

2007 Bill 8

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Third Session, 26th Legislature, 56 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 8**

## **VITAL STATISTICS ACT**

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MR. VANDERBURG

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 8*  
*Mr. VanderBurg*

## **BILL 8**

2007

### **VITAL STATISTICS ACT**

*(Assented to , 2007)*

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**Interpretation**

**1(1)** In this Act,

- (a) “birth” means the complete expulsion or extraction from its mother, as defined in section 1(i)(i) of the *Family Law Act*, irrespective of the duration of the pregnancy, of a product of conception in which, after the expulsion or extraction, there is
  - (i) breathing,
  - (ii) beating of the heart,
  - (iii) pulsation of the umbilical cord, or
  - (iv) unmistakable movement of voluntary muscle,whether or not the umbilical cord has been cut or the placenta is attached;
- (b) “burial permit” means a permit to bury, cremate, remove to a place outside Alberta or otherwise dispose of a dead human body;
- (c) “cemetery” means land set apart or used as a place for the interment or other disposal of dead human bodies, and includes a cemetery vault or a mausoleum, columbarium or crematory as defined in the *Cemeteries Act*;
- (d) “cemetery owner” includes the manager, superintendent, caretaker or other person in charge of a cemetery;
- (e) “certificate” means a certified extract of the prescribed particulars of a registration document filed in the office of the Registrar;

- (f) “child”, except in section 13(9), means a person under the age of 18 years who is neither married nor an adult interdependent partner;
- (g) “deliver” means to deliver information or documents to the Registrar or another recipient in a manner authorized by the regulations and in a form required by the Registrar;
- (h) “error” means incorrect information, and includes the omission of information;
- (i) “former Act” means an Act repealed by this Act;
- (j) “funeral director” means a person who holds a funeral director licence under the *Funeral Services Act*;
- (k) “guardian” means a guardian within the meaning of Part 2 of the *Family Law Act* and includes a director under the *Child, Youth and Family Enhancement Act* where applicable;
- (l) “hospital administrator” means the administrator who is responsible for the day to day operation and management of the affairs of a hospital as defined in section 9(a) of the *Hospitals Act*;
- (m) “medical examiner” means a medical examiner appointed under the *Fatality Inquiries Act*;
- (n) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (o) “parent”, unless otherwise indicated, means a person listed as a parent on a birth registration document;
- (p) “record” means a record of information in any form and includes notes, books, documents, photographs, letters and papers and any other information that is written, recorded or stored in any manner, but does not include software or any mechanism that produces records;
- (q) “Registrar” means the Registrar of Vital Statistics appointed under section 44 and includes any person designated by the Registrar as a Deputy Registrar under this Act;

- (r) “registration” means the process of registering information under this Act in respect of a birth, stillbirth, marriage, death, adoption or change of name or of amending a record of any of those events;
- (s) “registration document” means an originating document in the form required by the Registrar for use in registration;
- (t) “resident of Alberta” means a person who
  - (i) is lawfully entitled to be or to remain in Canada, and
  - (ii) makes his or her home in and is ordinarily present in Alberta,but does not include a tourist, transient or visitor to Alberta;
- (u) “stillbirth” means the complete expulsion or extraction from its mother, as defined in section 1(i)(i) of the *Family Law Act*, after at least 20 weeks of pregnancy, or after its having attained a weight of at least 500 grams, of a product of conception in which, after the expulsion or extraction, there is
  - (i) no breathing,
  - (ii) no beating of the heart,
  - (iii) no pulsation of the umbilical cord, and
  - (iv) no unmistakable movement of voluntary muscle.

**(2)** In this Act,

- (a) a reference to “this Act” includes the regulations made under this statute;
- (b) a reference to “this statute” does not include the regulations made under this Act.

**(3)** The Lieutenant Governor in Council may make regulations defining, for the purposes of this Act, any term used in this statute that is not otherwise defined in this statute.



## **Part 1 Births in Alberta**

### **Birth**

#### **Birth in Alberta**

**2** The birth of every child born in Alberta must be registered as provided in this Act.

#### **Birth registration document**

**3(1)** Within 10 days after the date of birth of a child, or before the mother leaves the hospital if the birth occurred in a hospital, whichever is earlier, a birth registration document must be completed and delivered to the Registrar in accordance with the regulations and accompanied with any evidence that may be prescribed respecting the birth.

