



## **PLEASE NOTE**

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This Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted when determining the authoritative statement of the law.

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## CHAPTER V-4

### VITAL STATISTICS ACT

#### 1. In this Act

#### Definitions

- (a) “birth” means the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy, of a product of conception in which, after such expulsion or extraction, there is breathing, beating of the heart, pulsation of the umbilical cord, or unmistakable movement of voluntary muscle, whether or not the umbilical cord has been cut or the placenta is attached; birth
- (b) “burial permit” means a permit to bury, cremate, remove or otherwise dispose of a dead body; burial permit
- (c) “cemetery” means any land which is set apart or used as a place for the interment or disposal of the dead, and includes any vault, mausoleum or crematorium; cemetery
- (d) “cemetery owner” includes the manager, superintendent, caretaker, or other person in charge of a cemetery; cemetery owner
- (e) “certificate” means a certified extract of the prescribed particulars of a registration filed in the office of the Director; certificate
- (f) “cremation” means disposal of a dead body by incineration in a crematorium; cremation
- (g) “Director” means the Director of Vital Statistics provided for under this Act; Director
- (h) “district registrar” means a district registrar appointed under this Act; district registrar
- (i) “error” means incorrect information, and includes omission of information; error
- (j) “funeral director” includes any person who takes charge of a dead body for the purpose of burial, cremation or other disposition, and where a funeral director is not employed, includes the person supplying the casket or funeral furnishings; funeral director
- (k) “incapable” means unable because of death, illness, absence from the province, or otherwise; incapable
- (l) “Indian” means an Indian within the meaning of the *Indian Act* (Canada) R.S.C. 1985, Chap. I-5, but does not include an enfranchised Indian; Indian

married woman	(m) “married woman” means a woman lawfully married to a living husband or who, within the period of gestation prior to the birth of the child in respect of whose birth an application for registration is made under this Act, was lawfully married to a living husband;
medical practitioner	(n) “medical practitioner” means a medical practitioner registered under the <i>Medical Act</i> R.S.P.E.I. 1988, Cap. M-5;
occupier	(o) “occupier” means the person occupying any house or dwelling, and includes the person having the management or charge of any public 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;
prescribed	(p) “prescribed” means prescribed by this Act or the regulations;
registration district	(q) “registration district” means a registration district established under section 28;
state	(r) “state” means any State or Territory of the United States of America and includes the District of Columbia;
stillbirth	(s) “stillbirth” means the complete expulsion or extraction from its mother of a product of conception in which, after such expulsion or extraction, there is no breathing, beating of the heart, pulsation of the umbilical cord, or unmistakable movement of voluntary muscle, and where <ul style="list-style-type: none"> <li>(i) the product weighs five hundred grams or more, or if the weight is unknown,</li> <li>(ii) the expulsion or extraction occurs after a period of gestation of at least twenty-two weeks (154 days), or if this is unknown,</li> <li>(iii) the product has a body length of at least twenty-five centimetres from crown to heel. R.S.P.E.I. 1974, Cap. V-6, s.1; 1963, c.36, s.1, 2; 1993, c.23, s.1.</li> </ul>
Birth not at hospital, registration of birth	<b>2.</b> Except in the case of a birth in a hospital every person who acts as accoucheur or midwife at the birth of a child in the province shall, within twenty-four hours thereafter, deliver or mail to the district registrar of the registration district in which the birth occurs a notice of the birth in the prescribed form. R.S.P.E.I. 1974, Cap. V-6, s.2.
Registration required	<b>3.</b> The birth of every child born in the province shall be registered as provided herein. R.S.P.E.I. 1951, c.172, s.3.
Persons responsible for registration	<b>4.</b> (1) Within thirty days after the day of the birth of a child in the province, <ul style="list-style-type: none"> <li>(a) the mother of the child;</li> </ul>

(b) if the mother is incapable, her husband;  
 (c) if the mother is incapable, and  
     (i) her husband is incapable, or  
     (ii) she has no husband,  
 the person standing in the place of the parents of the child;  
 (d) if there is no person to whom clause (a), (b) or (c) applies, the person required to give notice of the birth under section 2; or  
 (e) if there is no person to whom clause (a), (b), (c) or (d) applies, the occupier of the premises in which the child is born, if he has knowledge of the birth,  
 shall complete and deliver or mail a statement in the prescribed form respecting the birth to the district registrar of the registration district in which the birth occurs, but the Director may accept the statement of the husband although the mother is not incapable.

(2) If more than one child is delivered during a single confinement, a separate statement for each child shall be completed and delivered or mailed as provided in subsection (1), and in each statement the number of children born during the confinement and the number of the child in the order of birth shall be given.

Multiple births,  
 separate  
 registrations

(3) If the district registrar is not satisfied as to the truth and sufficiency of the statement, he shall refer the matter to the Director who, in order to obtain such additional evidence as may be necessary, may require the attendance at his office of the person who signed the statement, or of any person, and may examine him respecting any matter pertaining to the registration of the birth.

Proof of statements,  
 investigation by  
 Director

(4) If the statement is not completed and delivered or mailed in the manner and within the time herein provided, every person upon whom the duty of completing and delivering or mailing the statement is imposed remains liable to perform that duty notwithstanding the expiration of the time provided, and is, in respect of each successive period of thirty days thereafter during which he neglects or fails to complete and deliver or mail the statement, guilty of a violation of this Act.

