

ULCC | CHLC

UNIFORM LAW CONFERENCE OF CANADA

UNIFORM VITAL STATISTICS ACT (2017)

As adopted – December 1, 2017

This document is a publication of
the Uniform Law Conference of Canada.
For more information, please contact
info@ulcc-chlc.ca

Introduction

[1] Vital statistics agencies collect data about vital events in the lives of individuals who are born, die or are married in their jurisdiction. Vital statistics information also forms the basis for identity documents. The data collected provides important information to Statistics Canada, statisticians and other researchers in a wide range of areas. Information such as birth rates, marriages and causes of death assist with development of programs and government policy. As health and social issues become more complex, it is increasingly necessary that the content of vital statistics information collected better reflects modern requirements, the means of collection can be adapted to new technologies, and the purpose for the collection remains relevant and legally sound.

[2] The last *Uniform Vital Statistics Act* was introduced in 1987 (the 1987 Act). While many of the core functions set out in the 1987 Act remain relevant, the legislation is out of date or fails to address modern day realities and practices. Reform of the 1987 Act is required to ensure that vital statistics agencies can continue to fulfill their mandate to collect and register vital information, and that the law addresses issues related to ensuring the protection of individual rights to privacy and confidentiality. The legislation must be compatible with a variety of other laws including those governing parentage and child status, change of name, and privacy. It must also be responsive to evolving and rapidly changing developments under human rights law and the Charter, in Canada and internationally.

[3] Canadian jurisdictions have started to address one or more of the foregoing issues. Some have modernized the rules related to recognition of changes to sex designation. Others have incorporated provisions dealing with indigenous custom adoptions. A number have modernized their family and child status laws to address issues arising from assisted human reproduction; but others have not. Challenges remain where jurisdictions have not addressed these matters. In addition, although there is a general move towards open adoption, open adoption is not universally accepted in Canada. The inconsistencies on these various issues create challenges for vital statistics agencies. While it is outside of the scope of the *Uniform Vital Statistics Act (2017)* (the 2017 Act) to address these challenges, efforts have been made to first recognize these new realities, and second to note issues that jurisdictions may need to consider before implementing provisions of this Act.

[4] The 2017 Act implements recommendations for reform in a number of areas.¹ Although the 1987 Act has been withdrawn, much of the 1987 Act has been carried forward in

¹ See working group report to the Uniform Law Conference of Canada 2017 annual meeting for background information and a full list of recommendations.

substance. The drafting has been modernized and the content reorganized. Reform recommendations have been incorporated into the 2017 Act.²

[5] For purposes of the commentary to the *Uniform Vital Statistics Act (2017)* the following terms will be used:

- The “1987 Act” refers to the *Uniform Vital Statistics Act (1987)* dated April 1987 and in English only.
- The “2017 Act” refers to the *Uniform Vital Statistics Act (2017)* approved by the ULCC in 2017 in both English and French.

[6] Highlights of the 2017 Act follow:

Implementing Recommendations

[7] The 2017 Act incorporates recommendations that address:

- a) Identification of a child’s parents on a birth registration (see sections 3,4 and 15)
- b) Information on a birth certificate that identifies a person’s sex (see section 11)
- c) Change of sex designation and respecting the rights of transgender persons (see sections 11, 18 and 19)
- d) Modernization of privacy and information disclosure principles (see Part 2 Division 4, Part 3, Part 4 Division 3, Part 5 Division 3, Part 6 and Part 7)
- e) Uniform standards for the recording and disclosure of information relating to adoption (see Part 3)
- f) Updating naming convention rules to align with the Truth and Reconciliation Commission Report and permit registration of single names and characters and syllabics for children of indigenous heritage (see section 10)
- g) Clarification of who is entitled to certificates and who may request information from registrations (see Part 2 Division 4, Part 4 Division 3, Part 5 Division 3, and Part 6)
- h) Recognizing that other health care practitioners may be authorized, under their scope of practice, to issue medical certificates of death (see section 38)
- i) Discrete administration issues, including the requirements when making a birth report and changing the particulars of a parent on the birth registration, uniform rules for delayed registrations, and expanding standards for certifying deaths on death registrations (see sections 4, 8, 15, 31 and Part 5)

² Readers from jurisdictions with vital statistics legislation that follows much or some of the 1987 Act and who wish to compare the 1987 Act to the 2017 Act are referred to the table of concordance in Appendix H to the working group’s report to the Uniform Law Conference of Canada 2017 annual meeting.

Modernization and Clarification of the 1987 Act

[8] The 2017 Act modernizes some provisions of the 1987 Act, clarifies some provisions that were unclear and removes provisions that are no longer relevant. The relevant sections are:³

- a) Registration by registrar without a birth report (see section 7)
- b) Change of given name (see section 16)
- c) Change of name by law (see section 17)
- d) Registration of stillbirth (see section 23)
- e) Confidentiality of adoption records (replacing “special registers”) to reflect that not all records today are documents that can be stored (see section 26 and 28)
- f) Responsibility for making a death report (see section 37 (1))
- g) Issuance of a burial permit (see Part 5 Division 2)
- h) Adapting the provisions for appeal of decisions by the registrar to distinguish between applications to appeal decisions related to a registration, and decisions related to certificates and searches, in order to respect the confidentiality issues arising from the recognition of change of sex designation (see sections 61 and 62)
- i) Consequential amendments to section 67

Reforms and matters not addressed in the 2017 Act

[9] Readers are cautioned that the reforms in the 2017 Act, while important and a first step towards achieving harmonization and improved guidance to assist registrars today, do not address all policy and legal issues that may need to be considered when an enacting jurisdiction begins to consider implementation of the provisions of this Act. The commentary to the 2017 Act seeks to alert jurisdictions to matters which may need to be addressed, including:

- a) *The law related to change of sex and gender identification:*

The law related to change of sex and gender identification is evolving quickly in Canada and internationally. The policy recommendations underlying the 2017 Act were developed in 2015. They will require review before implementation. Jurisdictions will need to consider the outcomes of legal cases before the Canadian Human Rights Commission in 2017 as well as policy recommendations from the Canadian Human Rights Commission expected to be released in late 2017 or early 2018, guidance anticipated to be released by Statistics Canada on what statistical information to request and how to make the request, and the United Nations document

³ Commentary is provided for these provisions to explain the provision and/or if relevant, identify any policy or practice issues that should be considered before implementation.

[Living Free and Equal](#), and any subsequent guidance. Specific legislative initiatives introduced by Canadian provincial and territorial jurisdictions, and relevant tribunal and court cases should also be considered.

b) *Further consultation or policy discussion is required:*

Indigenous custom adoptions should be recognized in vital statistics legislation. Some jurisdictions have taken steps to do this. However, before indigenous custom adoptions could be provided for in a uniform act, significantly more research and consultation would be required in each jurisdiction. Importantly, while adoption statutes in many Canadian jurisdictions lead to a complete transfer of legal rights, indigenous custom adoptions, by their nature and/or the specific adoption arrangement, may not sever ties with the child's parents or family. Jurisdictions that have sought to address these issues include the Northwest Territories, Nunavut and, most recently, Quebec.

The 2017 Act implements recommendations approved by the ULCC at the 2017 annual meeting. The commentary identifies policy and practice issues not addressed in the recommendations that may require further research and discussion on the part of a jurisdiction.

c) *Broader issues which were out of scope that jurisdictions may wish to consider:*

It has been noted that the 2017 Act would be enhanced by considering the rights of the child as found in Articles 7 and 8 of the UN Convention of the Rights of the Child, which deal with the child's right to a name and to know his or her parents, and to preserve his or her identity, including name and family relations⁴. Such considerations fall outside of the scope of vital statistics legislation.

⁴ The text of the convention may be accessed on line here: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> These Articles provide:

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Structure and Organization

[10] The 2017 Act organizes the content into Parts and Divisions. It begins with a definition section in Part 1. Part 2 addresses all matters related to registering births, adding to or changing registrations and the release of information. Part 3 governs the recording of adoptions and the confidentiality of adoption records. Part 4 governs the registration of marriages and all related matters, including the release of information and issuing certificates. Part 5 sets out the rules for registering deaths, issuing burial permits and issuing death certificates. Part 6 consolidates provisions that govern the release of information and issuance of certificates generally. Part 7 sets out the rules governing the registrar's duty to maintain the privacy and confidentiality of information. Part 8 deals with appeals of registrar decisions and other miscellaneous matters.

UNIFORM VITAL STATISTICS ACT (2017)

Contents

PART 1– DEFINITIONS

- 1 Definitions

PART 2 – REGISTERING BIRTHS

Division 1 – Registering Births Generally

- 2 Notice of birth
- 3 Birth report
- 4 Parents’ particulars on birth report
- 5 Additional evidence required by registrar
- 6 Registration of birth
- 7 Registration of birth without birth report
- 8 Delayed registration of birth
- 9 Registration of child’s name
- 10 Registration of indigenous name
- 11 Registration of child’s sex

Division 2 – Registering Foundlings

- 12 Information respecting foundling
- 13 Registration of foundling
- 14 If foundling identified

Division 3 – Changes Occurring After Registration

- 15 Change of parent’s particulars
- 16 Change of given name
- 17 Change of name by law
- 18 Change of sex designation
- 19 Application requirements for change of sex designation

Division 4 – Issuing Birth Certificates and Other Documents

- 20 Issue of copy of birth report or registration extract
- 21 Issue of birth certificate
- 22 Issue of certificate or other document after change to registration

Division 5 – Registering Stillbirths

- 23 Registration of stillbirth
- 24 Issue of copy of stillbirth statement or registration extract

PART 3 – RECORDING ADOPTIONS

- 25 Recording adoptions and amending birth registrations
- 26 Adoption records to be kept confidential
- 27 Disclosure of adoption information
- 28 Issuing birth certificate after adoption

PART 4 – REGISTERING MARRIAGES

Division 1 – Registering Marriages

- 29 Marriage report
- 30 Registration of marriage
- 31 Delayed registration of marriage

Division 2 – Changes Occurring After Registration

- 32 Change of name by law
- 33 Registration of annulment

Division 3 – Issuing Marriage Certificates and Other Documents

- 34 Issue of copy of marriage report or registration extract
- 35 Issue of marriage certificate
- 36 Issue of certificate or other document after change to registration

