(1), the division registrar shall inquire into the matter and, if satisfied that an error has been made, may correct the error. Corrections

(2) If, after registration documents have been received by the Director, or registration has been made by the Director, it is reported that an error exists in the registration, other than an error of the kind referred to in subsection 29(1), the Director shall inquire into the matter and, on the production of satisfactory evidence verified by statutory declaration, may correct the error. Corrections after registration

(3) If, after the correction of an error, application is made for a certificate, the certificate shall be prepared as if the registration had been made containing correct particulars at the time of registration. *Idem*
1996,c.48,s.30.

31. (1) Any person, on applying, furnishing information satisfactory to the Director and paying the prescribed fee, may, if the Director is satisfied that the search information is not to be used for an unlawful or improper purpose, have a search made by the Director Search of records

- (a) for the registration of any birth, stillbirth, marriage, death, change of name, annulment or dissolution of marriage; or
- (b) for the record of any baptism, marriage or burial placed on file in the office of the Director under section 28.

(2) The Director shall make a report on the search which shall state only the following information: Report on search

- (a) whether or not the birth, stillbirth, marriage, death, change of name, annulment or dissolution of marriage, baptism or burial is registered or recorded;
- (b) if registered, its registration number. 1996,c.48,s.31.

32. (1) A certificate of birth or of registration of marriage may be issued by the Director, on application in the prescribed form and on payment of the prescribed fee, only to Issue of certificates

- (a) a person named in the certificate;
- (b) a parent whose name appears on the registration from which the certificate is to be issued;
- (c) a spouse of a person whose name appears on the registration from which the certificate is to be issued;
- (d) a person on the authorization in writing of the person named in the certificate or of the parents or spouse of the person named in the certificate;

- (e) a lawyer acting for the person named in the certificate or for the parents or spouse of the person named in the certificate;
- (f) a person on the order of a court;
- (g) a public officer who requires it for use in the discharge of official duties; or
- (h) a person on the authority in writing of the Minister.

Contents of birth certificate

(2) A birth certificate shall be in such form or forms as may be prescribed and contain

- (a) the name of the person;
- (b) the date of birth;
- (c) the place of birth;
- (d) the sex of the person;
- (e) the date of registration; and
- (f) the registration number,

and may, where prescribed, contain the names of the parents.

Persons entitled to receive birth registration particulars

(3) A copy or certified copy of the registration of a birth may be issued by the Director on application in the prescribed form and on payment of the prescribed fee, only to

- (a) the person to whom the registration applies, if that person is an adult;
- (b) a person who is shown on the registration as the mother or father of the person in respect of whom the registration applies;
- (c) a person who requires it to comply with the *Adoption Act* or is authorized to receive it under that Act;
- (d) a public officer who requires it for use in the discharge of official duties;
- (e) a person on the order of a court; or
- (f) a person on the authority in writing of the Minister.

Persons entitled to receive copy of marriage registration

(4) A copy or certified copy of the registration of a marriage may be issued by the Director, on application in the prescribed form and on payment of the prescribed fee, only to

- (a) a party to the marriage;
- (b) a person on the authority in writing of a party to the marriage;
- (c) a lawyer acting for a party to the marriage;
- (d) the legal representative of a party to the marriage;
- (e) a public officer who requires it for use in the discharge of official duties;
- (f) a person on the order of a court; or
- (g) a person on the authority in writing of the Minister.

Persons entitled to receive death certificate

(5) Any person, on applying, furnishing information satisfactory to the Director and paying the prescribed fee, may, subject to subsection (6),

obtain a certificate in the prescribed form in respect of the registration of a death.

(6) No certificate issued in respect of the registration of a death shall be issued in a manner that discloses the cause of death as certified on the medical certificate, except *Idem*

- (a) to the mother, father, brother, sister, spouse or common law spouse of the deceased or to the adult child of the deceased;
- (b) on the authority in writing of the Minister;
- (c) a public officer who requires it for use in the discharge of official duties; or
- (d) on the order of a court.

(7) A copy or certified copy of the registration of a death or stillbirth may only be issued on application in the prescribed form and on payment of the prescribed fee to a person *Persons entitled to death certificate*

- (a) who is the mother, father, brother, sister, spouse or common law spouse of the deceased or the adult child of the deceased;
- (b) on the authority in writing of the Minister;
- (c) on the order of a court; or
- (d) who satisfies the Director that it is required to accompany an application to disinter a body.

(8) The Director may refuse to issue a certificate, copy or certified copy under this section if the Director has reason to believe that the document is to be used for an unlawful or improper purpose. *Director, refusal to issue certificate*

(9) Any person, on application in the prescribed form and on payment of the prescribed fee, may, with the approval of the Director and subject to the same limitations as those set out in subsections (1), (3), (4), (6) and (7), obtain a certificate in the prescribed form in respect of the record of a baptism, marriage or burial placed on file under section 28. *Persons entitled to baptism, marriage, or burial certificate*

(10) The authority of the Minister required pursuant to any provision of this section may be dispensed with in such circumstances as may be prescribed. *Authority dispensed with*

(11) No certificate, copy or certified copy shall be issued under this Act in respect of the registration of an adoption, change of name, annulment or dissolution of marriage or change of sex. *Exceptions*

(12) Notwithstanding subsections (1), (3), (4), (6), (7) and (9), any person, on application in the prescribed form and on payment of the prescribed fee, may obtain a copy or certified copy of *Receipt of copies after 100 years*

- (a) a registration of birth, stillbirth, marriage or death; or
- (b) the record of a baptism, marriage or burial placed on file under section 28,

one hundred years after the event that was registered or recorded.