Offence for not  
 registering

(5) Upon the receipt, within one year from the day of birth, of a statement in the prescribed form respecting the birth, the district registrar, if he is satisfied as to the truth and sufficiency thereof, shall register the birth by signing the statement, and thereupon the statement constitutes the registration of the birth. R.S.P.E.I. 1974, Cap. V-6, s.4; 1986, c.21, s.1.

Registration within  
 one year

5. (1) Subject to subsection (2), the birth of a child of a married woman shall be registered showing the particulars of the husband as those of the father of the child.

Registration of  
 particulars as to  
 father, married  
 woman

- Idem*, husband not the father
- (2) Where
- (a) a married woman files with the Director a statutory declaration that
- (i) at the time of the conception she was living separate and apart from her husband, and
- (ii) her husband is not the father of the child; or
- (b) a married woman and her husband file with the Director statutory declarations that the husband is not the father of the child,
- no particulars as to the father shall be given in the statement required under subsection 4(1) unless the mother and a person acknowledging himself to be the father jointly so request in writing, in which case the particulars of the person so acknowledging may be given as the particulars of the father, and, if the request is made after the registration of the birth, the Director may, upon payment of the prescribed fee, amend the registration in accordance with the request by making the necessary notation thereon.
- Idem*, unmarried woman
- (3) Except as provided in subsection (4), the registration of the birth of a child of an unmarried woman shall not show particulars as to the father.
- Idem*, where paternity acknowledged
- (4) Where an unmarried woman who is the mother of a child and a person acknowledging himself to be the father jointly so request in writing, the particulars of the person so acknowledging may be given as the particulars of a father, and, if the request is made after the registration of the birth, the Director, upon payment of the prescribed fee, may amend the registration in accordance with the request by making the necessary notation on the registration. 1986, c.21, s.2; 1993, c.23, s.2.
- Name of child
6. (1) Upon the joint request of the mother and the father, the birth of a child shall be registered showing as the surname of the child
- (a) the surname of the mother;
- (b) the surname of the person shown on the registration as the father; or
- (c) a surname consisting of a combination, of not more than two parts, of the surnames of the mother and the father.
- Idem*, unmarried mother and no paternity acknowledged
- (2) Where the birth of a child is registered without giving particulars as to the father of the child, the birth of the child shall be registered showing the surname of the mother as the surname of the child.
- Idem*, disagreement of parents
- (3) In case of disagreement of the parents with respect to the choice of a surname, the Director shall assign to the child a surname consisting of a combination, of not more than two parts, of the surnames of the mother and the father.

(4) Where the surname of a child is registered pursuant to this section siblings of that child born thereafter of the same parents shall be registered showing the same surname.

Siblings

(5) In this section a reference to the surname of the mother includes a surname used by the mother at any time prior to the registration. 1986, c.21, s.2; 1993, c.23, s.3.

Surname of the mother

**7.** When a birth is not registered within one year from the day of birth, or the district registrar has referred the matter to the Director, if application for the registration thereof is made to the Director in the prescribed form, verified by statutory declaration and by a statement in the prescribed form respecting the birth and other evidence as may be prescribed, the Director, if he is satisfied as to the truth and sufficiency of the matters stated in the application and the application is made in good faith, shall, upon payment of the prescribed fee, register the birth by signing the statement, and thereupon the statement shall constitute the registration of the birth. R.S.P.E.I. 1974, Cap. V-6, s.5; 1993, c.23, s.4.

Registration not effected within one year, or referral to Director

**8.** (1) Where the parents of a child marry each other after the child is born, then upon the parents

Re-registration after

- (a) completing and certifying the statement required under subsection 4(1); and
  - (b) delivering the statement, together with such evidence as is required by the regulations, to the Director,
- the Director shall, upon payment of the prescribed fee,
- (c) register the birth as if the parents had been married to each other at the time of the birth; and
  - (d) make a notation on the statement that the registration was made under this section,

and the statement constitutes the registration of the birth, but upon proof that one of the parents is dead or mentally incapable the application may be made by the other parent.

(2) Where the birth of the child has been registered before the marriage, the original registration shall be withdrawn from the registration files and shall be kept in a separate file and sealed. R.S.P.E.I. 1974, Cap. V-6, s.7; 1987, c.8, s.9,10; 1993, c.23, s.5.

Original file withdrawn and sealed

**9.** (1) Where a newborn child is found deserted, the person who finds the child, and any person in whose charge the child may be, shall give to the district registrar of the registration district in which the child is found, within seven days after the finding or taking charge of the child, such information as he may possess as to the particulars required to be registered concerning the birth of the child.

Child found deserted, duties of finder

Transmittal of  
information to  
Director  
Duties of Director

(2) The district registrar shall immediately on receipt of the information mentioned in subsection (1) transmit it to the Director.

(3) The Director, upon receipt of the information, and upon being satisfied that every reasonable effort has been made to identify the child without success shall

(a) require the person who found or has charge of the child to complete a statutory declaration concerning the facts of the finding of the child and to complete, so far as the person is able, a statement in the prescribed form required under subsection 4(1); and

(b) cause the child to be examined by the medical practitioner with a view to determining as nearly as possible the date of the birth of the child, and require the examiner to make a statutory declaration setting forth the facts as determined by the examination.

Medical fee for  
examinations

(4) Repealed by 1993, c.23, s.6.