PART 5 – REGISTERING DEATHS AND ISSUING BURIAL PERMITS

Division 1 – Registering Deaths

- 37 Death report
- 38 Medical certificate generally
- 39 Medical certificate if cause not known within 48 hours
- 40 Funeral director to deliver death report to registrar
- 41 Registration of death
- 42 Delayed registration of death

Division 2 – Issuing Burial Permits

- 43 Issue of burial permit
- 44 Burial permit required for removal and disposal
- 45 Duty of cemetery owner

Division 3 – Issuing Death Certificates and Other Documents

- 46 Issue of copy of death report or registration extract
- 47 Issue of death certificate

**PART 6 – COPIES OF REPORTS, REGISTRATION EXTRACTS
AND CERTIFICATES GENERALLY**

- 48 Registering births and deaths at sea or on aircraft
- 49 Correcting registrations
- 50 Application for copy of report, registration extract or certificate
- 51 Issuing copies of reports, registration extracts and certificates generally
- 52 Issue of certificate respecting religious records
- 53 Issue of copies of records 100 years after event
- 54 Fraudulent or improper registrations and certificates
- 55 Return and cancellation of certificates

PART 7 – INFORMATION PROTECTION AND DISCLOSURE

- 56 Search of records
- 57 Confidentiality
- 58 Information-sharing agreements
- 59 Publication and report of statistical information
- 60 Religious records are records of registrar

PART 8 – APPEALS AND OTHER MATTERS

Division 1 – Appeals to Court

- 61 Appeal of registration decision
- 62 Appeal of certificate or search decision
- 63 Appeal of decision respecting fraud or impropriety
- 64 Compliance with court order

Division 2 – Other Matters

- 65 Power to witness declarations
- 66 Offences
- 67 Regulations

PART 1 – DEFINITIONS

Section 1.01 **Commentary:** The 2017 Act replaces the 1987 Act. However, many definitions were retained or modernized. New, amended and deleted definitions are listed below. Definitions from the 1987 Act that were retained are not listed.

<i>The following definitions have been added to section 1:</i>			
<ul style="list-style-type: none"> • Birth notice • Birth report • Burial permit • Coroner 	<ul style="list-style-type: none"> • Court • Death report • Delayed registration • Dispose 	<ul style="list-style-type: none"> • Inquiry • Marriage report • Medical certificate • Parent 	<ul style="list-style-type: none"> • Registrar • Registration • Religious record • Stillbirth statement
<i>The following definitions have been modernized or amended to reflect new language and drafting:</i>			
<ul style="list-style-type: none"> • Cemetery • Certificate • Cremate 	<ul style="list-style-type: none"> • Death report • Error 	<ul style="list-style-type: none"> • Funeral director • Incapable 	<ul style="list-style-type: none"> • Medical practitioner • Minister
<i>The following definitions have been deleted:</i>			
<ul style="list-style-type: none"> • Division registrar (see “registrar”) • Director (see “registrar”) 	<ul style="list-style-type: none"> • Occupier (see relevant section) • International Classifications (see relevant section) 		

Definitions

1 In this Act:

“**birth**” means the expulsion or extraction from a person of a fetus that, after complete separation, shows any sign of life;

“**birth notice**” means a notice given under section 2;

“**birth parent**” means the person who gave birth to a child;

Commentary: The definition “birth parent” is introduced to replace the gender-specific terms of “mother” and “father”. It also contemplates situations when a person with no genetic links to the child gives birth as a result of assisted human reproduction.

In most jurisdictions, the person who gives birth to a child is considered a “parent” until a further step is taken to change the birth parent’s status. The term is used in sections 3 and 4 to identify the person who gives birth, whether or not there is a genetic link between the person and the child, and to identify the person who is responsible for making the birth report. If the enacting jurisdiction does not recognize the “birth parent” as a parent in certain situations (for example, in the case of a surrogacy agreement) the definition will need to be modified.

The remainder of the 2017 Act refers to the parent or parents of the child. “Parent” is also defined. See below. The Act does not seek to change or determine

the legal status of any person who may be a “parent” under a jurisdiction’s applicable family law or child status legislation. Rather, it proceeds on the basis that the enacting jurisdiction’s law governs. While the commentary seeks to identify where amendments to the drafting may be required, enacting jurisdictions will need to review and amend the relevant provisions. For purposes of this Act, users are referred to the *Uniform Child Status Act*, with amended commentary in 2016.

“**birth report**” means a report made under section 3 or 13, as applicable;

“**burial permit**” means the following:

- (a) a burial permit issued under section 23 or 43;
- (b) if a death occurs outside (*enacting jurisdiction*) but the body is to be disposed of in (*enacting jurisdiction*), a burial permit or other document authorized under the law of the jurisdiction in which the death occurred, signed by the person responsible for registering deaths in that jurisdiction;

“**cemetery**” means

- (a) land set apart or used as a place for the disposal of dead bodies, and
- (b) a vault, mausoleum and crematorium;

“**cemetery owner**” includes the manager, superintendent, caretaker or other person in charge of a cemetery;

“**certificate**” means

- (a) a certified extract of the particulars of a birth, marriage or death registration, or
- (b) a certificate indicating that the sex designation of the subject of the certificate has changed, and noting the particulars of the change;

“**coroner**” means a person responsible for conducting an inquiry or inquest into a death under (*the enactment governing inquiries into deaths in the enacting jurisdiction*);

“**court**” means a court of competent jurisdiction;

“**cremate**” means to lawfully dispose of a dead body by incineration in a crematorium;

“**death report**” means a report made under section 37;

“**delayed registration**” means a birth, marriage or death registration made in response to an application received more than one year after the event occurred;

“**dispose**”, in respect of a dead body, includes to bury and to cremate;

“**error**” includes incorrect and omitted information;

“**funeral director**” means a person who takes charge of a dead body for the purpose of disposal of the body;

“**incapable**” means unable because of illness, absence from (*enacting jurisdiction*) or otherwise;

Commentary: The definition no longer includes deceased persons. Wherever the term is used, the 2017 Act refers to a person who is incapable or deceased.

“inquiry” means an inquiry or inquest into a death made under *(the enactment governing inquiries into deaths in the enacting jurisdiction)*;

“marriage report” means a report made under section 29;

“medical practitioner” means *(to be defined by each enacting jurisdiction in accordance with its own requirements)*;

“medical certificate” means a medical certificate completed under section 23, 38 or 39, as applicable;

“Minister” means the Minister responsible for the administration of this Act;

“parent” means a parent as determined under *(the enactment governing family relationships in the enacting jurisdiction)*;

Commentary: The definition of “parent” recognizes that the term is defined in the enacting jurisdiction’s relevant family and child status laws. The 2017 Act does not seek to change or determine the legal status of any person who may be a “parent” under a jurisdiction’s applicable family law or child status legislation. The 2017 Act is drafted to accommodate more than 2 people as parents. Jurisdictions will need to adapt the definition and drafting to reflect their governing law.

“prescribed” means prescribed by regulation under section 67;

“registrar” means the Registrar of Vital Statistics appointed for the purposes of this Act;

Commentary: The 1987 Act referred to Registrars, Division Registrars and Directors. The 2017 Act contemplates only one registrar for the jurisdiction. If a jurisdiction has districts or other roles that report to the registrar, definitions will be required and provisions of the 2017 Act will need to be amended to reflect the responsibilities and authority of each role.

“registration” means a record, made by the registrar, of the particulars of a birth, stillbirth, marriage or death;

“religious record” means a record of a baptism, marriage or burial held by the registrar under section 60;

Commentary: If a jurisdiction receives non-Christian records similar to a record of baptism, these records should be included within the scope of the legislation.

“stillbirth” means the complete expulsion or extraction from a person of a product of conception

(a) 20 weeks or more after conception, or after it attains a weight of at least 500 g, and

(b) that, after expulsion or extraction, is not breathing and has no heartbeat, umbilical cord pulse or unmistakable movement of voluntary muscle;

“stillbirth statement” means a statement made under section 23 with respect to a stillbirth.

PART 2 – REGISTERING BIRTHS

Division 1 – Registering Births Generally

Notice of birth

- 2 (1) The medical practitioner or other person who attends a birth shall give notice of the birth to the registrar.
- (2) A birth notice shall be given within (...) days after the birth, in the form and manner approved by the registrar.

Commentary: Section 2 carries forward the 1987 Act. Each jurisdiction should set a notice period based on its own processes, including whether the birth notice is provided separately from the birth report.

Birth report

- 3 (1) If a child is born in (*the enacting jurisdiction*), the following persons, as applicable, shall report the particulars of the birth to the registrar:
- (a) the birth parent;
 - (b) the birth parent and a person who is a parent of the child, making the report together;
 - (c) if the birth parent is either incapable or deceased, a person who is a parent of the child.
- (2) If no one listed in subsection (1) is capable or available, the registrar may require a person having knowledge of the child's birth to make the report, and that person shall make the report as required.
- (3) A birth report shall be made within 30 days after the birth, in the form and manner approved by the registrar.
- (4) If a birth report is made by a person referred to in subsection (1) (c) or (2), the report shall include a declaration of the facts that require the person to make the report.
- (5) If a pregnancy results in the birth of more than one child,
- (a) a separate birth report shall be made for each child, and
 - (b) each birth report shall include a statement of the number of children born and the order of birth.

Commentary: Section 3 sets out who has responsibility for making the birth report. Typically, it will be made by the birth parent or parents. However, a number of scenarios may arise and these are identified in section 3(1). The number of person(s) who can be recognized as a parent varies by jurisdiction and the law is evolving in this area. Enacting jurisdictions that recognize more than 2 parents can rely on the rule of interpretation that “the singular includes the plural,” or may include a subsection that provides for the application of subsection (1)(b) and (c) to multiple parents.

Section 3(2) gives the registrar authority to require a person with knowledge to make the report.