Exception,
genealogical
research

(13) Notwithstanding any other provision of this section the Director may, on payment of the prescribed fee, disclose information from, or issue a copy of, any certificate, registration or other document to a person whom the Director considers is engaged in good faith in genealogical research. 1996,c.48,s.32.

Certificates issued
by Director

33. (1) Every certificate, copy or certified copy issued under section 32 shall be issued by the Director, and no person other than a person authorized by this Act to do so shall issue any document that purports to be issued under this Act.

Validity of
signature

(2) Where the signature of the Director or other official is required for the purposes of this Act, the signature may be written, engraved, lithographed or reproduced by any other mode of reproducing words in visible form.

Validity of
document

(3) Every document issued under this Act under the signature of the Director or other official is and remains valid, notwithstanding that the Director or the official ceased to hold office before the issue of the certificate. 1996,c.48,s.33.

Appeals

34. (1) Where

- (a) an application for the registration of a birth, stillbirth, marriage or death or recording of a change of sex is refused by the Director; and
- (b) within one year after the refusal, an application is made to the Supreme Court,

the court, on being satisfied

- (c) as to the truth and sufficiency of the evidence adduced on the application referred to in clause (a); and

(d) that the application referred to in clause (a) is made in good faith, and having regard to the requirements respecting delayed registration set forth in the regulations for the guidance of the Director, may make an order requiring the Director to accept the application and register the birth, stillbirth, marriage or death or record the change of sex.

Copy of order to
Director

(2) The clerk of the court shall forthwith send a copy of the order to the Director, who shall comply with the order.

Idem

(3) Where

- (a) an application for a certificate, or a copy or certified copy of a registration, or a search in respect of a birth, baptism, stillbirth, marriage, death or burial is refused by the Director, or where an application for a search in respect of a change of name or annulment is refused by the Director; and

(b) within one year after the refusal, application is made to the Supreme Court, the court, on being satisfied that the applicant has good reason for requiring the certificate or copy or search and that the application referred to in clause (a) is made in good faith, may make an order requiring the Director to issue the certificate or copy or make the search, and the clerk of the court shall forthwith send a copy of the order to the Director, who shall comply with the order.

- (4) Where the Director has made an order under section 29,
 (a) any person interested may, within one year afterward, appeal to the Supreme Court; and
 (b) the court may make an order confirming or setting aside the order of the Director. 1996,c.48,s.34.

Appeal from order under section 28

35. The Director and every official acting under this Act may take the affidavit or statutory declaration of any person for the purposes of this Act. 1996,c.48,s.35.

Power to take affidavits

36. The Director may compile, publish and distribute statistical information respecting the births, stillbirths, sex changes, marriages, deaths, adoptions, changes of name and annulments of marriage registered or recorded. 1996,c.48,s.36.

Publication of statistical information

37. (1) No person employed in the administration of this Act shall
 (a) communicate or allow to be communicated to any person any information obtained under this Act; or
 (b) allow any person to inspect or have access to any records containing information obtained under this Act, except as prescribed or authorized by this Act.

Persons entitled to information

(2) This section does not prohibit the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person. 1996,c.48,s.37.

Statistical data compilation

OFFICE OF VITAL STATISTICS

38. (1) There shall be an office of Vital Statistics.

Office

(2) The Minister of Health shall ensure that there is appointed a Director of Vital Statistics who shall be responsible for the administration of this Act, for the office of Vital Statistics and direction of division registrars.

Director

(3) The regulations or the Director may designate registration divisions of the province.

Registration divisions

- Division registrars (4) The Director may designate division registrars to carry out registration functions in accordance with the Act and regulations.
- Forwarding of registrations (5) Division registrars shall provide the Director with registrations and other documents and associated information in such manner as may be prescribed or as the Director requires.
- Artificial identity (6) The Director may, on the request of the Attorney General for such purposes as the police witness protection program, create an artificial identity for any person and issue a certificate of birth and such other documents as may be necessary. 1996,c.48,s.38; 2000,c.5,s.3; 2005,c.40,s.34.

OFFENCES

- Offence **39.** (1) A person who contravenes this Act or the regulations commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.
- Liability (2) Where more than one person is required to give notice, or to register, or to furnish a statement, certificate or particulars required under or pursuant to this Act and the duty is carried out by any of those persons, the other or others are not liable. 1996,c.48,s.39.

REGULATIONS

- Regulations **40.** The Lieutenant Governor in Council may make regulations
- (a) establishing and varying the boundaries of registration divisions in the province;
 - (b) prescribing the forms to be used in carrying out the provisions of this Act;
 - (c) prescribing the duties of the Director;
 - (d) prescribing the duties of and records to be kept by the division registrars;
 - (e) prescribing the information and returns to be furnished to the Director and fixing the times when the information and returns are to be transmitted;
 - (f) fixing the times when division registrars shall forward registrations to the Director;
 - (g) for the registration of births, marriages, deaths, stillbirths, annulments of marriage and adoptions, and for the recording of changes of name, in cases not otherwise provided for in this Act;
 - (h) prescribing the fees to be paid for searches, certificates, copies and certified copies of registrations, and anything done or permitted to be done under this Act and providing for the waiver of payment of any fee in favour of any person or class of person;

- (i) designating the persons who may sign registrations;
- (j) prescribing the evidence on which the Director may register a birth, stillbirth, marriage or death after one year has elapsed;
- (k) requiring persons in charge of hospitals to make returns of the births of all children born in the hospitals;
- (l) prescribing persons authorized to receive or have access to information obtained under this Act;
- (m) for the purpose of effectively securing observance of this Act, and generally for the better carrying out of its provisions and obtaining the information required under it. 1996,c.48,s.40.

41. Repeal. 1996,c.48,s.41.

Repeal

42. Consequential amendments. 1996,c.48,s.41; 1999,c.48,s.3.

Consequential
amendments