Registration of birth  
of foundling,  
particulars

(5) The Director shall then review the case and, if he is satisfied as to the correctness and sufficiency of the matters stated shall register the birth; and the registration shall, subject as herein provided, establish for the child

(a) a date of birth;

(b) a place of birth; and

(c) a surname and given name.

Director of Child  
Welfare, copies of  
documents

(6) The Director, upon registering a birth under this section, shall transmit forthwith to the Director of Child Welfare a copy of all documents respecting the child filed pursuant to this section.

Identity of child  
learned after  
registration

(7) 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 information with respect thereto is received by him, he may by order,

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

(b) where necessary, 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,

and the Director shall thereupon make a notation of any such cancellation on the registration first made, and no certificate shall thereafter be issued in respect thereof.

Re-registration date  
on original

(8) Where a new registration of the birth of a child has been made under subsection (7) the date of registration shall be as shown on the registration first made.

(9) Where a person has received a certificate issued in respect of the registration of the birth of a child made under subsection (5), if the registration is cancelled under subsection (7), he shall deliver the certificate to the Director for cancellation if the Director so requires. R.S.P.E.I. 1974, Cap. V-6, s.8; 1993, c.23, s.6.

Return of cancelled certificate

**10.** (1) Except in the case to which section 25 applies, where the birth of a child has been registered, and,

Change of given name & registration without given name

- (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 he has attained the age of eighteen years, may deliver to the Director an application setting forth the particulars of the change or of the name given, accompanied by

- (c) a statutory declaration completed by the applicant; and either
- (d) a baptismal certificate, if it can be procured, showing the given name under which the child was baptized; or
- (e) such other documentary evidence as is satisfactory to the Director,

and the Director, upon being satisfied that the application is made in good faith and upon payment of the prescribed fee shall make a notation of the change in the registration of the birth.

(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 next after the day of the birth.

Name change within first four years

(3) No alteration of or addition to a given name shall be made in a registration of a birth, except as provided herein.

Name changes to comply with Act

(4) Any birth certificate issued after the making of a notation pursuant to this section shall be prepared as if the registration had been made containing the changed or new given name at the time of registration. R.S.P.E.I. 1974, Cap. V-6, s.9; 1993, c.23, s.7.

Birth certificates, contents after changes

**11.** (1) Every stillbirth in the province shall be registered as provided herein.

Stillbirths, registration

(2) Where a stillbirth occurs, the person who would have been responsible for the registration thereof as provided in section 4, if it had been a live birth, shall complete and deliver to the funeral director a statement in the prescribed form respecting the stillbirth.

Funeral director, copy of particulars



Cause of stillbirth to be noted	(3) The medical practitioner in attendance at a stillbirth, or where there is no medical practitioner in attendance, a coroner shall complete the medical certificate included in the prescribed form showing the cause of the stillbirth and shall deliver it to the funeral director.
Statement by funeral director <i>re</i> burial	(4) Upon 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 deliver the statement to the district registrar of the registration district in which the stillbirth occurred.
Registration of stillbirth by district registrar	(5) Upon receipt of the statement the district registrar, if he is satisfied as to the truth and sufficiency thereof, shall register the stillbirth by signing the statement, and thereupon the statement shall constitute the registration of the stillbirth.
Burial permit	(6) Upon the registration of a stillbirth, the district 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, a burial permit.
Sections applicable	(7) Subject to this section, sections 2 to 7, and sections 16 to 22, apply with the necessary changes to stillbirths. R.S.P.E.I. 1974, Cap. V-6, s.10.
Registration of adoptions	<b>12.</b> (1) Upon receipt of a certified copy of an order of adoption transmitted under section 20 of the <i>Adoption Act</i> R.S.P.E.I. 1988, Cap. A-4, the Director shall register the adoption by endorsing his signature on the copy and thereupon the copy shall constitute the registration of the adoption.
Notation on original registration	(2) Where, at the time of the registration of the adoption or at any time thereafter, there is in the office of the Director a registration of the birth of the person adopted, the Director, upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the adoption and of any change of name consequent thereon to be made on the registration of the birth, and shall cause a notation of the registration of the birth to be made on the registration of the adoption.
Adoption under order in another province	(3) Where a person is adopted pursuant to an order, judgment or decree of adoption made by a court of competent jurisdiction in another province, state or country, the Director, <ul style="list-style-type: none"> <li>(a) upon receipt of a certified copy of the order, judgment or decree; and</li> <li>(b) upon production of evidence satisfactory to him of the identity of the person,</li> </ul>

shall, if there is in his office a registration of the birth of that person, register the adoption in the manner prescribed by subsection (1) and make the notations required by subsection (2).

(4) Where a person born outside the province is adopted within the province under the *Adoption Act*, the Director, upon receipt of a certified copy of the order of adoption, shall transmit a certified copy of the order to the person having charge of the registration of births in the province, state or country in which the person was born.

Person adopted in province born elsewhere

(5) Where a notation of adoption and of a change of name consequent thereon has been made on a registration of birth, any birth certificate issued thereafter shall be issued as if the registration had been made in the name as changed.

Re-issue of birth certificate, contents

(6) Notwithstanding this or any other Act, where the name of a child whose birth has been registered, has been heretofore changed by persons who adopted the child before May 4, 1916 and raised the child, whether or not by virtue of an adoption agreement, the Director shall, upon receipt of

Persons adopted prior to May 4, 1916

- (a) a statutory declaration satisfactory to the Director by the foster parents or the survivor of them, or in the event of their decease, by some other person having knowledge of the facts, that the child was so adopted and raised; or
- (b) a copy of the adoption agreement,

cause a notation of the adoption and of any change of name consequent thereon to be made on the registration of the birth. R.S.P.E.I. 1974, Cap. V-6, s.11.