Parents' particulars on birth report

- 4** (1) A person who makes a birth report shall include the particulars of the birth parent.
- (2) A person who makes a birth report may also include the particulars of a person who is the child's parent if one of the following circumstances applies:
- (a) the report is made by the birth parent under section 3 (1) (a) and the birth parent includes with the report a declaration and evidence, satisfactory to the registrar, that the parent whose particulars are to be included is incapable or deceased;
 - (b) the report is made by the birth parent and a parent under section 3 (1) (b) and the parent whose particulars are to be included is the parent who made the report;
 - (c) the report is made by a parent under section 3 (1) (c) and the parent whose particulars are to be included is the parent who made the report;
 - (d) the report is accompanied by a court order declaring that the parent whose particulars are to be included is the child's parent.

Commentary: Section 4 sets out the circumstances under which a parent may be included on the birth report. The general rule is that apart from the birth parent, the particulars of a parent cannot be included unless that parent signs the birth report. Section 4 (2)(a) and (c) deals with situations where a parent or the birth parent is incapable or deceased. Section 4(2)(d) provides for recognition of a court order as evidence that a person is a parent.

Section 4(1) requires the birth parent to be recorded on the registration. Where the enacting jurisdiction does not record a birth parent who is a surrogate, the section will need to be amended. See also the definition of "birth parent" above.

Additional evidence required by registrar

- 5** If the registrar is not satisfied of the truth and sufficiency of a birth report, the registrar may, for the purpose of obtaining any necessary additional evidence, require a person to answer questions respecting any relevant matter.

Registration of birth

- 6** If a birth report respecting a birth is made within one year after the birth, the registrar shall register that birth if satisfied of the truth and sufficiency of the birth report.

Registration of birth without birth report

- 7** (1) If the registrar receives a birth notice or other evidence satisfactory to the registrar respecting a birth but does not receive a birth report respecting the birth, the registrar may register that birth.
- (2) If the registrar does not receive a birth notice or birth report respecting a child's birth but receives a medical certificate completed under section 38 or 39 respecting the child's death, the registrar may register that child's birth.

Commentary: Section 7 reflects practice and legislation in a number of jurisdictions and is inspired by a similar provision in the Alberta legislation. Where a birth report is not received, the registrar has discretion to use information that the registrar has received to register a birth so that a child may have a birth certificate. It also provides for the situation where a child dies shortly after the birth and a birth report is not received.

Delayed registration of birth

- 8** If a birth report respecting a birth is not made within one year after the birth, the registrar shall register that birth if both of the following conditions are met:
- (a) an application for delayed registration is
 - (i) made in the form and manner approved by the registrar,
 - (ii) accompanied by a declaration respecting the birth, in the form approved by the registrar, and
 - (iii) accompanied by any other evidence required by the regulations [s. 67 (a)] or by the registrar;
 - (b) the registrar is satisfied of the truth and sufficiency of the matters stated in the application and that the application is made in good faith.

Commentary: Section 8 clarifies the requirements when a registration of birth is made more than one year after the birth. Section 8(a) gives the registrar authority to determine the form and manner for applying for registration and provides for additional evidence required by regulation, or by the registrar.

Registration of child's name

- 9** (1) Unless section 10 (1) applies, and subject to subsections (2) and (3), the registrar shall register a child with a surname according to the following requirements:
- (a) if the birth report is made by the birth parent under section 3 (1) (a) or one parent under section 3 (1) (c), the surname is the one chosen by that person;
 - (b) if the birth report is made by more than one parent under section 3 (1) (b) or (c), or if section 15 (1) (a) applies, the surname is the one chosen by both or all of the parents or, if they cannot agree, the surname is as follows:
 - (i) if the parents have the same surname, that surname;
 - (ii) if the parents have 2 different surnames, a surname consisting of both of those surnames hyphenated or combined in alphabetical order;
 - (iii) if the parents have 3 or more different surnames, a surname consisting of the 2 surnames that alphabetically precede the remaining surname or surnames, hyphenated or combined in alphabetical order;
 - (c) if the birth report is made under section 3 (2), the surname is as follows:
 - (i) if only one parent is known, that parent's surname;
 - (ii) if more than one parent is known, the surnames of the parents as described in clause (b) (i), (ii) or (iii), as applicable.

- (2) For the purposes of subsection (1),
 - (a) no more than 2 surnames may be hyphenated or combined, and
 - (b) if a parent has a hyphenated surname, only the name that alphabetically precedes the other in that surname may be used unless the parents agree otherwise.
- (3) If section 4 (2) (d) or 15 (1) (b) applies,
 - (a) the court may, on consideration of the restrictions set out in subsection (2) of this section, order that a child's surname is that declared by the court, and
 - (b) the registrar must, on receiving a copy of the order described in paragraph (a), register the child's surname in accordance with the order.

Commentary: Section 9 carries forward provisions of the 1987 Act. It has been amended to reflect that the *Uniform Child Status Act* recognizes more than two parents. The section also addresses determination of a child's surname where there are multiple names and the parents cannot agree, or one parent has successfully obtained an order of parentage.

Section 9 (1) sets out the rules for determining a child's surname. Section 9(2)(a) carries forward the rule that a hyphenated surname can only have two names. Section 9(1)(a) sets out the rules if only one parent completes the birth report. Section 9(1)(b) sets out the rules if more than one parent completes the birth report, or a parent's particulars have been added by consent pursuant to s. 15(1)(a).

Sections 9(1)(b)(i) – (iii) address the situation where the parents cannot agree on the child's surname. Section 9(1)(b)(ii) provides that if there are 2 different surnames, the names should be hyphenated or combined in alphabetical order. If there are 3 or more different surnames and the parents cannot agree on which two names to use, section 9(1)(b)(iii) provides that the first two names that come in alphabetical order will be used. Section 9(2)(b) clarifies that if a parent has a hyphenated name, only the name that alphabetically precedes the other in that hyphenated surname may be used unless the parents agree otherwise.

Finally, section 9(3) provides that the court may make an order respecting a child's surname, where the court has made an order under s. 4(2)(d) or s. 15(1)(b) that a person is a child's parent.

Registration of indigenous name

- 10**
- (1) If requested by a person who makes a birth report, the registrar may register a child of indigenous heritage with a single name only.
 - (2) The name or surname of a child of indigenous heritage may include indigenous characters and syllabics.

Commentary: Section 10(1) provides for registration of a child of indigenous heritage with a single name. The provision is included in response to the Truth and Reconciliation Commission Report. Section 10 (2) also permits characters and syllabics to be included in the name or surname of a child of indigenous heritage. Jurisdictions that provide for single names and/or

other characters more generally may wish to amend this section to provide for this. Note: indigenous heritage is not defined. Recognition of who is and is not an indigenous person in Canada is an issue that is currently in flux. Jurisdictions may choose to describe the concept in different ways.

Jurisdictions will also need to refer to their applicable change of name legislation. If surnames are required and/or symbols are not permitted, amendments to that legislation will be required to support section 10 in this Act. Change of name legislation in each enacting jurisdiction should be harmonized to reflect the option for the name of a person with indigenous heritage to consist of a single name, and to include the use of characters and syllabics.

Registration of child's sex

- 11** (1) The registrar shall register the sex of a child as male or female in accordance with the sex stated in the child's birth notice.
- (2) If a birth notice does not state a child's sex because the sex cannot be determined, the registrar shall
- (a) initially register the sex as undetermined, and
 - (b) complete the registration by including the child's sex after receiving from a parent or guardian of the child prescribed evidence [s. 67 (b)], satisfactory to the registrar, of that child's sex.

Commentary: Section 11 (1) carries forward the 1987 Act. Section 11(2) clarifies that if the sex is not determined at the time of the registration, the sex shall be recorded as "undetermined". The registration may be completed and the sex changed from "undetermined" to "male" or "female" when the registrar receives satisfactory evidence of the sex from a parent or guardian. Where the registrar determines that the information provided is insufficient to amend the birth registration, section 5 of the Act authorizes the registrar to request additional information. See also section 21(3) and (4).

Further to the comments in the introduction to this Act, jurisdictions should monitor for changes in federal and international policy, as well as legal developments.

Division 2 – Registering Foundlings

Information respecting foundling

- 12** (1) If a newborn child is found deserted, both the person who finds the child and the person having charge of the child shall give to the registrar any information they possess respecting the particulars of the child's birth.
- (2) Information shall be given under subsection (1), in the form and manner approved by the registrar, within 7 days after finding or taking charge of the child, as applicable.

Registration of foundling

- 13** (1) The registrar, on receiving information under section 12 and on being satisfied that every reasonable effort has been made to identify the child, shall do all of the following:
- (a) require the person who found or has charge of the child to make
 - (i) a declaration in respect of the facts of the child's finding, and
 - (ii) a birth report, to the extent that the person is able;
 - (b) cause a local medical officer of health or medical practitioner to examine the child and determine, as nearly as possible, the child's birth date;
 - (c) require the medical officer or medical practitioner to
 - (i) make a declaration and report setting out those facts of the child's birth as determined by the examination, and
 - (ii) provide the report and any evidence regarding the child's birth to the registrar.
- (2) A medical practitioner shall be paid out of the consolidated revenue fund the prescribed fee [s. 67 (c)] for an examination made under subsection (1) (b).
- (3) The registrar shall review the information received under subsection (1) and, if satisfied of the truth and sufficiency of the information, shall do both of the following:
- (a) determine for the child a date and place of birth, a surname and a given name;
 - (b) register the child's birth with the information determined under clause (a).
- (4) On registering a child's birth under this section, the registrar shall immediately give to the (*Superintendent of Child Welfare*) a copy of all records received under this section respecting the child.

If foundling identified

- 14** (1) If, after a child is registered under section 13, the child's identity is established or further relevant information respecting the child's identity is received, a person may request the registrar to do one of the following:
- (a) amend the child's birth registration;
 - (b) cancel the child's birth registration and substitute a new registration.
- (2) A request shall be made in the form and manner approved by the registrar.
- (3) If satisfied of the child's identity or the truth of the further information, the registrar shall do both of the following:
- (a) make the requested amendment or cancellation and substitution;
 - (b) immediately notify the (*Superintendent of Child Welfare*) of the action taken under clause (a).
- (4) If a birth registration is cancelled and a new registration substituted, the date of registration shall be that of the original registration.

