

1976 Bill 61

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 61

THE VITAL STATISTICS AMENDMENT ACT, 1976

MR. WOLSTENHOLME

First Reading

Second Reading

Third Reading

Bill 61
Mr. Wolstenholme

BILL 61

1976

THE VITAL STATISTICS AMENDMENT ACT, 1976

(Assented to _____, 1976)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. The Vital Statistics Act is hereby amended.

2. Section 2 is amended

(a) by adding the following clause after clause 14:

14.1 "medical examiner" means a medical examiner appointed under *The Fatality Inquiries Act*;

(b) as to clause 21 by striking out the words "after at least twenty weeks' pregnancy, or".

3. Section 9, subsection (3) is amended by striking out the words "a coroner" and by substituting the words "a medical examiner".

Explanatory Notes

1. This Bill will amend chapter 384 of the Revised Statutes of Alberta 1970.

2. Defines "medical examiner" for the purposes of this Act. Section 2, clause 21 presently reads:

21. "stillbirth" means the complete expulsion or the extraction from the mother after at least twenty weeks' pregnancy, or after attaining a weight of five hundred grams or more, of a fetus in which, after the expulsion or extraction, there is no breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle.

3. Section 9, subsection (3) presently reads:

(3) The legally qualified medical practitioner in attendance at a stillbirth, or, where there is no legally qualified medical practitioner in attendance, a legally qualified medical practitioner or a coroner shall complete the medical certificate included in the prescribed form showing the cause of the stillbirth and shall deliver it to the funeral director.

4. *Section 15 is amended*

(a) *as to subsection (2) by striking out clauses (c), (d), (e) and (f) and by substituting the following clauses:*

(c) if no relative is available,

(i) by any adult person present at the death,
or

(ii) by any other adult person having knowledge of the facts, or

(iii) by an adult occupant of the house in which the death occurred,

or

(d) by the medical examiner who has made an investigation under *The Fatality Inquiries Act*.

(b) *by striking out subsections (3), (4), (5) and (6) and by substituting the following subsection:*

(3) The personal particulars requested pursuant to subsection (2) shall be provided as soon as possible and not later than five days from the date of the request.

and

(c) *as to subsection (7) by adding after the words "the medical certificate" the words "or the interim medical certificate"*.

5. *The following sections are added after section 15:*

15.1 (1) In this section and in section 15.2 "physician" means

(a) a person who is registered under *The Medical Profession Act, 1975* as a medical practitioner, or

(b) a person who is registered under *The Medical Profession Act, 1975* in the Educational Register,
and who is not under suspension.

(2) In this section "International Classification" means

4. Section 15, subsections (2), clauses (c), (d), (e) and (f), subsections (3), (4), (5), (6) and (7) presently read:

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

- (c) if no relative is available, by any adult person present at the death, or
- (d) by any other adult person having knowledge of the facts, or
- (e) by the occupier of the house in which the death occurred, or
- (f) by the coroner who has been notified of the death and has made an inquiry or held an inquest regarding the death.

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

(4) Where a death occurs without medical attendance, or where the legally qualified medical practitioner mentioned in subsection (3) is not available to complete the medical certificate, and where there is no reason to believe that the death was the result of any of the circumstances set forth in subsection (6), the funeral director shall forthwith notify a coroner having jurisdiction or the local medical health officer, or a legally qualified medical practitioner designated by the coroner or by the medical health officer, who shall thereupon inquire into the facts and shall complete the medical certificate in accordance with subsection (3).

(5) Where a district registrar is satisfied that there was no coroner, no local medical health officer, and no legally qualified medical practitioner within reasonable distance from the place where a death has occurred, and that it is not reasonably practicable to have the medical certificate completed as provided in subsection (4), the district registrar may, in lieu of the medical certificate, prepare and sign a certificate prepared from the statements of relatives of the deceased or of other persons having adequate knowledge of the facts.

(6) Subject to section 18, subsection (2) where there is reason to believe that a person has died

- (a) as a result of violence or misadventure, or
- (b) by unlawful means, or
- (c) as a result of negligence or misconduct on the part of others, or
- (d) under circumstances that require investigation, no acknowledgement of registration of the death and no burial permit shall be issued by the district registrar unless
- (e) the body has been examined by the coroner and inquiry has been made into the circumstances of the death, as provided by The Coroners Act,
- (f) the coroner has signed the medical certificate of the cause of death in accordance with subsection (3), and
- (g) the other provisions of this Act respecting the registration of the death have been complied with.

(7) Upon receipt of the personal particulars respecting the deceased and of the medical certificate, the funeral director shall complete the statement in the prescribed form, and shall forthwith deliver the completed statement to the district registrar of the registration district in which the death occurred, or if the place of death is not known, to the district registrar of the registration district in which the body was found.

5. 15.1 Medical certificate of death and interim medical certificate of death.

the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization, as modified by any regulations made under section 50, clause (g.1).

