

1970 Bill 36

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 36**

**An Act to amend The Vital Statistics Act, 1959**

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THE MINISTER OF HEALTH

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 36

1970

An Act to amend The Vital Statistics Act, 1959

(Assented to \_\_\_\_\_, 1970)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Vital Statistics Act, 1959* is hereby amended.
2. Section 2, clause (c) is amended by adding after the word "vault," the words "columbarium as defined in *The Cemeteries Act*,".
3. Section 11, subsection (2), clause (b) is amended by striking out the word "adult" and by substituting the word "credible".
4. Section 13 is struck out.
5. Section 14 is amended by striking out subsection (6) and by renumbering subsections (7) and (8) as (6) and (7) respectively.
6. Section 17, subsection (2) is amended by adding after the words "is impossible" the words "for the time being".
7. Section 18 is amended by striking out subsection (2).
8. Section 21 is struck out.
9. Section 22, subsection (1) is amended by striking out the words "statute of another province" and by substituting the words "Act or ordinance of another province or territory of Canada".
10. Section 30 is amended by striking out subsections (12) to (15).

## **Explanatory Notes**

**1.** This Bill will amend chapter 94 of the Statutes of Alberta, 1959.

**2.** Section 2, clause (c) presently reads:

(c) "cemetery" means land set apart or used as a place for the interment or other disposal of dead bodies, and includes a vault, mausoleum and crematorium;

**3.** Section 11, subsection (2), clause (b) presently reads:

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

.....

(b) at least two adult witnesses to the marriage, and

**4.** Section 13 provides for the registration with the Director of Vital Statistics of decrees of divorce and nullity of marriage.

**5.** Section 14, subsection (6) reads:

(6) If the cause of death is ill-defined, obscure or unknown, the Director may order that a post-mortem examination be made on the body of the deceased.

**6.** Section 17, subsection (2) presently reads:

(2) When a person dies under any of the circumstances referred to in subsection (6) of section 14, if it is impossible for the coroner to complete a medical certificate, the district registrar, upon the coroner releasing the body for burial, shall issue a burial permit and the coroner shall, within two days of his determining the cause of death, or the completion of his investigation, deliver or mail to the district registrar a medical certificate.

**7.** Section 18, subsection (2) reads:

(2) Every cemetery owner shall, at the end of each calendar month, transmit to the Director a return in the prescribed form of the burials and cremations that took place that month in the cemetery.

**8.** Section 21 reads:

21. In case of any sudden, violent, accidental or suspicious death investigated by the police, the officer in command, or the chief constable of a municipality, as the case may be, shall transmit to the Director a copy of the report of the investigation.

**9.** Section 22, subsection (1) reads in part:

22. (1) Where the name of a person is changed under The Change of Name Act, or under a statute of another province, the Director, on production to him of proof of the change and evidence satisfactory to him as to the identity of the person,

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

**10.** The subsections being struck out by this clause provide for searches of records in the possession of district registrars.

**11.** Section 32, subsection (10) is amended by striking out the words “, change of name, or dissolution or annulment of marriage” and by substituting the words “or change of name”.

**12.** Section 34 is amended by adding the following after subsection (3).

(4) No original registration of birth or stillbirth and no statutory declaration, record or statement filed in accordance with section 4, subsection (6) or (8) is admissible in evidence to effect a presumption of legitimacy nor may the Director be called upon to give evidence affecting a presumption of legitimacy based upon records in his office.

**13.** The following sections are added after section 35:

**35a.** No system of registrations of births, stillbirths, marriages and deaths shall be maintained or continued in Alberta other than authorized by this Act.

**35b.** No registration shall be made of a birth, stillbirth, marriage or death occurring outside Alberta.

**35c.** The Director may carry out any of the duties of the district registrar of any registration district.

**14.** Section 37 is amended by striking out the words “, changes of names, and dissolutions and annulments of marriage” and by substituting the words “and changes of name”.

**15.** Section 38 is amended by striking out the words “, changes of name, and dissolutions and annulments of marriage” and by substituting the words “and changes of name”.

**16.** Section 50, clause (g) is amended by striking out the words “dissolutions and annulments of marriage,”.

**17.** *The Coroners Act* is amended

- (a) as to section 8 by striking out subsection (3),
- (b) as to section 18, subsection (6) by striking out the word “Director” and by substituting the words “Provincial Chief Coroner”,
- (c) as to section 18 by striking out subsection (8).

**18.** This Act comes into force on the day upon which it is assented to.

**11. Section 32, subsection (10) presently reads:**

(10) No certificate, certified copy or photographic print shall be issued under this Act in respect of the registration of an adoption, change of name, or dissolution or annulment of marriage.

**12. Original records not admissible in evidence.**

**13. Self-explanatory.**

**14. Section 37 presently reads:**

37. The Director may compile, publish and distribute such statistical information respecting the births, stillbirths, marriages, deaths, adoptions, changes of name, and dissolutions and annulments of marriage registered during any period as he may deem necessary and in the public interest.

**15. Section 38 presently reads:**

38. As soon as convenient after the first day of January in each year, the Director shall make for the use of the Assembly and for public information, a statistical report of the births, stillbirths, marriages, deaths, adoptions, changes of name, and dissolutions and annulments of marriage during the preceding calendar year.

**16. Section 50, clause (g) presently reads:**

50. The Lieutenant Governor in Council may make regulations

(g) for the registration of births, marriages, deaths, stillbirths, dissolutions and annulments of marriage, adoptions or changes of name in cases not otherwise provided for in this Act,

**17. The Coroners Act, section 8, subsection (3) and section 18, subsections (6) and (8) presently read:**

(3) Where the Director has, under The Vital Statistics Act, 1959, ordered an investigation of a sudden death or death following an operation or an accident, it is not necessary for the coroner to issue his warrant to take possession of or view the body if after inquiry into all the circumstances connected with the death the coroner is satisfied that it is unnecessary to hold an inquest.

(6) Where a coroner is required to make or is making an investigation into a death other than a death from or in circumstances referred to in subsection (5),

(a) if the cause of death is ill-defined, obscure or unknown, or

(b) if the deceased apparently died from disease, conditions resulting from disease, sickness or other natural causes,

(c) Repealed. (1963, c. 12, s. 11)

the coroner shall obtain the consent of the Director before ordering a post-mortem examination.

(8) The coroner shall submit accounts that are payable in respect of a post-mortem examination ordered or held with the consent of the Director to the Director.