Division 3 – Changes Occurring After Registration

Change of parent's particulars

- 15** (1) The registrar may amend a child's birth registration with respect to a parent's particulars as follows:
- (a) on receiving an application to add the particulars of a person who is the child's parent from the person and all parents whose particulars are recorded on the child's birth registration, the registrar may add the person's particulars;
 - (b) on receiving a court order declaring a person to be, or not to be, the child's parent, the registrar may add or remove the person's particulars, as applicable.
- (2) An application shall
- (a) be made in the form and manner approved by the registrar, and
 - (b) be accompanied by the prescribed fee [s. 67 (c)].

Commentary: Section 15 addresses circumstances where the second parent, or additional parents if recognized under the enacting jurisdiction's law, are not available to sign the birth report. There may also be situations where a person is declared not to be the child's parent and their particulars need to be removed from the birth registration.

Section 15(1)(b) provides for a parent's particulars to be added or removed by court order. Section 15(1)(a) recognizes that there may be circumstances where both or all parents agree on the facts and the parent's particulars should be added to the registration. Where there are no disputes, section 15(1)(a) provides that an application may be made by the person to be added, and the parent(s) on the registration, to add the particulars of the parent(s) not originally recorded. Where there is a dispute or question about adding a person as a parent, a court order will be required to confirm that a person is a parent and that the person's particulars should be added to the registration.

Jurisdictions adopting this provision should consider the right of a child to know his or her parents protected by Article 7 the *Convention of the Rights of the Child*. Combined with section 4 of this Act, section 15 allows for, but does not require, all legal parents to appear on the birth registration of a child. Jurisdictions may wish to consider what measures might be taken, either in vital statistics legislation or in other legislation, to ensure that all legal parents appear on a child's birth registration as soon as possible after birth. Jurisdictions may also wish to consider alternatives to judicial proceedings respecting parentage wherever possible.

Change of given name

- 16** (1) This section applies if
- (a) a person's given name is changed under this Act rather than by or under another enactment of (*the enacting jurisdiction*) or the laws of another jurisdiction, or
 - (b) no given name was recorded on a person's birth registration.

Uniform Vital Statistics Act (2017)

- (2) The following persons may apply to the registrar to amend a birth registration to record a change to a person's given name, or, if no given name was recorded, to record a given name:
- (a) in respect of a child's birth registration,
 - (i) the child's parents together,
 - (ii) if a parent of the child is deceased, the surviving parents,
 - (iii) a guardian of the child, and
 - (iv) a person other than a person referred to in subclauses (i) to (iii) who proposes to change the child's given name or give the child a name;
 - (b) in respect of an adult's birth registration, the adult.
- (3) An application shall
- (a) be made in the form and manner approved by the registrar,
 - (b) include a declaration, made by the applicant, concerning the particulars of the name given or of the change, as applicable, and
 - (c) include documentary evidence satisfactory to the registrar.
- (4) The registrar shall make the requested amendment if all of the following conditions are met:
- (a) the name is changed or given, as applicable, within (...) years after the birth;
 - (b) the registrar is satisfied that the application is made in good faith;
 - (c) the applicant pays the prescribed fee [*s. 67 (c)*].

Commentary: Section 16 carries forward section 9 of the 1987 Act. It permits the addition of a given name where one was not originally provided, or a change to the given name without requiring a change of name under the enacting jurisdiction's applicable change of name legislation. For example, a second name may be added, or a variation of the name may be preferred. Enacting jurisdictions may choose not to include section 16 (4)(a).

Change of name by law

- 17** (1) This section applies if a person's name is changed by or under
- (a) an enactment of (*the enacting jurisdiction*) other than this Act, or
 - (b) the laws of another jurisdiction, if the registrar is satisfied that those laws are substantially similar to the laws of (*the enacting jurisdiction*).
- (2) On receiving evidence satisfactory to the registrar of a change of name in the circumstances set out in subsection (1), the registrar shall do one the following, as applicable:
- (a) if the person's birth is registered in (*the enacting jurisdiction*), amend the person's birth registration to record the change to the person's name;
 - (b) if the person's birth is not registered in (*the enacting jurisdiction*), give to the person responsible for registering births in the jurisdiction in which the applicant was born a copy of the evidence received

- (i) if the applicant was born in Canada but outside (*enacting jurisdiction*), or
- (ii) on request of the applicant, if the applicant was born outside Canada.

Commentary: Section 17 carries forward section 10 from the 1987 Act and reflects current practice. Many jurisdictions already have modernized legislation clarifying what the registrar should do when a change of name is received. When the registrar receives proof of a change of name for someone who has a birth registration in the jurisdiction, the birth registration of the person who is the subject of the change of name is amended to reflect the change of name. This ensures that the person does not have conflicting identity documents from two jurisdictions. See also section 32 which deals with amending a marriage registration when there has been a change of name.

Change of sex designation

- 18**
- (1) In this section, “**application**” means an application to
 - (a) amend a birth registration to record a change to the sex designation of the person who is the subject of the registration, or
 - (b) receive a certificate indicating that the sex designation of the person who is the subject of the certificate has changed.
 - (2) The following persons may make an application to the registrar:
 - (a) in respect of a child,
 - (i) the child, if that child has the capacity to make decisions respecting that child’s own vital records, or
 - (ii) the child’s parent or guardian, if subclause (i) does not apply;
 - (b) in respect of an adult, the adult.
 - (3) Applications shall
 - (a) be made in the form and manner approved by the registrar,
 - (b) be accompanied by the prescribed fee [*s. 67 (c)*], and
 - (c) include the evidence required under section 19.
 - (4) For the purposes of this section, every adult is presumed to be capable of making decisions respecting the adult’s vital records, unless the contrary is demonstrated.
 - (5) The registrar shall make the requested amendment to a person’s birth registration if
 - (a) the person’s birth is registered in (*the enacting jurisdiction*), and
 - (b) the registrar is satisfied of the truth and sufficiency of the evidence provided under section 19.
 - (6) The registrar shall issue the requested certificate if the registrar is satisfied of the truth and sufficiency of the evidence provided under section 19 and the person who is the subject of the certificate
 - (a) has had that person’s birth registration amended under subsection (5), if the person was born in (*the enacting jurisdiction*), or

Uniform Vital Statistics Act (2017)

- (b) has been a resident of (*the enacting jurisdiction*) for at least one year before the application is made, if the person was not born in (*the enacting jurisdiction*).
- (7) If the registrar issues a certificate under subsection (6) (b), the registrar shall give to the person responsible for registering births in the jurisdiction in which the subject of the certificate was born a copy of the certificate
 - (a) if the subject of the certificate was born in Canada but outside (*enacting jurisdiction*), or
 - (b) on request of the person who made the application, if the subject of the certificate was born outside Canada.
- (8) On receiving evidence satisfactory to the registrar of a change of sex designation under the laws of another jurisdiction, the registrar may, if satisfied that those laws are substantially similar to this section and section 19 and if the person's birth is registered in (*enacting jurisdiction*), amend the birth registration of the person to record the change to that person's sex designation.

Commentary: Sections 18 and 19 are inspired by provisions in the *Manitoba Vital Statistics Act* which provide for issuing certificates confirming a change of sex designation in addition to change of sex designation on a birth registration. Enacting jurisdictions should be aware that the law in this area is evolving and changing quickly. Prior to adopting these provisions, jurisdictions will need to review recent legal developments and policy approaches.

Section 18 provides for an application to be made to change the sex designation on a birth registration, or to request the issuance of a change of sex designation certificate indicating that the sex designation of a person has been changed. While the former will affect the person's identity records, the latter may be required where the person does not live in the jurisdiction of birth and requires proof of the change of sex designation.

Section 18 (2) sets out who may make the application and addresses situations where the subject of the application is under the age of majority. Section 19 sets out the requirements for making an application.

A person authorized under section 18(2) may apply to change the sex designation recorded on a person's birth registration in the jurisdiction where the birth was registered. Once the registration is amended, a change of sex certificate may also be requested. There is no residency or citizenship requirement.

A person living in the jurisdiction, but born outside the jurisdiction, may apply for a change of sex certificate if the person satisfies the requirements of section 19 and, pursuant to section 18(6)(b), has been a resident of the jurisdiction for at least one year.

Section 18(7) provides that where a certificate confirming a change of sex designation is issued, the registrar will send the information to the registrar in the jurisdiction where the birth registration is recorded. If the birth registration is in a jurisdiction outside of Canada, the registrar will forward the information upon request by the person who made the application.

Section 18(8) gives the registrar who receives information from another registrar under s. 18(7) authority to change a birth registration if satisfied that the law of the jurisdiction from which the certificate was sent are substantially similar to the laws of (*the enacting jurisdiction*).

Section 18(7) and (8) are similar to the provisions in section 17. They ensure that the person who is the subject of the change of sex designation does not have conflicting identity documents from different jurisdictions. If the registrar is not satisfied that the laws where the change of sex designation certificate was issued are similar to the laws of the enacting jurisdiction, an application for a change of sex designation can be made pursuant to s. 19(2)(a).

If the person lives in the jurisdiction of the birth registration, a change of sex designation on the birth registration is required before a change of sex designation certificate can be requested.

Jurisdictions may wish to consider whether there should be additional safeguards, with respect to the ability of parents or guardians to change the sex designation of a child, to avoid violations of the rights of the child.

Application requirements for change of sex designation

19 (1) In this section:

“**applicant**” means the person who is the subject of an application made under section 18;

“**application**” means an application made under section 18.

(2) An application shall be accompanied by at least one of the following:

(a) 2 statements,

(i) one, signed by the person making the application, indicating that the applicant currently identifies with the sex designation to be recorded on the registration or stated on the certificate, lives full time in a manner that is consistent with that sex designation, and intends to continue living in that manner, and

(ii) a second, signed by a prescribed [*s. 67 (d) (i)*] person, indicating that the prescribed person has known the applicant for the prescribed period [*s. 67 (d) (i)*] and has an honest belief that the application is made in good faith, and that the facts described in the first statement are true;

(b) a record indicating that the applicant’s sex designation should be changed as a result of transsexual, gender reassignment or similar surgery undergone by the applicant, given by a medical practitioner who

(i) treated or evaluated the applicant, and

(ii) is licensed, certified or registered to practise medicine in a Canadian jurisdiction and is in good standing with the regulatory authority responsible for medical practitioners in that jurisdiction;

(c) any other prescribed evidence [*s. 67 (d) (ii)*].