(3) Where

(a) a physician

- (i) has attended the deceased person in relation to his final illness at least once during the 10 days immediately preceding the death,
- (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 which require the notification of a medical examiner under *The Fatality Inquiries Act*,

or

(b) a medical examiner conducts an investigation into the death pursuant to *The Fatality Inquiries Act*,

the physician or the medical examiner, as the case may be, shall within 48 hours of the death, complete and sign a medical certificate in the prescribed form stating therein the cause of death according to the International Classification and shall forthwith cause the medical certificate to be delivered to the funeral director in the prescribed manner and a copy of the medical certificate to be sent to the Chief Medical Examiner appointed pursuant to *The Fatality Inquiries Act*.

(4) Notwithstanding subsection (3), the physician or the medical examiner, as the case may be, may issue an interim medical certificate where

- (a) the cause of death cannot be determined within 48 hours of the death, and
- (b) either
 - (i) an autopsy is performed, or
 - (ii) an investigation is commenced under *The Fatality Inquiries Act*,

and

- (c) the physician who performs the autopsy or the medical examiner who commences an investigation under *The Fatality Inquiries Act*, as the case may be, considers that the body is no longer required for the purposes of the autopsy or investigation.

(5) Where an interim medical certificate is issued under subsection (4), the physician or the medical examiner, as the case may be, shall

- (a) forthwith cause the interim medical certificate to be provided to the funeral director in the prescribed manner, and
- (b) complete and sign the medical certificate referred to in subsection (3) as soon as possible and not later than 30 days after the interim medical certificate is issued.

15.2 Where

- (a) a death occurs without the attendance of a physician in relation to the final illness of the deceased during the 10 days immediately preceding the death, or
- (b) the physician who attended the deceased is for any reason unable to complete the medical certificate referred to in section 15.1 within 48 hours of the death,

the funeral director or the physician, as the case may be, shall forthwith notify a medical examiner who shall thereupon conduct an investigation into the death in accordance with *The Fatality Inquiries Act*.

6. Section 18 is amended

- (a) *by striking out subsection (2), and*
- (b) *as to subsection (6) by adding after the words "or other proper officer" the words "and countersigned by a medical examiner".*

7. The following section is added after section 18:

18.1 Notwithstanding section 18, subsections (1) and (3),

- (a) the district registrar may issue a burial permit where an interim medical certificate has been issued pursuant to section 15.2, and
- (b) where the district registrar issues a burial permit under clause (a), the body may be buried or otherwise disposed of even though the registration of death has not been completed.

8. Section 21, subsection (1) is amended by striking out the words "or under an Act or ordinance of another province or territory of Canada" and by substituting the words "or in accordance with the laws of the jurisdiction in which the person was resident at the time of the change of name".

15.2 Notification of medical examiner.

6. Section 18, subsections (2) and (6) presently read:

(2) When a person dies under any of the circumstances referred to in section 15, subsection (6), if it is impossible for the time being 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.

(6) Where a death occurs outside the Province and the burial or other disposition of the body is to take place in the Province, a burial permit or such other document as is prescribed under the law of the Province or country in which death occurs, signed by the district registrar or other proper officer, is sufficient authority for the burial or other disposition of the body.

7. 18.1 Burial permits may be issued where there is an interim medical certificate.

3. Section 21, subsection (1) presently reads:

21. (1) Where the name of a person is changed under The Change of Name Act, 1973, or under an Act or ordinance of another province or territory of Canada, the Director, on production to him of proof of the change and evidence satisfactory to him as to the identity of the person,

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

(b) if the change was made under The Change of Name Act, 1973, and the person was born or married outside the Province, shall transmit to the officer in charge of the registration of births and marriages in the jurisdiction in which the person was born or married a copy of the proof of the change of name produced to the Director.

9. Section 32 is amended

(a) as to subsection (4) by adding the following clause after clause (a):

(a.1) to the legal representative of a party to the marriage, or

(b) as to subsection (6) by renumbering clause (a) as clause (a.1) and by adding the following clause before renumbered clause (a.1):

(a) to the next of kin of the deceased, or

10. Section 41 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) Notwithstanding subsection (1), wherever a notation on a registration is authorized under section 8, 21, 21.1 or 22, the notation may be made on a separate document which may be microfilmed and retained with the microfilm of the registration.

11. Section 44, subsection (2) is amended by striking out the word "registrar" and by substituting the word "registrar".

12. Section 50 is amended

(a) by adding the following clause after clause (f):

(f.1) prescribing the manner in which medical certificates and interim medical certificates are to be provided to funeral directors,

(b) by adding the following clause after clause (g):

(g.1) prescribing modifications of the International Statistical Classification of Disease, Injuries and Causes of Death for the purposes of section 15.1,

(c) as to clause (l) by striking out the words "the births of all children born" and by substituting the words "births and deaths".

13. This Act comes into force on a date to be fixed by Proclamation.

9. Section 32, subsections (4) and (6) presently read:

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

- (a) to a party to the marriage, or
- (b) to a person upon the authority in writing of the Minister, or
- (c) to a person upon the order of a judge of a court, and only upon application in the prescribed form and upon payment of the prescribed fee.

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

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

10. Notations on microfilmed registrations.

11. Corrects a printing error.

12. Section 50, clause (1) presently reads:

50. The Lieutenant Governor in Council may make regulations

- (1) requiring persons in charge of hospitals to make returns of the births of all children born in the hospitals.