**13.** (1) Every marriage solemnized in the province shall be registered as provided herein.

Registration of marriage

(2) Every person authorized by law to solemnize marriage in the province shall, immediately after he solemnizes a marriage, prepare a statement in the prescribed form respecting the marriage, which statement shall be signed by

Statement by person who solemnizes a marriage

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

(3) The person by whom the marriage was solemnized shall, within two days after the day of the marriage, deliver or mail the completed statement to the Director.

Return of form to Director

(4) Upon the receipt, within one year from the day of marriage, of a completed statement in the prescribed form respecting the marriage, the

Registration within one year of marriage

Director if he is satisfied as to the truth and sufficiency thereof, shall register the marriage by signing the statement, and thereupon the statement shall constitute the registration of the marriage. R.S.P.E.I. 1974, Cap. V-6, s.12.

Marriage not registered within one year, registration

**14.** When a marriage is not registered within one year from the day of marriage, if application for registration thereof is made to the Director in the prescribed form, verified by statutory declaration and by a statement in the prescribed form respecting the marriage and such other evidence as may be prescribed, the Director, if he is 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 marriage by signing the statement, and thereupon the statement shall constitute the registration of the marriage. R.S.P.E.I. 1974, Cap. V-6, s.13.

Dissolution or annulment of marriage, registration

**15.** (1) Upon receipt of a statement in the prescribed form respecting the dissolution or annulment of a marriage in this province, the Director shall register the dissolution or annulment by signing the statement, and thereupon the statement constitutes the registration of the dissolution or annulment.

Notation on registration of marriage

(2) Where, at the time of the registration of the dissolution or annulment or at any time thereafter, there is in the office of the Director a registration of the marriage dissolved or annulled, the Director, upon production of evidence satisfactory to him as to the identity of the persons, shall cause a notation of the dissolution or annulment to be made on the registration of the marriage, and shall cause a notation of the registration of the marriage to be endorsed on the registration of the dissolution or annulment.

Dissolution or annulment by court in another province

(3) Where a marriage is dissolved or annulled by an order, judgment or decree made by a court of competent jurisdiction in another province, or by an Act of the Parliament of Canada, the Director,

(a) upon receipt of a certified copy of the order, judgment or decree, or Act; and

(b) upon production of evidence satisfactory to him of the identity of the persons,

shall, if there is in his office a registration of the marriage, register the dissolution or annulment in the manner prescribed by subsection (1) and make the notations required by subsection (2).

Re-issues of marriage certificate contents

(4) Every marriage certificate issued after the making of a notation pursuant to this section shall contain a copy of the notation.

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

Marriage solemnized outside province, dissolved or annulled in PEI

(6) The Prothonotary of the Supreme Court shall, when a decree absolute for dissolution of marriage or a decree of nullity of marriage has been entered by him and the time for appealing therefrom has expired and no appeal has been presented against such decree or any such appeal has been dismissed or on the result of such appeal the marriage has been declared to be dissolved, or annulled, forward forthwith to the Director a return thereof in the prescribed form. R.S.P.E.I. 1974, Cap. V-6, s.14.

Prothonotary to forward order to Director

**16.** (1) The death of every person who dies in the province shall be registered as provided herein.

Registration of death

(2) A statement in the prescribed form containing personal particulars of the deceased person shall, upon the request of the funeral director, be completed and delivered to the funeral director

Funeral director to receive form containing personal particulars of deceased from certain persons

- (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 within the registration district;
- (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 house in which the death occurred; or
- (f) by the coroner who has been notified of the death and has made an inquiry or held an inquest regarding the death.

(3) The medical practitioner who was last in attendance during the last illness of the deceased, or the coroner who conducts an inquest on the body or an inquiry into the circumstances of the death, shall forthwith after the death, inquest or inquiry, as the case may be, complete and sign the medical certificate, stating therein the cause of death according to the International List of Causes for Death, as last revised by the International Commission assembled for that purpose, and shall forthwith cause the medical certificate to be delivered to the funeral director.

Medical certificate, cause of death to be stated thereon

(4) Where a death occurs without medical attendance, or where the medical practitioner mentioned in subsection (3) is not available to complete the medical certificate, and where there is no reason to believe that the death was the result of any of the circumstances set forth in subsection (6), the funeral director shall forthwith notify the nearest

Registration of death when doctor not present

coroner, and the coroner shall thereupon inquire into the facts and shall complete the medical certificate in accordance with subsection (3).

Coroner, cause of death referred to

(5) Where it is impossible for a medical practitioner to determine the cause of death, or where the circumstances of the case indicate or give cause for suspicion that the death was caused by unlawful means, he shall refer the case to the coroner for investigation and certification.

Burial permits not to be issued until investigation, where

(6) Subject to subsection 19(2), where there is reason to believe that a person has died

(a) as a result of violence or misadventure;

(b) by unlawful means;

(c) as a result of negligence or misconduct on the part of others; or

(d) under circumstances that require investigation,

no burial permit shall be issued by the district registrar unless,

(e) the body has been examined by the coroner and inquiry has been made into the circumstances of the death, as provided by the *Coroners Act* R.S.P.E.I. 1988, Cap. C-25;

(f) the coroner has signed the medical certificate of the cause of death in accordance with subsection (3); and

(g) the other provisions of this Act respecting the registration of the death have been complied with.