**(2)** If the pregnancy results in the birth of more than one child, a separate birth registration document for each child must be completed and delivered as provided in subsection (1), and each birth registration document must state the number of children born of the pregnancy and their order of birth.

**(3)** The birth registration document must contain the information prescribed in the regulations concerning the parents of the child.

#### **Notice of birth**

**4(1)** Each physician who attends at a birth shall complete a notice of birth and deliver it to the Registrar.

**(2)** If no physician attends at a birth, a nurse or other person who attends shall complete a notice of birth and deliver it to the Registrar.

**(3)** If a birth takes place in a hospital as defined in section 1 of the *Hospitals Act* and the hospital administrator is satisfied that a notice of birth will not be completed and delivered under subsection (1) or (2) in a timely manner, the notice must be completed and delivered to the Registrar by or on behalf of the hospital administrator.

**(4)** If the notice of birth is completed and delivered under subsection (3), subsections (1) and (2) do not apply.

**(5)** A notice under this section must be delivered to the Registrar within 10 days from the date of the birth.

**(6)** When more than one person is required to complete and deliver a notice of birth under this section and the duty is carried out by any one of those persons, the other or others who have not carried out the duty are not in contravention of this section.

### **Registration**

**5** If, within one year after the date of a birth, the Registrar receives a birth registration document, a notice of birth and any other prescribed evidence respecting the birth, the Registrar, if satisfied as to the truth and sufficiency of the documents or evidence, shall register the birth.

### **Registration after one year**

**6** If a birth is not registered within one year from the date of birth and an application for registration is

- (a) made to the Registrar,
- (b) verified by affidavit, and
- (c) accompanied with
  - (i) a birth registration document,
  - (ii) the prescribed evidence respecting the birth, and
  - (iii) the prescribed fee,

the Registrar, if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the birth.

### **Registrar's discretion to register**

**7(1)** The Registrar may, in the Registrar's discretion, register a birth in respect of which no application for registration under section 5 or 6 has been made if the Registrar has received a notice of birth under section 4 in respect of the birth and it appears to the Registrar that it is necessary to register the birth.

**(2)** If, after a birth, the child dies and no person completes and delivers to the Registrar a birth registration document under section 3 or a notice of birth under section 4, the Registrar may complete the birth registration document using the information provided in the medical certificate of death prepared in accordance with section 33 and may register the birth.

**Name of child**

**8(1)** In this Part and in Part 3,

- (a) “first name” means the name or names first in sequence as set out in the person’s birth registration document;
- (b) “last name” means, as the context requires,
  - (i) the child’s name or names last in sequence as set out in the child’s birth registration document, or
  - (ii) a parent’s name or names shown last in sequence on the child’s birth registration document;
- (c) “name” means a person’s first name, last name or both.

**(2)** Every child born in Alberta must be registered with a first name and a last name.

**(3)** Notwithstanding subsection (2), where a child’s birth registration document does not show a first name or last name for the child, or the first name or last name shown does not meet the requirements of subsection (5) or is unacceptable according to the criteria set out in section 9(1), the Registrar may register the birth.

**(4)** Where the Registrar has registered a birth under subsection (3), no certificate of birth or copy of the birth registration document may be issued until the name shown on the birth registration document has been amended in accordance with section 15 or Part 3.

**(5)** The last name of a child must be registered as follows:

- (a) if the parents agree, showing:
  - (i) the last name of one of the parents, or
  - (ii) the parents’ last names hyphenated or combined;

- (b) if the parents do not agree on the last name or names to be used for the child, showing the last names of the parents in alphabetical order and hyphenated;
- (c) if only one parent is listed on the birth registration document, showing that parent's last name.

#### **Refusal of names**

**9(1)** Notwithstanding section 8, the Registrar may, in the Registrar's discretion, refuse to register a proposed name if in the Registrar's opinion the proposed name might

- (a) reasonably be expected to cause confusion,
- (b) be a cause of embarrassment to any person,
- (c) be used in a manner that could defraud or mislead the public, or
- (d) be objectionable on any other grounds.