Commentary: Section 19 sets out the requirements for making an application for a change of sex designation on the birth registration or for a certificate confirming a change of sex designation. Vital statistics agencies record anatomical sex for statistical purposes. As birth certificates are used as identity documents, this provision enables persons whose gender identity is not consistent with the sex designation on the person's birth registration to change that sex designation to reflect the person's gender identity. Section 19(2)(a) recognizes the situation where a person identifies as a particular gender but may not have undergone surgery or other medical procedures. Section 19(2)(b) carries forward from the 1987 Act provision for a change of sex designation when a person provides a record confirming that the person has undergone a surgical procedure for a change of sex purpose.

Section 19(2)(b)(ii) refers to receiving a record given by a medical practitioner licensed, certified or registered to practice medicine in Canada. Jurisdictions may wish to prescribe additional jurisdictions for the purposes of section 19 (2) (b) (ii).

Division 4 – Issuing Birth Certificates and Other Documents

Issue of copy of birth report or registration extract

- 20** The registrar may issue a certified copy of all or part of a birth report, or a certified electronic extract or portion of an extract of a birth registration, to the following persons only:
- (a) a person who satisfies the registrar that the copy is intended to be used for a lawful and proper purpose;
 - (b) a public officer of (*the enacting jurisdiction*) or Canada who requires the copy for use in the discharge of official duties;
 - (c) a person authorized by a court order to receive the copy;
 - (d) a prescribed person [*s. 67 (e)*].

Commentary: Section 20 sets out who may request a certified copy of all or part of a birth report, or an extract of information from the birth registration. Generally, section 20(a) provides that a person requesting birth registration information must satisfy the registrar that the information is intended to be used for a lawful and proper purpose. In practice, most, if not all registries have questions on the relevant form(s) to address this issue. Section 20(b) and (c) identifies specific persons entitled to request the information. Section 20(d) provides for jurisdictions to prescribe persons who may request the information.

Issue of birth certificate

- 21** (1) The registrar may issue a birth certificate to the following persons only:
- (a) the person who is the subject of the certificate;
 - (b) a parent or guardian of a child who is the subject of the certificate;
 - (c) an adult who gives to the registrar
 - (i) written consent from the person who is the subject of the certificate, and

- (ii) proof satisfactory to the registrar that the adult has known the person who is the subject of the certificate for at least one year;
 - (d) a person authorized, by the registrar in writing or by a court order, to receive the certificate;
 - (e) a prescribed person [s. 67 (e)].
- (2) A birth certificate shall be in the form approved by the registrar and include the following information:
- (a) the name and the date and place of birth of the person who is the subject of the certificate;
 - (b) the date of registration and the registration number;
 - (c) prescribed information [s. 67 (f)].
- (3) A birth certificate may include the following additional information in respect of the person who is the subject of the certificate:
- (a) the names of the person's parents;
 - (b) the person's sex.
- (4) The registrar shall not issue a birth certificate showing a person's sex if the person's sex was registered under section 11 (2) as undetermined and the registration has not been completed under that section to include the person's sex.

Commentary: Section 21 sets out who may request a birth certificate and the information that must be included on the certificate.

Section 21(3)(a) provides that information about the names of the person's parent may be included on the certificate.

Section 21(3) also permits, but does not require, that a person's sex be included on a birth certificate.

Section 21(4) provides that if the birth registration indicates the sex is undetermined, then a birth certificate will not include a sex designation or disclose that the sex is recorded as undetermined.

Section 21(3) and (4) ensures that a birth certificate can be issued without disclosing the sex designation of the person who is the subject of the registration. However, enacting jurisdictions should consider including a caution on birth certificate application forms alerting applicants that a birth certificate that does not indicate the person's sex may not be accepted as proof of identity by agencies that require identity documents.

Issue of certificate or other document after change to registration

- 22** (1) A birth certificate issued after a birth registration is amended shall be prepared in accordance with the amended registration.

- (2) If a change of name is recorded under section 16 or 17, the registrar shall not issue
 - (a) a certified copy of any part of a birth report, or a certified electronic extract of any part of a birth registration, that shows the name as recorded before the change, or
 - (b) a certificate made in respect of the change itself.
- (3) If a change of sex designation is recorded under section 18, the registrar shall not issue a certified copy of any part of a birth report, or a certified electronic extract of any part of a birth registration, that shows the sex designation as recorded before the change was registered.

Commentary: Section 22(1) carries forward provisions of the 1987 Act. Section 22(2) and (3) is included to ensure that where a change to a name or a change of sex designation has been recorded on the registration, any future copies of records or registration extracts will not disclose that a change has been made. Jurisdictions may wish to include additional protections with respect to original registration records in circumstances where a change of sex designation has occurred, similar to the process for adoption records under section 26.

Division 5 – Registering Stillbirths

Registration of stillbirth

- 23**
- (1) If a stillbirth occurs, the person who would have been required to make a birth report, if it had been a birth, shall give to a funeral director a statement in the form and manner approved by the registrar.
 - (2) The medical practitioner who attends a stillbirth, or if there was no medical practitioner in attendance, any other medical practitioner or a coroner, shall
 - (a) complete and sign a medical certificate in the form and manner approved by the registrar, stating the cause of the stillbirth, and
 - (b) give the certificate to the funeral director.
 - (3) On receiving a statement in respect of a stillbirth, the funeral director shall
 - (a) complete the statement with the proposed date and place of disposal of the body, and
 - (b) give the statement to the registrar.
 - (4) On receiving a statement in respect of a stillbirth, the registrar shall register the stillbirth.
 - (5) Immediately after registering a stillbirth, the registrar shall prepare and issue to the person requiring them for the purpose of disposal of the body
 - (a) an acknowledgment that the stillbirth is registered, and
 - (b) a burial permit.

Commentary: Section 23 carries forward the provisions of the 1987 Act. Jurisdictions may want to consider the difference between a stillbirth and other intentional medical procedures.

Issue of copy of stillbirth statement or registration extract

- 24** The registrar may issue a certified copy of all or part of a stillbirth statement, or a certified electronic extract or portion of an extract of a stillbirth registration, to the following persons only:
- (a) a person who satisfies the registrar that the copy is intended to be used for a lawful and proper purpose;
 - (b) a person authorized by a court order to receive the copy;
 - (c) a prescribed person [s. 67 (e)].

PART 3 – RECORDING ADOPTIONS

Recording adoptions and amending birth registrations

- 25** (1) If the registrar receives a certified copy of an adoption order made under (*the enactment governing adoptions in the enacting jurisdiction*), the registrar shall record the adoption and do one of the following, as applicable:
- (a) if the adopted person’s birth is registered in (*the enacting jurisdiction*) and the registrar has satisfactory evidence of the person’s identity,
 - (i) remove the original birth report and registration from the registration files,
 - (ii) substitute a new birth and registration report that reflects the names of the adoptive parent or parents, and
 - (iii) register the change, if any, to the adopted person’s name;
 - (b) if the adopted person’s birth is not registered in (*the enacting jurisdiction*), give a certified copy of the adoption order to the person responsible for registering births in the jurisdiction in which the person was born.
- (2) If the registrar receives a certified copy of an order, judgment or decree of adoption made by a court outside (*the enacting jurisdiction*) and the conditions described in subsection (1) (a) are met, the registrar shall record the adoption and take the applicable action described in that subsection.

Commentary: If a jurisdiction does not have a statutory provision requiring that a certified copy of every adoption order made in the jurisdiction must be forwarded to the registrar, an additional subsection should be added as subsection (1) to require this and the reference to the enactment governing adoptions in the enacting jurisdiction should be struck out.

This Part is intended for adoptions where the parentage of a person (usually a child) is completely transferred from one set of parents to another set of parents. However, indigenous custom adoptions may not involve such a complete transfer of parentage. Therefore, this Part is generally ill-suited to deal with many indigenous custom adoptions, and jurisdictions should take care to ensure that orders, judgments or decrees relating to an indigenous custom adoption are not recorded in accordance with this Part, unless it is clear that there is a complete transfer of parentage. Otherwise, the right of the child to the preserve his or her identity, including family relations, protected by the Convention on the Rights of the Child, may be violated.

In view of the rights of the child as well as indigenous rights protected under section 35 of the Constitution Act, 1982, jurisdictions may wish to consider additional provisions for the registration of indigenous custom adoptions that respect the various customary legal systems in Canada.

Adoption records to be kept confidential

- 26** Without limiting section 57, the registrar shall keep confidential all
- (a) pre-adoption birth registrations and records associated with those registrations, and
 - (b) records, including court orders, judgments and decrees, received by the registrar in respect of an adoption.

Commentary: Section 26 modernizes the 1987 Act provisions that required a registrar to keep a special register of adoptions. It recognizes that registry offices now maintain information in paper form and electronically. It is similar to a provision in the Manitoba legislation.

Disclosure of adoption information

- 27** (1) In this section:
- “**adoption record**” means the following records in respect of an adopted person:
 - (a) the birth notice, birth report and any declarations or other evidence in respect of the birth received by the registrar under this Act;
 - (b) the records required to be kept confidential under section 26;
 - “**post-adoption agency**” means a person or body authorized to provide post-adoption services.
- (2) Without limiting section 57, the registrar shall maintain confidentiality over all adoption records and shall not disclose an adoption record except as follows:
- (a) as permitted under this section or (*the enactment governing adoptions in the enacting jurisdiction*);
 - (b) to a person named in a court order from a court of (*the enacting jurisdiction*), in accordance with the order.
- (3) The registrar may disclose an adoption record if a post-adoption agency in (*the enacting jurisdiction*)
- (a) receives a request for an adoption record, and
 - (b) requests the registrar to disclose the adoption record to the post-adoption agency.
- (4) A request under subsection (3) (b) shall be made in the form and manner approved by the registrar.
- (5) On receiving a request under subsection (3) (b), the registrar may request a post-adoption agency of any jurisdiction to advise the registrar whether a person named in the adoption record has given instructions to the post-adoption agency respecting
- (a) disclosure of the record, or

- (b) communication between the person and another person named in the adoption record.
- (6) The registrar shall include with the disclosure of an adoption record under this section a copy of any instructions received under subsection (5).