Funeral director to complete form

(7) Upon receipt of the personal particulars respecting the deceased and of the medical certificate, the funeral director shall complete the statement in the prescribed form, and shall forthwith deliver the completed statement to the district registrar of the registration district in which the death occurred, or if the place of death is not known, to the district registrar of the registration district in which the body was found. R.S.P.E.I. 1974, Cap. V-6, s.15.

Registration by district registrar within one year

**17.** (1) Upon the receipt, within one year from the day of a death, of a statement in the prescribed form respecting the death, the district registrar, if he is satisfied as to the truth and sufficiency thereof, shall register the death by signing the statement, and thereupon the statement shall constitute the registration of the death.

Delivery to nearest district registrar

(2) Where it is impracticable to deliver the statement respecting a death to the proper district registrar, the statement may be delivered to the nearest district registrar, who shall register the death in the manner prescribed by subsection (1).

District registrar, duties

(3) The district registrar shall thereupon

(a) issue a burial permit in triplicate; and

(b) on the Monday of every week forward to the Director all certificates of registration of deaths registered by him during the seven days then preceding. R.S.P.E.I. 1974, Cap. V-6, s.16.

**18.** Where a death is not registered within one year from the day of the death, or where the district registrar refuses to register a death, if application for registration thereof is made to the Director accompanied by a statement in the prescribed form respecting the death and such other evidence as may be prescribed, the Director, if he is satisfied as to the trust and sufficiency of the matters stated and that the application is made in good faith, shall register the death by signing the statement, and thereupon the statement shall constitute the registration of the death. R.S.P.E.I. 1974, Cap. V-6, s.17.

Death not registered within one year

**19.** (1) Upon the registration of a death under subsection 17(1), the district registrar shall prepare and issue to the funeral director a burial permit.

Burial permit, issuance of

(2) When a person dies under any of the circumstances referred to in subsection 16(5) or (6), if it is impossible for the coroner to complete a medical certificate, the district registrar, upon the coroner releasing the body for burial, shall issue a burial permit and the coroner shall, within two days of his determining the cause of death, or of the completion of his investigation, deliver or mail to the district registrar a medical certificate. R.S.P.E.I. 1974, Cap. V-6, s.18.

Medical certificate, delivery of by coroner to district registrar

**20.** (1) Subject to subsection 19(2), no person shall

Prohibitions re burial & disposal of dead bodies

(a) bury or otherwise dispose of the body of any person who dies within the province;

(b) except temporarily for the purpose of preparing the body for burial, remove the body from the district in which the death occurred or the body was found;

(c) conduct any funeral or religious service for the purpose of burial or other disposition of the body of a deceased person,

unless the death has been registered under this Act and a burial permit has been obtained from the district registrar.

(2) Where the body of any person is to be removed by a common carrier to the place of burial 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.

Removal of body by common carrier, procedures

(3) The funeral director at the place of burial or other disposition shall

Funeral director, duties re burial permit

(a) 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 service.

Burial service prohibited without burial permit

(4) No person shall conduct a funeral or other religious burial service unless the burial permit signed by the proper district registrar is produced to him.

Death occurs outside province, supporting documents

(5) Where a death occurs outside the province and the burial or other disposition of the body is to take place in the province, a burial permit or such other document as is prescribed under the law of the province or country in which the death occurs, signed by the district registrar or other proper officer, shall be sufficient authority for the burial or other disposition of the body. R.S.P.E.I. 1974, Cap. V-6, s.19.

Circumstances of death not obtainable, burial permit

**21.** (1) Notwithstanding anything in sections 16 to 19, where the circumstances are such that no medical certificate is obtainable before burial, the district registrar may issue a burial permit without having received the statement mentioned in subsection 17(1).

Time within which burial permit to be delivered

(2) Where a burial permit has been issued under subsection (1) the statement shall be forwarded by the funeral director to the district registrar within one week from the date of the issue of the burial permit. R.S.P.E.I. 1974, Cap. V-6, s.20.

Registration of births and deaths occurring on high seas

**22.** (1) Upon receipt from the Minister of Transport of information transmitted under the *Canada Shipping Act* R.S.C. 1985, Chap. S-9, respecting the birth of a child or the death of a person on board a ship whose port of registry is within the province, the Director, if he is satisfied as to the truth and sufficiency of the particulars received, shall register the birth or death.

Death presumed, order re registration

(2) Upon receipt of a certified copy of an order made by the judge of the Supreme Court, Estates Section under subsection 38(2) of the *Probate Act* R.S.P.E.I. 1988, Cap. P-21 the Director shall register the death thereby presumed. R.S.P.E.I. 1974, Cap. V-6, s.21; 1977, c.39, s.1.

Church records

**23.** Where registers or records of baptism, marriages or burials kept by any church or religious body in the province are on file or are 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 in his office. R.S.P.E.I. 1974, Cap. V-6, s.22.