**(2)** Subject to the approval of the Registrar, a person's name may be chosen in accordance with the person's cultural or ethnic heritage.

#### **Court order regarding child's name**

**10(1)** Where the Court of Queen's Bench makes a declaration of a child's parentage under section 9 of the *Family Law Act* that includes a direction to the Registrar to register or change the name of the child on the birth registration document and the child is under 12 years of age,

- (a) the Registrar shall register the child's name or change the child's name on the birth registration document as specified in the declaration, and
- (b) if the child's name on the birth registration document is changed, a birth certificate issued after the changing of the child's name must be issued as if the original registration had shown that name.

**(2)** The name specified in a declaration referred to in subsection (1) must be in accordance with sections 8 and 9.

**Amendment of parentage on birth registration document**

**11(1)** In this section,

- (a) “father” means a father as defined in section 1(f)(i) of the *Family Law Act* and includes a father under section 13(2)(b) of that Act;
- (b) “mother” means a mother as defined in section 1(i)(i) of the *Family Law Act*.

**(2)** The Registrar may amend the particulars of parentage and, if applicable, change the name shown on the birth registration document of a child who is under 12 years of age

- (a) on the joint application of the mother and father in the form required by the Registrar, where the purpose of the application is to add the particulars of one of them to the birth registration document, or
- (b) pursuant to a declaration of parentage under section 9 of the *Family Law Act*.

**(3)** If a person is named as a parent of a child in

- (a) a declaration of parentage made prior to the coming into force of this statute under
  - (i) section 9 of the *Family Law Act*,
  - (ii) the *Domestic Relations Act*, RSA 2000 cD-14, or a predecessor of that Act, or
  - (iii) the *Parentage and Maintenance Act*, RSA 2000 cP-1, or a predecessor of that Act,

or

- (b) subject to subsection (4), a foreign order respecting parentage that is substantially equivalent to a declaration of parentage under the *Family Law Act* that was made by a court of competent jurisdiction under an enactment of a jurisdiction outside Alberta,

but the person is not identified as a parent on the child’s birth registration document, that person may apply to the Court of Queen’s Bench for an order directing the Registrar to

- (c) add the person's particulars of parentage on the child's birth registration document,
- (d) amend the particulars of parentage shown on the child's birth registration document, or
- (e) amend the name of the child shown on the child's birth registration document, if the child is under 12 years of age.

**(4)** If the declaration of parentage or the equivalent was obtained under an enactment of a jurisdiction outside Alberta, the Court of Queen's Bench may hear the application if the Court is satisfied

- (a) that the other parent named on the birth registration document had a full and equal opportunity to participate in the proceedings regarding parentage that resulted in the declaration or equivalent,
- (b) that the foreign order is not contrary to public policy in Alberta, and
- (c) where the other parent is not resident in Alberta, that the other parent will have an adequate opportunity to participate in the application.

**(5)** In making an order under this section the Court of Queen's Bench shall consider all relevant factors, including the best interests of the child, the rights of the applicant under the *Canadian Charter of Rights and Freedoms* and the interests of the other parent named on the child's birth registration document.

**(6)** On receipt of an order of the Court of Queen's Bench under this section, the Registrar shall amend the particulars shown on the child's birth registration document in accordance with the order, and any birth certificate issued subsequent to the order must be issued as if the original registration had shown those particulars as amended.

**(7)** If the Court of Queen's Bench makes an order under subsection (3) that amends the name of the child, the new name must be in accordance with sections 8 and 9.

**(8)** For the purposes of this section, the particulars of parentage must include at least

- (a) the name, place of birth and date of birth of the mother or father, and
- (b) the name, place of birth, date of birth and sex of the child.

**Birth on aircraft**

**12** If a birth occurs on an aircraft whose first stop after the birth is in Alberta, the Registrar may register the birth in accordance with this Act.

**Deserted unidentified newborn**

**13(1)** When a newborn child is found deserted, the person who has charge of the child shall provide to the Registrar, within 7 days of taking charge of the child, any information the person has regarding the particulars required to be registered concerning the birth of a child.