Commentary: Section 27 addresses the issues that arise when parents and children are seeking information. The section introduces the definition “post-adoption agency” to identify the applicable government agency responsible for post-adoption services and authorizes the exchange of information between the registrar and the post-adoption agency.

In jurisdictions where the registrar also acts as a post-adoption agency, the definition of post-adoption agency will need to be amended.

Section 27(2) may be unnecessary if the *enactment governing adoptions in the enacting jurisdiction* covers the same ground.

Issuing birth certificate after adoption

- 28** (1) A birth certificate issued in respect of a person who was born in (*the enacting jurisdiction*) and whose adoption has been recorded under section 25
- (a) shall be prepared in accordance with the amended birth registration,
 - (b) shall, if the particulars of the person’s parents are shown, indicate the legal parents in accordance with (*the enactment governing adoptions in the enacting jurisdiction*), and
 - (c) shall not disclose that the person has been adopted.
- (2) If an adoption is recorded under section 25, the registrar shall not issue, subject to section 27,
- (a) a certified copy of any part of a birth report, or a certified electronic extract of any part of a birth registration, that shows the particulars of the person’s parents as they read before the adoption was recorded, or
 - (b) a certificate made in respect of the adoption itself.

PART 4 – REGISTERING MARRIAGES

Division 1 – Registering Marriages

Marriage report

- 29** (1) In this section, “**marriage official**” means a person authorized by law to solemnize a marriage.
- (2) A marriage official who solemnizes a marriage in (*the enacting jurisdiction*) shall report the particulars of the marriage to the registrar.
- (3) A marriage report shall be
- (a) prepared immediately after solemnizing the marriage,

- (b) made within 7 days after the marriage, in the form and manner approved by the registrar, and
- (c) signed by
 - (i) each of the parties to the marriage,
 - (ii) at least 2 adult witnesses to the marriage, and
 - (iii) the marriage official.

Registration of marriage

- 30** If a marriage report respecting a marriage is made within one year after the marriage, the registrar shall register that marriage if satisfied of the truth and sufficiency of the marriage report.

Delayed registration of marriage

- 31** If a marriage report respecting a marriage is not made within one year after the marriage, the registrar shall register that marriage if both of the following conditions are met:
- (a) an application for delayed registration is
 - (i) made by a person in the form and manner approved by the registrar,
 - (ii) accompanied by a declaration respecting the marriage, in the form approved by the registrar, and
 - (iii) accompanied by any other evidence required by the regulations [s. 67 (a)] or by the registrar;
 - (b) the registrar is satisfied of the truth and sufficiency of the matters stated in the application and that the application is made in good faith.

Commentary: Section 31 parallels the provisions in section 8. It clarifies the requirements for making a marriage report more than one year after the marriage and gives the registrar authority to determine the form and manner for applying for registration. It also provides for additional evidence to be required by regulation or the registrar.

Division 2 – Changes Occurring After Registration

Commentary: Division 2 does not provide for amending a marriage registration when there has been a change of sex designation on a birth registration or a certificate has been issued confirming a change of sex designation.

Jurisdictions may wish to consider whether provision should be made for a change of sex designation on a marriage registration. Alternatively, all gendered language and indications of sex designation could be removed from all marriage reports and registrations.

Change of name by law

- 32** (1) This section applies if a person's name is changed by or under
- (a) an enactment of (*the enacting jurisdiction*), or

- (b) the laws of another jurisdiction, if the registrar is satisfied that those laws are substantially similar to the laws of (*the enacting jurisdiction*).
- (2) On receiving evidence satisfactory to the registrar of a change of name in the circumstances set out in subsection (1), the registrar shall do one the following, as applicable:
- (a) if the person's marriage is registered in (*the enacting jurisdiction*), amend the person's marriage registration to record the change to the person's name;
 - (b) if the person's marriage is not registered in (*the enacting jurisdiction*), give to the person responsible for registering marriages in the jurisdiction in which the applicant was born a copy of the evidence received
 - (i) if the applicant was married in Canada but outside (*enacting jurisdiction*), or
 - (ii) on request of the applicant, if the applicant was married outside Canada.

Commentary: Section 32 carries forward section 10 of 1987 Act. It reflects current practice and modernized legislation in some Canadian jurisdictions. When the registrar receives proof of a change of name for someone who has a marriage registration in the jurisdiction, the marriage registration is amended to reflect the change of name. See also section 17 which deals with amending a birth registration when there has been a change of name.

Registration of annulment

- 33** On receiving a declaration in the form and manner approved by the registrar respecting the annulment of a marriage, the registrar shall do one of the following, as applicable:
- (a) if the marriage was solemnized in (*the enacting jurisdiction*), record the annulment and delete the marriage registration;
 - (b) if the marriage was annulled in (*the enacting jurisdiction*) but solemnized in another jurisdiction, give to the person responsible for registering marriages in the jurisdiction in which the marriage was registered a certified copy of the order, judgment or decree of annulment.

Commentary: Section 33 carries forward s. 18 of the 1987 Act. Enacting jurisdictions should review section 33 (a) to ensure it reflects current practice. If the records are moved to a special place or flagged, the provision should be amended accordingly. In enacting jurisdictions that do not have provisions in its *Judicature Act* or similar legislation requiring that a certified copy of every order, judgment or decree of an annulment of marriage be forwarded to the registrar by the court, an additional subsection requiring this should be inserted as subsection (1). Enacting jurisdictions that do not receive these documents should insert appropriate words to describe the nature of the document used for the registration under this section.

Division 3 – Issuing Marriage Certificates and Other Documents

Commentary: Sections 34 to 36 carry forward much of the 1987 Act, but clarify who is entitled to receive information from a marriage registration, who may apply for a marriage certificate,

and who is entitled to information after a change to the registration.

Issue of copy of marriage report or registration extract

- 34** The registrar may issue a certified copy of all or part of a marriage report, or a certified electronic extract or portion of an extract of a marriage registration, to the following persons only:
- (a) a person who satisfies the registrar that the copy is intended to be used for a lawful and proper purpose;
 - (b) a public officer of (*the enacting jurisdiction*) or Canada who requires the copy for use in the discharge of official duties;
 - (c) a person authorized by a court order to receive the copy;
 - (d) a prescribed person [*s. 67 (e)*].

Issue of marriage certificate

- 35** (1) The registrar may issue a marriage certificate to the following persons only:
- (a) a person whose marriage is the subject of the certificate;
 - (b) an adult who gives to the registrar
 - (i) written consent from a person whose marriage is the subject of the certificate, and
 - (ii) proof satisfactory to the registrar that the adult has known the person whose marriage is the subject of the certificate for at least one year;
 - (c) a person authorized, by the registrar in writing or by a court order, to receive the certificate;
 - (d) a prescribed person [*s. 67 (e)*].
- (2) A marriage certificate shall be in the form approved by the registrar and shall contain prescribed information [*s. 67 (f)*].

Issue of certificate or other document after change to registration

- 36** (1) A marriage certificate issued after a marriage registration is amended shall be prepared in accordance with the amended registration.
- (2) If a change of name is recorded under section 32, the registrar shall not issue
- (a) a certified copy of any part of a marriage report, or a certified electronic extract of any part of a marriage registration, that shows the name as recorded before the change, or
 - (b) a certificate made in respect of the change itself.
- (3) If an annulment of marriage is recorded under section 33, the registrar shall not issue
- (a) a certified copy of any part of the marriage report, or a certified electronic extract of any part of the marriage registration, or
 - (b) a certificate made in respect of the annulment itself.

PART 5 – REGISTERING DEATHS AND ISSUING BURIAL PERMITS

Division 1 – Registering Deaths

Death report

- 37** (1) The following persons, as applicable, shall report the particulars of a deceased person to a funeral director:
- (a) the nearest relative of the deceased who was present at the death or in attendance at the last illness of the deceased;
 - (b) if a relative described in clause (a) is not available, by any relative of the deceased residing or being in (*the enacting jurisdiction*);
 - (c) if no relative is available, by any adult present at the death;
 - (d) if none of clauses (a) to (c) apply, by
 - (i) any adult having knowledge of the facts of the death,
 - (ii) the occupier of the premises in which the death occurred, or
 - (iii) a coroner who has been notified of the death and has made an inquiry into the death.
- (2) A death report shall be made on the request of the funeral director and given to the funeral director in the form and manner approved by the registrar.
- (3) For the purposes of subsection (1) (d) (ii), “**occupier**” includes
- (a) a person occupying a dwelling,
 - (b) the manager or other person in charge of a public or private institution where persons are cared for or confined, and
 - (c) the owner, manager or other person in charge of a hotel, inn, apartment, lodging house or other dwelling or accommodation.

Commentary: Section 37 carries forward much of the 1987 Act, but clarifies who has responsibility to make a death report. Section 37(1) establishes the priority in which certain persons are required to make a report of the particulars of a deceased person to a funeral director. Section 37(1)(d) clarifies who should report the particulars of a deceased person to a funeral director if clauses (a) to (c) in section 37(1) do not apply.

Medical certificate generally

- 38** (1) In this section, “**health professional**” means a medical practitioner or a prescribed health professional [*s. 67 (g)*].

Commentary: s. 38(1) provides for the opportunity to expand the scope of who may be permitted to certify a death. Enacting jurisdictions may wish to consider adding nurse practitioners or other health practitioners if it is within the scope of the practitioner’s practice to complete and sign a medical certificate (i.e. certify deaths).