Change of name under Change of Name Act, registration

**24.** (1) Where the name of a person is changed under the *Change of Name Act* R.S.P.E.I. 1988, Cap. C-3 or under a statute of another province, the Director, on production to him of proof of the change and evidence satisfactory to him as to the identity of the person,

(a) if the birth or marriage of the person is registered in the province, shall cause a notation of the change to be made on the registration thereof; and

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

(2) Every birth or marriage certificate issued after the making of a notation under this section shall be issued as if the registration had been made in the name as changed. R.S.P.E.I. 1974, Cap. V-6, s.23. Re-issue of certificates, contents

**25.** (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 him, the Director, if he is satisfied that a registration was fraudulently or improperly made, may order that a notation be made on the registration to that effect and order that every certificate issued in respect of that registration be delivered to him for cancellation. Registrations fraudulently or improperly made

(2) Where a notation has been made under subsection (1) no certificate shall be issued thereafter in respect of the registration. No certificates issued thereafter

(3) On written application by any person and after notice to an 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 him, the Director, if he is satisfied that a certificate was obtained or is being used for fraudulent or improper purposes, may make an order requiring the delivery to him of that certificate. Order requiring return of certificate

(4) A person who has in his possession or under his control a certificate in respect of which an order has been made under subsection (1) or (3) shall forthwith, upon receipt of the order, deliver the certificate to the Director, who shall preserve it in a permanent file together with the order and all documents relating thereto. R.S.P.E.I. 1974, Cap. V-6, s.24. Certificate to be returned forthwith

**26.** (1) If, while the registration of a birth, stillbirth, marriage or death is in possession of a district registrar, it is reported to him that an error has been made in the registration he shall inquire into the matter and if he is satisfied that an error has been made he may correct the error according to the facts by making a notation of the correction on the registration without altering the original entry. Error in registration, correction of



Correction by alteration of original	(2) If the person who furnished the information contained in a registration to be corrected appears in person, the district registrar may permit correction by altering the original entry.
Inquiry into allegation	(3) If, after a registration has been received or made by the Director, it is reported to him that an error has been made in registration, the Director shall inquire into the matter and, upon production of evidence satisfactory to him verified by statutory declaration and upon payment of the prescribed fee, he may correct the error by making a notation of the correction on the registration without altering the original entry.
Re-issued certificates updated	(4) 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. R.S.P.E.I. 1974, Cap. V-6, s.25; 1993, c.23, s.8.
Office	<b>27.</b> (1) There shall be an office of Vital Statistics.
Director	(2) The Lieutenant Governor in Council may appoint a Director of Vital Statistics who is, subject to the direction of the Minister, responsible for the administration of this Act and for the direction and supervision of the Office of Vital Statistics, and shall perform such other duties as may be prescribed in the regulations.
Acting Director of Vital Statistics	(3) The Lieutenant Governor in Council may appoint an Acting Director of Vital Statistics, who may exercise the powers and perform the duties of the Director.
Inspectors of vital statistics	(4) The Lieutenant Governor in Council may appoint inspectors of vital statistics who shall perform duties prescribed by the regulations. R.S.P.E.I. 1974, Cap. V-6, s.26; 1980, c.2, s.3; 1993, c.30, s.61.
Registration districts	<b>28.</b> (1) The province shall for the purposes of this Act be divided into registration districts.
Boundaries of districts and changing or abolishing districts	(2) The Lieutenant Governor in Council may establish the boundaries of the registration districts and may extend, reduce, subdivide or abolish any registration district or merge it in whole or in part with one or more registration districts.
Order, publication of	(3) Every order made under subsection (2) shall be published in the Gazette and shall take effect on and from a day to be fixed by the order. R.S.P.E.I. 1974, Cap. V-6, s.27.
District registrar	<b>29.</b> The Lieutenant Governor in Council may appoint a district registrar for each registration district. R.S.P.E.I. 1974, Cap. V-6, s.28.

- 30.** A district registrar may, with the approval of the Director, appoint in writing one or more deputy district registrars who may exercise the powers and perform the duties of the district registrar. R.S.P.E.I. 1974, Cap. V-6, s.29. Deputy district registrar
- 31.** (1) Every district registrar shall, under the supervision and direction of the Director and in accordance with the regulations, enforce this Act in his registration district and shall make an immediate report to the Director of any violation of this Act. Enforcement of Act, duty of
- (2) The Director and district registrar may take the affidavit or statutory declaration of any person for the purposes of this Act. R.S.P.E.I. 1974, Cap. V-6, s.30. Power to take affidavit, etc.
- 32.** Repealed by 1993, c.23, s.9. Fees payable to district registrar
- 33.** (1) Any person, upon paying the prescribed fee, may, if the Director is satisfied that the information is not to be used for an unlawful or improper purpose, have a search made by the Director Searches of records
- (a) for the registration of any birth, stillbirth, marriage, death, adoption, change of name, or dissolution or annulment of marriage in the office of the Director; or
- (b) for the record of any baptism, marriage or burial placed on file in the office of the Director under section 23.
- (2) The Director shall make a report on the search which shall state whether or not the birth, stillbirth, marriage, death, adoption, change of name, or dissolution or annulment of marriage, baptism or burial is registered or recorded and, if registered, shall state the registration number thereof, and no further information. R.S.P.E.I. 1974, Cap. V-6, s.32; 1982, c.29, s.3. Extent of report on search by Director
- 34.** (1) Any person, upon paying the prescribed fee, may, if the Director is satisfied that it is not to be used for unlawful or improper purposes, obtain a certificate in the prescribed form in respect of the registration of the birth of any person, which certificate shall contain the following particulars only of the registration: Certificate of registration, contents
- (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 serial number of the registration.
- (2) A certified copy or photographic print of the registration of a birth may be issued only Copies of birth certificates, available to

(a) to a person who requires it to comply with the *Adoption Act*;  
 (b) to an officer of the Crown of this province who requires it for use in the discharge of his official duties; or  
 (c) to a person, upon the authority in writing of a Minister of the Crown of this province or upon the order of a judge of a court,  
 and only upon application in the prescribed form and upon payment of the prescribed fee.