**(2)** The Registrar, on receipt of the information referred to in subsection (1), and on being satisfied that every reasonable effort has been made to identify the child without success, shall require the person who has charge of the child to

- (a) make an affidavit about the finding of the child,
- (b) complete, to the extent the person is able and in accordance with the requirements of subsection (5), a birth registration document, and
- (c) cause the child to be examined by the local medical officer of health or a physician with a view to determining as nearly as possible the date of birth of the child.

**(3)** The medical officer of health or the physician who examines the child in accordance with subsection (2)(c) shall make an affidavit setting out the facts as determined by the examination, including the sex and the date or probable date of birth of the child, and shall deliver the affidavit to the Registrar within 7 days of examining the child.

**(4)** The Registrar, on receipt of the documents referred to in subsections (2) and (3), if satisfied as to the correctness and sufficiency of the information provided, shall register the birth.

**(5)** The child's birth registration document must include

- (a) a date of birth, as determined by the medical officer of health or physician under subsection (3),
- (b) a place of birth, as established by the documents submitted to the Registrar,
- (c) a first and last name for the child, selected by the person who has charge of the child or if a name is not selected by that person, by the Registrar in accordance with this Act, and
- (d) the sex of the child.

(6) The Registrar, on registering a birth under this section, shall send to the director under the *Child, Youth and Family Enhancement Act* a copy of all documents respecting the child filed pursuant to this section.

(7) If, after the registration of a birth under this section, the identity of the child is established to the satisfaction of the Registrar, or further information with respect to the identity of the child is received by the Registrar, the Registrar shall amend or cancel the child's birth registration document accordingly.

(8) If a child's birth registration document is amended under subsection (7), a birth certificate issued after the amendment must be issued as if the original registration had shown that information.

(9) The Registrar shall promptly notify the director under the *Child, Youth and Family Enhancement Act* of an amendment made under subsection (7) in respect of a child as defined in that Act.

#### **Registration of surrogacy birth**

**14(1)** If the Registrar receives an order of the Court of Queen's Bench made under section 12 of the *Family Law Act* declaring a genetic donor as defined in that Act to be the sole mother of a child, the Registrar shall replace the birth registration document of that child with a new birth registration document in accordance with the particulars set out in the order of the Court.

(2) The Registrar may retain the original birth information of a gestational carrier as defined in the *Family Law Act* in the records of the Registrar's office, but that information may be used only for statistical purposes and may not be provided in an individually identifiable form.



### **Amendment of first name**

**15(1)** Except in a case to which Part 3 applies, this section applies if the birth of a person has been registered in Alberta and the person,

- (a) within 10 years after the date of the person's birth, has been known by a first name that is different from or in addition to the first name shown on the birth registration document, or
- (b) in the registration of the person's birth, was not given a first name or was given a first name that was considered by the Registrar to be unacceptable for registration.

**(2)** An application to amend the first name of a person may be made to the Registrar by the person,

- (a) subject to subsection (9), if the person is 18 years of age or over, or
- (b) if the person is under 18 years of age but is married, an adult interdependent partner or the parent or guardian of a child.

**(3)** An application to amend the first name of a person who is under 18 years of age and not married, not an adult interdependent partner and not the parent or guardian of a child may be made by a parent or guardian of the person.

**(4)** Subject to subsection (5), the consent of both parents listed on the child's birth registration document is required for an application under subsection (3) unless

- (a) where the applicant is a parent,
  - (i) the applicant makes an affidavit stating that the applicant is the sole guardian, or that there are no other guardians by operation of section 20 of the *Family Law Act*, of the child whose name is to be changed, or
  - (ii) there is a court order that gives sole guardianship to that parent or that states that the other parent is no longer a guardian,