Uniform Vital Statistics Act (2017)

- (2) A funeral director shall immediately notify a coroner if no health professional attended a deceased person during the deceased's last illness.
- (3) A health professional or coroner, as applicable, shall comply with subsection (4) if any of the following conditions are met:
 - (a) the health professional
 - (i) attended a deceased person during the deceased's last illness,
 - (ii) is able to certify the medical cause of death with reasonable accuracy, and
 - (iii) has no reason to believe that the deceased died under circumstances that require an inquiry;
 - (b) the death was natural and the health professional
 - (i) is able to certify the medical cause of death with reasonable accuracy, and
 - (ii) has received the consent of a coroner to complete and sign a medical certificate;
 - (c) the coroner conducts an inquiry.
- (4) If subsection (3) applies, the health professional or coroner, as applicable, shall do both of the following within 48 hours after the death:
 - (a) complete and sign a medical certificate
 - (i) in the form and manner approved by the registrar, and
 - (ii) stating the cause of the person's death as determined according to the most recent edition of the International Statistical Classification of Diseases and Related Health Problems published by the World Health Organization;
 - (b) give the certificate to a funeral director.
- (5) A health professional shall immediately notify a coroner if the health professional is not able to complete the medical certificate within 48 hours after the death.

Medical certificate if cause not known within 48 hours

- 39**
- (1) This section applies if the medical cause of a person's death cannot be certified with reasonable accuracy within 48 hours after the death and
 - (a) an autopsy is performed by a medical practitioner, or
 - (b) an inquiry is begun by a coroner.
 - (2) In the circumstances set out in subsection (1), the medical practitioner or coroner, as applicable, shall do the following:
 - (a) if the body of the deceased person is no longer required for the purposes of the autopsy or inquiry, give to a funeral director an interim medical certificate in the form approved by the registrar;
 - (b) after completing the autopsy or inquiry, complete and sign a medical certificate as described in section 38 (4) (a) and deliver the certificate to the registrar.

Funeral director to deliver death report to registrar

- 40** A funeral director who receives a death report and either a medical certificate or an interim medical certificate shall immediately deliver the report and certificate to the registrar.

Registration of death

- 41** If a death report respecting a death, accompanied by a medical certificate or interim medical certificate, is made within one year after the death, the registrar shall register that death if satisfied of the truth and sufficiency of the death report.

Delayed registration of death

- 42** If a death report respecting a death is not made within one year after the death, the registrar shall register that death if both of the following conditions are met:
- (a) an application for delayed registration is
 - (i) made by a person in the form and manner approved by the registrar,
 - (ii) accompanied by a declaration respecting the death, in the form approved by the registrar,
 - (iii) accompanied by a death report and a medical certificate or an interim medical certificate, and
 - (iv) accompanied by any other evidence required by the regulations [s. 67 (a)] or by the registrar;
 - (b) the registrar is satisfied of the truth and sufficiency of the matters stated in the application and that the application is made in good faith.

Commentary: Section 42 parallels the provisions in sections 8 and 31 for delayed birth and marriage reports respectively. It clarifies the requirements for making a death report more than one year after the death and gives the registrar authority to determine the form and manner for applying for registration. It also provides for additional evidence to be required by regulation or the registrar

Division 2 – Issuing Burial Permits

Issue of burial permit

- 43** On receiving a death report and a medical certificate or interim medical certificate, the registrar shall issue to the funeral director a burial permit.

Commentary: Section 43 carries forward the 1987 Act. If someone other than the registrar in the jurisdiction issues burial permits, section 43 should be modified as appropriate.

Burial permit required for removal and disposal

- 44** (1) A person shall not do either of the following unless a burial permit has been issued in respect of the death:
- (a) dispose of the body of a person who dies in (*the enacting jurisdiction*);

- (b) remove the body of a deceased person from (*the enacting jurisdiction*).
- (2) A common carrier shall not remove the body of a deceased person to a cemetery unless the prescribed copies of a burial permit [*s. 67 (h)*] issued in respect of the deceased person have been affixed to the outside of the casket.
- (3) A funeral director shall do all of the following:
 - (a) at the cemetery, remove any copies of the burial permit affixed to the outside of the casket;
 - (b) deliver the prescribed copy of the burial permit [*s. 67 (h)*] to the person conducting the funeral or religious service;
 - (c) either
 - (i) deliver the prescribed copy of the burial permit [*s. 67 (h)*] to the cemetery owner, or
 - (ii) if the owner is not in attendance at the cemetery at the time the body is disposed of, write across the face of the burial permit the words “No person in charge”, sign the burial permit, and deliver it to the registrar.

Duty of cemetery owner

- 45** A cemetery owner shall not permit a body to be disposed of in the cemetery unless the cemetery owner receives the prescribed copy of the burial permit [*s. 67 (h)*].

Division 3 – Issuing Death Certificates and Other Documents

Issue of copy of death report or registration extract

- 46** The registrar may issue a certified copy of all or part of a death report, or a certified electronic extract or portion of an extract of a death registration, to the following persons only:
- (a) a person who satisfies the registrar that the copy is intended to be used for a lawful and proper purpose;
 - (b) a person authorized by a court order to receive the copy;
 - (c) a prescribed person [*s. 67 (e)*].

Commentary: Section 46 carries forward section 31(7) of the 1987 Act. Jurisdictions may wish to consider whether there are any parties with official duties who should be identified in the legislation.

Issue of death certificate

- 47** (1) The registrar may issue a death certificate to any person who gives to the registrar information satisfactory to the registrar.
- (2) A death certificate shall be in the form approved by the registrar and shall contain the prescribed information [*s. 67 (f)*].

- (3) A death certificate shall not disclose the cause of death as certified on the medical certificate unless the person to whom the certificate is issued is
 - (a) the parent, sibling, spouse or common-law spouse of the deceased, or an adult child of the deceased, or
 - (b) a person authorized, by the Minister in writing or by a court order, to receive the certificate.
- (4) For the purposes of subsection (3) (b), the Minister may specify, in writing, circumstances in which classes of persons are authorized to receive a certificate that discloses the cause of death.

Commentary: Section 47(1) carries forward section 31(5) of the 1987 Act. Section 47(3) carries forward from section 31(6) of the 1987 Act the list of people entitled to receive a death certificate that discloses the cause of death. Enacting jurisdictions may wish to review how broad the list of persons should be and consider the appropriate language and/or definition for “spouse or common-law spouse”.

PART 6 – COPIES OF REPORTS, REGISTRATION EXTRACTS AND CERTIFICATES GENERALLY

Registering births and deaths at sea or on aircraft

- 48** A birth or death shall, for the purposes of this Act, be deemed to have occurred in (*the enacting jurisdiction*) if
- (a) the birth or death occurs on a vessel underway or on an aircraft in flight and the first port of call or place of landing after the birth or death is in (*the enacting jurisdiction*), or
 - (b) a vessel recovers a body at sea and the first port of call after the recovery is in (*the enacting jurisdiction*).

Correcting registrations

- 49**
- (1) On receiving a report of an error in a registration, the registrar shall inquire into the matter and, on receiving evidence satisfactory to the registrar, may correct the error.
 - (2) If an error was caused by incorrect information provided to the registrar under this Act, the registrar may require the person who provided the information to pay the prescribed fee [*s. 67 (c)*] to correct the error.
 - (3) A certificate issued after correction of an error shall be prepared in accordance with the corrected registration.

Application for copy of report, registration extract or certificate

- 50**
- (1) An application for a certified copy of a birth report, stillbirth statement, marriage report or death report, a certified electronic extract or portion of an extract of a birth

Uniform Vital Statistics Act (2017)

registration, stillbirth registration, marriage registration or death registration, a birth certificate, marriage certificate or death certificate, or a religious record shall be

- (a) made in the form and manner approved by the registrar, and
- (b) accompanied by payment of the prescribed fee [s. 67 (c)].

(2) The registrar shall not issue the copy, extract, certificate or record unless satisfied

- (a) of the truth and sufficiency of the matters stated in the application, and
- (b) that the copy, extract, certificate or record is intended to be used for a lawful and proper purpose.

Issuing copies of reports, registration extracts and certificates generally

- 51**
- (1) Only the registrar may issue a certified copy of a birth report, stillbirth statement, marriage report or death report, a certified electronic extract or portion of an extract of a birth registration, stillbirth registration, marriage registration or death registration, or a birth certificate, marriage certificate or death certificate.
 - (2) If the signature of the registrar or another official is required for the purposes of this Act, the signature may be written, provided electronically, or reproduced by any method of reproducing words in visible form.
 - (3) Every record issued under this Act under the signature of the registrar or another official is valid even if the registrar or official ceased to hold office before the record was issued.

Issue of certificate respecting religious records

- 52**
- (1) If the registrar holds religious records, the registrar may issue a certificate in respect of a record of
 - (a) baptism to a person entitled to receive a copy of a birth report under section 20 or a birth certificate under section 21,
 - (b) marriage to a person entitled to receive a copy of a marriage report under section 34 or a marriage certificate under section 35, and
 - (c) burial to a person entitled to receive a copy of a death report under section 46 or a death certificate under section 47.
 - (2) A certificate issued under this section shall be in the form approved by the registrar and shall contain the prescribed information [s. 67 (f)].

Issue of copies of records 100 years after event

- 53**
- Despite any provision of this Act to the contrary but subject to sections 50 and 51, any person may obtain a certified copy of any of the following if 100 years have passed since the event:
- (a) a birth report, stillbirth statement, marriage report or death report;
 - (b) a religious record.

Commentary: Section 53 carries forward s. 31(12) of the 1987 Act. Jurisdictions may wish to consider a period other than 100 years given current life expectancies. Jurisdictions will also need to ensure the provision reflects current practice with respect to how much information from the registration is disclosed.

Fraudulent or improper registrations and certificates

- 54**
- (1) If satisfied that an event registered under this Act did not occur, the registrar may order that
 - (a) the registration is cancelled, and
 - (b) every certificate issued in respect of the registration be returned to the registrar for cancellation.
 - (2) If satisfied that a certificate was obtained or is being used for an unlawful or improper purpose, the registrar may order the certificate to be returned to the registrar for cancellation.
 - (3) The registrar may make an order under this section if the registrar
 - (a) receives a written application by any person,
 - (b) gives notice to all persons interested in the registration or certificate, and
 - (c) either holds a hearing of any interested persons or, if a hearing is not possible, receives a declaration or other evidence satisfactory to the registrar from any interested persons.
 - (4) A person having possession or control of a certificate in respect of which an order has been made under this section shall immediately, on receiving the order, return the certificate to the registrar.
 - (5) The registrar shall keep all registrations and certificates cancelled under this section, together with the registrar's order and all related records.