Copies of marriage certificates, contents

(3) Any person, upon paying the prescribed fee, may, if the Director is satisfied it is not to be used for an unlawful or improper purpose, obtain a certificate in the prescribed form in respect of the registration of a marriage, which certificate shall contain the following particulars only of the registration:

- (a) the names and jurisdiction of birth of the parties to the marriage;
- (b) the date of the marriage;
- (c) the place where the marriage was solemnized;
- (d) the date of registration; and
- (e) the serial number of the registration.

Copies of marriage certificates available to

(4) A certified copy or photographic print of the registration of a marriage, may be issued only

- (a) to a party to the marriage;
- (b) to a person upon the authority in writing of a Minister of the Crown of the province; or
- (c) to a person upon the order of a judge of a court,

and only upon application in the prescribed form and upon payment of the prescribed fee.

Death certificate, obtaining

(5) Any person, upon paying the prescribed fee, may, if the Director is satisfied that it is not to be used for an unlawful or improper purpose and subject to subsection (6), obtain a certificate in the prescribed form in respect of the registration of a death.

Death certificate, not to contain

(6) No certificate issued in respect of the registration of a death shall be issued in such a manner as to disclose the cause of death as certified on the medical certificate, except

- (a) upon the authority in writing of a Minister of the Crown of the province; or
- (b) upon the order of a judge of a court.

Copies of death certificates available to

(7) A certified copy or photographic print of the registration of a death, may be issued only

- (a) to a person upon the authority in writing of a Minister of the Crown of the province; or
- (b) to a person upon the order of a judge of a court,

and only upon application in the prescribed form and upon payment of the prescribed fee.

(8) Any person, upon applying in the prescribed form and paying the prescribed fee, may, with the approval of the Director and subject to the same limitations as those respecting certified copies and photographic prints set out in subsections (2),(4) 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 23.

Copies of baptismal, marriage and burial certificates, available to

(9) No certificate, certified copy or photographic print shall be issued under this Act in respect of the registration of an adoption, change of name, or dissolution or annulment of marriage, but this subsection does not preclude the copying of a registration or information contained in a registered document for any purpose authorized under the *Adoption Act* R.S.P.E.I. 1974, Cap. V-6, s.33; 1993, c.23, s.10.

Copies of certain certificates not available

**35.** (1) Every certificate, certified copy or photographic print, issued under section 34, shall be issued by the Director, and no person other than a person herein authorized to do so shall issue any document that purports to be issued under this Act.

Copies of certificates issued by Director

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

Form of signature of Director

(3) Every document issued under this Act under the signature of the Director or Acting Director shall be and remain valid, notwithstanding that the Director or Acting Director has ceased to hold office before the issue of the certificate. R.S.P.E.I. 1974, Cap. V-6, s.34.

Validity of signature

**36.** Every certificate purporting to be issued under section 34 is admissible in any court in the province as *prima facie* evidence of the facts certified to be recorded, and every certified copy of photographic print purporting to be issued under section 34 shall be so admissible as *prima facie* evidence of the facts recorded therein, and it shall not be necessary to prove the signature of official position of the person by whom the certificate or certified copy purports to be signed. R.S.P.E.I. 1974, Cap. V-6, s.35.

Certificates, proof of evidence

**37.** (1) Where an application for the registration of a birth, stillbirth, marriage or death is refused by the Director, if, within one year of the refusal, an application is made to a judge of the Supreme Court, the judge upon being satisfied that the application is made in good faith and as to the truth and sufficiency of the evidence adduced on the application, and

Refusal to register, appeal to judge of the Supreme Court

having regard to the standards respecting delayed registration set forth in the regulations for the guidance of the Director, may make an order requiring the Director to accept a registration of the birth, stillbirth, marriage or death.

Court order, sent to Director

(2) The Prothonotary shall forthwith send a copy of the order to the Director who, upon application and upon the completion of the statement in the prescribed form, shall comply with the order and attach the copy to the statement.

Application for certificate or a search refused, appeal

(3) Where an application for a certificate or a search in respect of the registration of a birth, stillbirth, marriage or death is refused by the Director, if, within one year of the refusal, application is made to a judge of the Supreme Court, the judge, upon being satisfied that the application is made in good faith and that the applicant has good reason for requiring the certificate or search, may make an order requiring the Director to issue the certificate or make the search; and the Prothonotary shall forthwith forward a copy of the order to the Director, who shall comply therewith.

Order made under s.25, appeal therefrom

(4) Where the Director has made an order under section 25, any person interested may, within one year thereafter, appeal therefrom to a judge of the Supreme Court; and the judge may make an order confirming or setting aside the order of the Director, and the order of the judge shall be final and shall be binding on the Director.

Notice of appeal

(5) No application or appeal shall be made under this section unless at least thirty days notice of the hearing of the application has been served on the Director, accompanied by a statement of the particulars of the application. R.S.P.E.I. 1974, Cap. V-6, s.36.

No fees charged for carrying out duties

**38.** (1) Except as otherwise provided in this Act, no person furnishing information required for the purpose of the registration of a birth, stillbirth, marriage or death shall be charged any fee for carrying out the duties imposed upon him by this Act.