- (b) there is a court order that appoints guardians in lieu of the parents, in which case the consent of those guardians is required and the parents' consent is not required, or
  - (c) there is a court order under section 69 dispensing with the other parent's or any other guardians' consents.
- (5)** Where there is a court order that appoints guardians in addition to the parents, the consent of those guardians is also required for an application for a change of name under subsection (3).
- (6)** If an application to amend a first name under subsection (3) is in respect of the name of a child who is 12 years of age or over, the consent of the child is also required.
- (7)** An application under subsection (2) or (3) must be accompanied with an affidavit made by the applicant and any other documentary evidence in support of the application that is prescribed in the regulations.
- (8)** The Registrar, on being satisfied that an application under subsection (2) or (3) is made in good faith and on payment of the prescribed fee, shall amend the birth registration document of the person accordingly.
- (9)** No amendment to a first name may be made to a registration of a birth except as provided in this Act.
- (10)** A birth certificate issued after the making of an amendment pursuant to this section must be issued as if the original registration had shown the changed or added first name.
- (11)** Subject to subsection (12), an application under this section to amend the first name of a person may not be made after the person has attained the age of 18 years.
- (12)** Subsection (11) applies only to persons born after the coming into force of this section.
- (13)** Notwithstanding subsections (11) and (12), where a person has not been given a first name at the time of registration of the person's birth or was given a first name that was considered by the Registrar to be unacceptable for registration, the first name may be registered or amended at any time regardless of the person's age.

## Adoption

### Registration of adoption

**16(1)** On receipt of a certified copy of an adoption order made under the *Child, Youth and Family Enhancement Act*, the Registrar shall register the adoption and if there is registered in the office of the Registrar a birth registration document of the adopted person, the Registrar shall replace it with a new birth registration document that shows

- (a) the date and place of birth recorded on the original birth registration document of the adopted person, and
- (b) the other particulars in accordance with the facts contained in the adoption order.

**(2)** On receipt of an adoption order made under the *Adult Adoption Act*, the Registrar shall register the adoption, and if there is registered in the office of the Registrar a birth registration document of the adopted person, the Registrar shall amend the parentage shown on the birth registration document in accordance with the facts contained in the adoption order.

**(3)** When a person is adopted pursuant to an order, judgment or decree of adoption made by a court of competent jurisdiction in another jurisdiction, the Registrar, on

- (a) receipt of a certified copy of the order, judgment or decree, and
- (b) production of evidence satisfactory to the Registrar of the identity of the person,

and if there is registered in the Registrar's office a birth registration document of that person, shall replace it with a new birth registration document in accordance with the facts contained in the order, judgment or decree.

**(4)** When a person born outside Alberta is adopted pursuant to the *Child, Youth and Family Enhancement Act* or the *Adult Adoption Act*, the Registrar may transmit a copy of the adoption order to the person having charge of the registration of births in the jurisdiction in which the person was born.

**(5)** When a person whose birth was registered before October 25, 1913, changed the person's name to, or was brought up under, the

name of foster parents who had adopted the person, by an adoption or foster agreement or otherwise, before October 25, 1913, the Registrar may, on receipt of

- (a) the foster agreement or adoption agreement, if any, or a notarially certified copy of that agreement, or
- (b) if no written agreement exists or can be found, an affidavit in the form required by the Registrar made by the foster parents or the survivor of them, or if neither is alive, by some person having personal knowledge of the facts, that the child was raised as the child of those foster parents,

amend the registration of that person's birth to show the name under which the person was brought up by the person's foster parents so that the record of the person's birth shows the person's known or assumed name as well as the person's natural name.

#### **Adoption information**

**17(1)** The Registrar shall maintain a record of all original birth registration documents and any accompanying entry, document or court order related to an adoption, and may release copies of the birth registration documents and any accompanying entry, document or court order only

- (a) to the Minister responsible for the *Child, Youth and Family Enhancement Act*, for release to the adopted person in accordance with that Act, or
- (b) pursuant to an order of the Court of Queen's Bench, to a person named in the order.

**(2)** No certificate may be issued under this Act in respect of the original birth registration document after an adoption has been registered.

#### **Birth certificate after adoption**

**18(1)** If a person born in Alberta is adopted pursuant to the laws of Alberta or of another jurisdiction and an adoption has been registered pursuant to section 16, any birth registration document of that person subsequently issued by the Registrar

- (a) must be in accordance with the registration of the adoption, and

- (b) in any case where parentage is shown, must indicate the legal parents in accordance with Part 2 of the *Child, Youth and Family Enhancement Act*.

(2) Nothing may appear on any certificate of birth, or a certified copy or uncertified copy of a birth registration document, issued by the Registrar after the adoption of a person that would disclose that the person is an adopted person.