Return and cancellation of certificates

- 55**
- (1) The registrar may require a person having possession or control of a certificate issued under this Act to return the certificate to the registrar for cancellation if
 - (a) the birth, marriage or death registration on which the certificate was based has been amended since the certificate was issued, or
 - (b) a certificate is issued under section 18 indicating that the sex designation of the subject of the certificate has changed.
 - (2) The registrar may require a person having possession or control of a cancelled certificate issued under this Act to return the certificate to the registrar.
 - (3) A person shall comply with a requirement of the registrar made under this section.

Commentary: Section 55 carries forward provisions of the 1987 Act and clarifies that the registrar has authority to request the return of any certificate when a registration has been amended. Depending on practice, enacting jurisdictions may wish to consider whether to expand

this authority to include the return of other records under the Act, including copies of reports and registration extracts.

PART 7 – INFORMATION PROTECTION AND DISCLOSURE

Search of records [30]

- 56** (1) A person may apply to the registrar to have the registrar search
- (a) for the registration of any birth, stillbirth, marriage, or death,
 - (b) for the record of any change of name or annulment of marriage, or
 - (c) for a religious record.
- (2) An application for a search shall be
- (a) made in the form and manner approved by the registrar, and
 - (b) accompanied by payment of the prescribed fee [s. 67 (c)].
- (3) The registrar shall not make a search unless satisfied
- (a) of the truth and sufficiency of the matters stated in the application, and
 - (b) that information from the search is intended to be used for a lawful and proper purpose.
- (4) If the registrar makes a search under this section, the registrar shall disclose to the applicant the following information only:
- (a) whether or not the birth, stillbirth, marriage, death, change of name, annulment of marriage, baptism or burial is registered or recorded;
 - (b) if registered, its registration number.

Commentary: Section 56 sets out the information that may be searched, the requirements and the information that may be disclosed in respect of the search. The list in section 56(1) does not include searches for information about a change of sex or adoption orders.

Confidentiality

- 57** (1) Except as permitted under this Act, a person who obtains information in the course of administering this Act shall keep the information confidential and shall not
- (a) disclose the information, or allow the information to be disclosed, to a person who is not entitled to that information, or
 - (b) allow a person who is not entitled to the information to inspect or have access to any records containing that information.
- (2) The registrar
- (a) shall, before disclosing information under this Act, inquire into the purpose for which the information is intended to be used, and
 - (b) shall refuse to disclose the information if the registrar has reason to believe that that information may be used for an unlawful or improper purpose.

- (3) If a provision of this Act conflicts or is inconsistent with another enactment of (*the enacting jurisdiction*) with respect to the collection, use or disclosure of information, this Act prevails.

Commentary: Section 57(2) is intended to reflect a general principle that the registrar must be satisfied that the proposed use of information that has been requested justifies the disclosure of the information. Section 57(3) makes it clear that this Act prevails if there is a conflict or inconsistency with another enactment in the enacting jurisdiction. Jurisdictions should review privacy legislation to ensure wording is sufficient to give priority to Vital Statistics Act.

Information-sharing agreements

- 58**
- (1) The registrar may disclose, on a bulk or regular basis, information obtained under this Act to a prescribed person or body [*s. 67 (i)*] only if the registrar has first entered into an information-sharing agreement.
 - (2) The registrar may disclose, on a bulk or regular basis, information obtained under this Act to persons who are not prescribed only if the registrar has first
 - (a) approved the purpose for which disclosed information may be used, and
 - (b) entered into an information-sharing agreement.
 - (3) Without limiting any other authority to determine the terms of an information-sharing agreement, the registrar may, in an information-sharing agreement,
 - (a) impose limits and conditions on disclosing information, and
 - (b) impose requirements in respect of maintaining the confidentiality of the information.
 - (4) Section 57 (2) (a) does not apply to the disclosure of information by the registrar under an information-sharing agreement.

Publication and report of statistical information

- 59**
- (1) In this section, “**statistical information**” means information respecting registered or recorded births, stillbirths, changes of name, changes of sex designation, adoptions, marriages, annulments of marriage, and deaths that does not disclose specific information with respect to any particular person.
 - (2) The registrar may, at any time, compile, publish and distribute statistical information.
 - (3) As soon as it is practical to do so after January 1, the registrar shall report statistical information with respect to the year just ended for the use of the Legislative Assembly and the public.

Religious records are records of registrar

- 60** If the registrar has or accepts custody of records of baptisms, marriages or burials from a religious body in (*the enacting jurisdiction*), the records shall be deemed to be records of the registrar’s office.

Commentary: Section 60 carries forward section 27 of the 1987 Act. If a jurisdiction receives non-Christian records similar to a record of baptism, these records should be included within the scope of the legislation.

PART 8 – APPEALS AND OTHER MATTERS

Division 1 – Appeals to Court

Commentary: Sections 61 and 62 distinguish between appeals of a registrar’s decision to refuse to register a birth, stillbirth, marriage or death, or to amend a birth registration to record a change of sex designation; and appeals of decisions refusing to issue certificates or make permitted searches. Searches for change of sex designation information and information about adoptions are not permitted (see section 56) and therefore not covered under the appeal provisions.

Appeal of registration decision

- 61** (1) A person may apply to the court to review a refusal by the registrar to
- (a) register a birth, stillbirth, marriage or death, or
 - (b) amend a birth registration to record a change of sex designation.
- (2) An application to the court shall be made within one year after the registrar’s refusal.
- (3) The court may make an order requiring the registrar to register the event as requested, or to make the requested amendment, if the court is satisfied
- (a) of the truth and sufficiency of the evidence supporting the application for registration or amendment, and
 - (b) that the application for registration or amendment is made in good faith.
- (4) In making an order under this section, the court shall have regard to the requirements under this Act respecting delayed registration.

Appeal of certificate or search decision

- 62** (1) A person may apply to the court to review a refusal by the registrar to
- (a) issue a certificate or make a search in respect of a birth, baptism, stillbirth, marriage, death or burial,
 - (b) issue a certificate in respect of a change of sex designation, or
 - (c) make a search in respect of a change of name or an annulment of a marriage.
- (2) An application to the court shall be made within one year after the registrar’s refusal.
- (3) The court may make an order requiring the registrar to issue the requested certificate or make the requested search if the court is satisfied
- (a) that the applicant has good reason for requiring the certificate or search, and
 - (b) that the application for the certificate or search is made in good faith.

Appeal of decision respecting fraud or impropriety

- 63** (1) Any interested person may apply to the court to review an order of the registrar to cancel a registration or certificate, or to return a certificate, made under section 54.
- (2) An application to the court shall be made within (...) years after the order is made.
- (3) The court may make an order confirming or setting aside the order of the registrar.

Compliance with court order

- 64** (1) The clerk of the court shall immediately send to the registrar a copy of an order of the court made under this Division.
- (2) The registrar shall comply with the court's order.

Division 2 – Other Matters

Power to witness declarations

- 65** For the purposes of this Act, the registrar and all officials acting under this Act may witness the declaration of any person.

Offences

- 66** (1) A person who contravenes this Act or the regulations made under it commits an offence.
- (2) If more than one person is required to give a notice, make a report, or provide a statement, declaration, particulars, evidence or information under this Act and the duty is carried out by any of those persons, the other person or persons are not liable for failing to take the required action.

Commentary: Section 66(1) carries forward s. 38 of the 1987 Act. Each jurisdiction should set its own penalties if needed.

Regulations

- 67** The Lieutenant Governor in Council (*Commissioner in Council*) may make regulations as follows:
- (a) respecting the evidence required under sections 8 (a) (iii), 31 (a) (iii) and 42 (a) (iv) to support an application for delayed registration;
 - (b) respecting the evidence required under section 11 (2) to complete a registration by including a child's sex;
 - (c) prescribing fees for the purposes of sections 13 (2), 15 (2) (b), 16 (4) (c), 18 (3) (b), 49 (2), 50 (1) (b) and 56 (2) (b) and permitting fees to be waived in respect of a person or class of persons;
 - (d) for the purposes of applications to amend birth registrations or to receive certificates with respect to changes of sex designation,
 - (i) prescribing classes of persons who may sign statements for the purpose of section 19 (2) (a) (ii) and the periods for which those persons shall have

Uniform Vital Statistics Act (2017)

- known the person who is the subject of an application within the meaning of section 18, and
- (ii) respecting other evidence that may be given under section 19 (2) (d) to support an application;
- (e) prescribing persons and classes of persons who may receive copies of registrations or certificates for the purposes of sections 20 (d), 21 (1) (e), 24 (c), 34 (d), 35 (1) (d) and 46 (c);
 - (f) prescribing the content of certificates for the purposes of sections 21 (2) (c), 35 (2), 47 (2) and 52 (2);
 - (g) prescribing health professionals and classes of health professionals who may sign medical certificates for the purpose of section 38;
 - (h) respecting copies of burial permits for the purposes of sections 44 and 45;
 - (i) prescribing persons, bodies and classes of persons and bodies with whom an information-sharing agreement is required for the purpose of section 58, and conferring discretion on the Minister to
 - (i) require, by order, an information-sharing agreement that provides for the disclosure of information to other specified persons, bodies or classes of persons or bodies, or
 - (ii) waive, by order and with or without conditions, an information-sharing agreement that would otherwise be required;
 - (j) to the extent that it is not otherwise provided for in this Act,
 - (i) setting out the information that shall be given to the registrar in a notice, report or application,
 - (ii) establishing the periods in which notices, reports and information shall be given to the registrar,
 - (iii) prescribing the manner in which notices, reports and information shall be given to the registrar, and
 - (iv) prescribing forms for the purposes of this Act;
 - (k) to the extent that it is not otherwise provided for in this Act, respecting
 - (i) the registration of births, stillbirths, adoptions, marriages, annulments of marriage, and deaths, and
 - (ii) the recording of changes of name or sex;
 - (l) respecting the performance of duties by the registrar and prescribing additional duties.