Amount of fees

(2) The fees charged for all other purposes under this Act shall be those prescribed. R.S.P.E.I. 1974, Cap. V-6, s.37.

Statistical information

**39.** The Director may, in the public interest, compile, publish and distribute statistical information respecting the births, stillbirths, marriages, deaths, adoptions, changes of name, and dissolutions or annulments of marriage registered during any period. R.S.P.E.I. 1974, Cap. V-6, s.38.

- 40.** As soon as convenient after January 1 in each year, the Director shall cause to be printed for the use of the Legislative Assembly and for public information, a full report of the births, stillbirths, marriages, deaths, adoptions, changes of name, and dissolutions and annulments of marriage during the preceding calendar year. R.S.P.E.I. 1974, Cap. V-6, s.39. Report to be presented to Legislature
- 41.** (1) All records, books and other documents pertaining to any office under this Act are declared to be the property of the Crown. Property of Crown, records are
- (2) Where a vacancy occurs in any office under this Act the person having the possession, custody or control of any books, records or other documents pertaining to the office shall give up possession of and deliver them to the successor in office or to any person appointed by the Director to demand and receive them, and any person who fails to comply with this subsection is guilty of an offence. R.S.P.E.I. 1974, Cap. V-6, s.40. Vacancy in office, transfer custody to successor
- 42.** (1) No district registrar (or deputy district registrar) and no person employed in the administration of this Act shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act. Communication of information prohibited
- (2) Nothing in subsection (1) prohibits the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person. R.S.P.E.I. 1974, Cap. V-6, s.41; 1993, c.30, s.61. Exception
- 43.** Every notation made under this Act shall be effected without altering or defacing any entry on the registration, and shall be dated and initialled by the person making the notation. R.S.P.E.I. 1974, Cap. V-6, s.42. Method of making notations
- 44.** (1) Every person who fails to give any notice, or to furnish any statement, certificate or particulars required under this Act, within the time limited by this Act, is guilty of an offence and liable on summary conviction to a fine of \$50. Offences and penalties
- (2) Where more than one person is required to give any notice, or to register, or to furnish any statement, certificate or particulars required under this Act and the duty is carried out by any such persons, the other or others are not liable. R.S.P.E.I. 1974, Cap. V-6, s.43. Exception to liability
- 45.** Every person who wilfully removes, defaces or destroys a public notice relating to the registration of births, stillbirths, marriages or deaths is guilty of an offence and liable on summary conviction to a fine of \$10. R.S.P.E.I. 1974, Cap. V-6, s.44. Offence re removal of public notices

- Offence, re common carrier transporting body
- 46.** (1) Subject to subsection (2), a common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of a deceased person without the prescribed burial permit issued under this Act, is guilty of an offence and liable on summary conviction to a fine of \$200.
- Burial permit issued in place of death, sufficient
- (2) If the death occurred outside the province and the body is accompanied by a burial permit issued in accordance with the law in force where the death occurred, the burial permit is sufficient to authorize the transportation or carriage of the body into or through the province. R.S.P.E.I. 1974, Cap. V-6, s.45.
- Offence, re section 42
- 47.** Every person who violates section 42 is guilty of an offence and liable on summary conviction to a fine of \$200. R.S.P.E.I. 1974, Cap. V-6, s.46.
- Penalty, general
- 48.** Every person who fails to comply with or violates this Act or the regulations, for which failure or violation no penalty is otherwise provided, is guilty of an offence and liable on summary conviction to a fine of \$100. R.S.P.E.I. 1974, Cap. V-6, s.47.
- Limitations of prosecutions
- 49.** No prosecution shall be commenced under this Act without the consent of the Director and within a period of one year after the offence or default was committed or made. R.S.P.E.I. 1974, Cap. V-6, s.48.
- Regulations
- 50.** The Lieutenant Governor in Council may make regulations
- (a) prescribing the forms to be used in carrying out this Act;
  - (b) prescribing the duties of the Director;
  - (c) prescribing the duties of and records to be kept by the district registrars;
  - (d) prescribing the information and returns to be furnished to the Director, and fixing the times when information and returns are to be transmitted;
  - (e) fixing the times when district registrars shall forward registrations to the Director;
  - (f) designating the persons who may have access to or may be given copies of or information from the records in the office of the Director or of a district registrar, and prescribing an oath of secrecy to be taken by such persons;
  - (g) for the registration of births, marriages, deaths, stillbirths, divorces, adoptions or changes of name in cases not otherwise provided for in this Act;
  - (h) prescribing the fees to be paid for searches, certificates and anything done or permitted to be done under this Act and providing for the waiver of payment of any such fees in favour of any person or class of persons;

- (i) designating the persons who may sign registrations and notations;
- (j) prescribing the evidence on which the Director may register a birth, stillbirth, marriage or death after one year from the date thereof;
- (k) prescribing the evidence on which the Director may make a registration of birth under subsection 8(1);
- (l) requiring persons in charge of hospitals to make returns of the births of all children born in the hospitals;
- (m) prescribing special forms for registration with respect to Indians;
- (n) authorizing every Indian agent in Prince Edward Island to act by virtue of his office as district registrar for the Indians under his jurisdiction;
- (o) for the purpose of effectively securing the due observance of this Act, and generally for the better carrying out the provisions thereof and obtaining information required thereby. R.S.P.E.I. 1974, Cap. V-6, s.49; 1987, c.8, sch.s.11.