## **Stillbirth**

### **Stillbirth in Alberta**

**19(1)** Every stillbirth that occurs in Alberta must be registered as provided in this Act.

(2) When a stillbirth occurs, the following documents must be delivered to the Registrar:

- (a) a notice of stillbirth completed in accordance with section 4 as if the stillbirth had been a birth;
- (b) a medical certificate of stillbirth or interim medical certificate of stillbirth, completed in accordance with section 33, as if the stillbirth had been a death;
- (c) a stillbirth registration document completed
  - (i) in accordance with section 3 as if the stillbirth had been a birth, and
  - (ii) in accordance with section 32 as if the stillbirth had been a death.

(3) If within one year after the date of a stillbirth, the Registrar receives a notice of stillbirth, medical certificate of stillbirth or interim medical certificate of stillbirth, a stillbirth registration document and any other evidence prescribed in the regulations, the Registrar, if satisfied as to the truth and sufficiency of the documents and evidence, shall register the stillbirth, and a burial permit must be issued in accordance with the regulations.

(4) Subject to this section, sections 3, 4, 6 to 14, 39, 40, 42 and 43 apply, with all necessary modifications, to stillbirths.

**(5)** The first name of a stillborn child may be amended on application to the Registrar, accompanied with the prescribed evidence and the prescribed fee, only if

- (a) the child's stillbirth was registered without a first name being given to the child, or
- (b) the first name given to the child was considered unacceptable for registration by the Registrar.

## **Part 2 Registration of Marriages**

### **Registration**

**20** The Registrar shall register a marriage if the Registrar receives a marriage registration document from a person authorized by law to solemnize marriage in Alberta, completed in accordance with the regulations, within one year from the date of the marriage and is satisfied as to the truth and sufficiency of the document and other prescribed evidence, if any.

### **Registration after one year**

**21** If a marriage is not registered within one year from the date of the marriage and an application for registration is

- (a) made to the Registrar,
- (b) verified by affidavit, and
- (c) accompanied with
  - (i) a marriage registration document,
  - (ii) any prescribed evidence respecting the marriage, and
  - (iii) the prescribed fee,

the Registrar, if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the marriage.

## **Part 3 Changes of Name**

### **Eligibility**

**22(1)** In this Part, “name”, in addition to the meaning assigned to it in section 8, means

- (a) a person’s name as shown on the birth registration document of that person if the person was born in Canada, or
- (b) in the case of a person born outside Canada, the person’s name as shown on the documents under which the person was lawfully admitted to Canada.

**(2)** An application under this Part to change a name may be made only by a person who is a resident of Alberta and who

- (a) is at least 18 years of age, or
- (b) is under 18 years of age but is married, an adult interdependent partner or the parent or guardian of a child.

### **Name to be changed**

**23(1)** Subject to this Act, any person referred to in section 22(2) may apply to change a first name or last name if the name being changed is that person’s own name.

**(2)** Subject to subsection (4), any person referred to in section 22(2) may apply to change the first name or last name of a child if the person is a parent or guardian of the child.

**(3)** Subject to subsection (4), the consent of both parents listed on the child’s birth registration document is required for an application under subsection (2) unless

- (a) where the applicant is a parent,
  - (i) the applicant makes an affidavit stating that the applicant is the sole guardian, or that there are no other guardians by operation of section 20 of the *Family Law Act*, of the child whose name is to be changed, or

(ii) there is a court order that gives sole guardianship to that parent or that states that the other parent is no longer a guardian,

(b) there is a court order that appoints guardians in lieu of the parents, in which case the consent of those guardians is required and the parents' consent is not required, or

(c) there is a court order under section 69 dispensing with the other parent's or any other guardians' consents.

**(4)** Where there is a court order that appoints guardians in addition to the parents, the consent of those guardians to an application for a change of name under subsection (2) is also required.

**(5)** Any person referred to in section 22(2) may apply to change the first name or last name of that person's spouse or adult interdependent partner, with the consent of the spouse or adult interdependent partner.

**(6)** If an application to change a name under subsection (2) is in respect of the name of a child who is 12 years of age or over, the consent of the child is also required.

**(7)** An application under this Part may be made

(a) by or on behalf of a person born in Canada, only with respect to

(i) the name that appears on the person's birth registration document, or

(ii) the name to which the name referred to in subclause (i) was changed pursuant to a change of name application,

or

(b) by or on behalf of a person born outside Canada, only with respect to

(i) the name under which the person was lawfully admitted to Canada, or

(ii) the name to which the name referred to in subclause (i) was subsequently changed pursuant to a change of name application.



### **Requirements for application**

**24(1)** An application for a change of name under this Part must include the information prescribed in the regulations and must be filed with the Registrar.

**(2)** The applicant shall file the following documents with the application:

- (a) an affidavit in the form required by the Registrar setting out the reasons for the change of name;
- (b) the consent of every person whose consent to the change of name is required under section 23 or a copy of an order of the Court of Queen's Bench under section 69 dispensing with one or more required consents;
- (c) for each person whose name is being changed,
  - (i) a certificate of birth if the person was born in Canada, or
  - (ii) if the person was not born in Canada, a copy of the documents under which the person was lawfully admitted to Canada;
- (d) documentary proof of the identity of the applicant as prescribed in the regulations;
- (e) documentary proof of the marital status of the person whose name is being changed as prescribed in the regulations;
- (f) unless waived by the Registrar, if the person whose name is being changed has previously changed his or her name, all certificates showing the previous changes of name;
- (g) if the applicant is applying to change the name of a child, documentary proof as prescribed in the regulations of the relationship between the applicant and the child;
- (h) if the applicant is applying to change the name of a child of whom the applicant is the sole guardian within the meaning of section 20(3) of the *Family Law Act*, the affidavit of the applicant in the form required by the Registrar;

- (i) if the applicant is applying to change the name of a child of whom the applicant is a guardian, a copy of the court order referred to in section 23(3) or (4);
- (j) unless the Registrar considers it to be unnecessary, where the person whose name is being changed is 12 years of age or older, the person's fingerprints as taken by a law enforcement agency acceptable to the Registrar;
- (k) any additional evidence that may be requested by the Registrar.

**(3)** The Registrar shall retain all birth certificates filed under subsection (2)(c)(i).

**(4)** The only persons entitled to have access to the documents filed under this section or to obtain copies of those documents are

- (a) the original applicant for the change of name,
- (b) the person whose name was changed, or
- (c) any person whose consent to the change of name was required under section 24.

**(5)** Notwithstanding subsection (4), if the Registrar considers it in the public interest to do so, the Registrar may refuse to allow access to the original documents filed under this section.

**(6)** This section applies only to changes of name under this Part or under the *Change of Name Act*, RSA 2000 cC-7.

#### **Registration of change of name**

**25(1)** On receipt of an application for a change of name and of the documents required to be filed with it and payment of the prescribed fee, the Registrar shall, if the Registrar is satisfied that the proposed name is in accordance with section 9, register the change of name and issue a certificate of change of name.

**(2)** If the Registrar refuses to register a proposed change of name, the Registrar shall notify the applicant of the refusal and the reason for the refusal.

**(3)** A change of name takes effect on registration.

(4) The Registrar shall maintain a record of each change of name registered under this Act and the documents filed in support of it.

**Publication of change of name**

**26(1)** The Registrar shall as soon as practicable publish a notice of the registration of a change of name in The Alberta Gazette.

(2) The Registrar or the Court of Queen’s Bench may dispense with the requirement for publication of the notice referred to in subsection (1) if, in the Registrar’s or Court’s opinion,

- (a) the change of name applied for is of a minor nature,
- (b) the person whose name is being changed has been commonly known under the name applied for, or
- (c) the person whose name is being changed would be unduly prejudiced or embarrassed or may be harmed by the publication of the notice.

**Amendment of records**

**27(1)** The Registrar shall immediately on registering a change of name under section 25 amend the Registrar’s records of birth and may amend the record of a subsisting marriage, if any, of the person to conform with the change of name.

(2) If the person whose name has been changed was born or married outside Alberta, the Registrar may 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 confirmation or notice of the change of name.

(3) When the name of a person is changed in accordance with the legislation of another jurisdiction that is, in the opinion of the Registrar, substantially similar to this Part, the Registrar, on receipt of proof of the change of name, may amend the record of birth or of a subsisting marriage of the person that is registered in Alberta accordingly.

(4) Every birth certificate or certificate in respect of a subsisting marriage issued after amending the birth registration document or the marriage registration document under this section must be issued as if the original registration had been made in the name as changed.

(5) The Registrar shall charge no fee for making amendments to records under this section.

**Change to other records**

**28** Without restricting the effect that a change of name has by law, a person whose name has been changed in accordance with this Act or a predecessor Act is entitled to have the person's new name substituted instead of the person's former name in any record, certificate, instrument, contract or other document, whether it is or is not of a similar kind and whether it is public or private, on production of

- (a) a certificate of change of name issued by the Registrar to the person or the equivalent issued under a predecessor Act, and
- (b) satisfactory proof of the person's identity.

**Annulment of change of name**

**29(1)** The Registrar may, if satisfied that a change of name has been obtained by fraud, duress or misrepresentation, annul the change of name and provide notice of the annulment to every person whose consent or birth certificate or other document was required under section 24.

(2) The Registrar shall without charge make any amendments in the Registrar's records that are necessary by reason of the annulment.

(3) The Registrar may require any person to whom a certificate of change of name has been issued to return the certificate of change of name and all amended certificates to the Registrar immediately.

(4) If the person whose change of name has been annulled was born or married outside Alberta, the Registrar may 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 confirmation or notice of the annulment of the change of name.

(5) When the change of name of a person is annulled in accordance with the legislation of another jurisdiction that is, in the opinion of the Registrar, substantially similar to this Part, the Registrar, on receipt of proof of the annulment of the change of

name, may amend the record of birth or of a subsisting marriage of the person that is registered in Alberta accordingly.

## **Part 4 Change of Sex**

### **Amendment of records on change of sex**

**30(1)** When a person's anatomical sex structure has been changed to the opposite sex from that which appears on the person's birth registration document, the Registrar, on receipt of

- (a) an affidavit from each of 2 physicians, each affidavit stating that the anatomical sex of the person has been changed, and
- (b) evidence as to the identity of the person as prescribed in the regulations,

shall amend the sex on the person's record of birth and may, with the consent of the other party to the marriage, amend the sex on the record of a subsisting marriage, if any, of the person that is registered in Alberta.

**(2)** Every birth or marriage certificate of the person referred to in subsection (1) issued after amending the sex on the record under this section must be issued as if the registration had been made with the sex as changed.

## **Part 5 Deaths**

### **Death in Alberta**

**31** The death of every person who dies in Alberta must be registered as provided in this Part.

### **Death registration document**

**32(1)** A death registration document must be completed in accordance with the regulations and delivered to the Registrar or to a funeral director by

- (a) any adult relative of the deceased, or

- (b) if it appears that all adult relatives are incapable of completing the death registration document, any other adult person having knowledge of the facts of the death.

(2) If the death registration document is delivered to a funeral director, the funeral director shall within 10 days after the date of death deliver it to the Registrar.

(3) A person who is under 18 years of age but who is the parent of the deceased may complete the death registration document referred to in subsection (1).

#### **Medical certificate of death**

**33(1)** In this section, “International Classification” means the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization.

(2) When

(a) a physician

(i) has attended the deceased person in relation to the deceased’s final illness at least once during the 14 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 that require the notification of a medical examiner under the *Fatality Inquiries Act*,

(b) the death was natural or occurred during an operative procedure or within 10 days after an operative procedure and a physician

(i) is able to certify the medical cause of death with reasonable accuracy, and

(ii) is authorized to complete and sign the medical certificate of death under section 19(7) of the *Fatality Inquiries Act*,

or

- (c) 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, sign and deliver to the Registrar a medical certificate of death in the form required by the Registrar stating the cause of death according to the International Classification.

**(3)** Notwithstanding subsection (2), the physician or the medical examiner may issue an interim medical certificate of death in the form required by the Registrar if

- (a) the cause of death cannot be determined within 48 hours of the death,
- (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* considers that the body is no longer required for the purposes of the autopsy or investigation.

**(4)** When an interim medical certificate of death is issued under subsection (3), the physician or the medical examiner shall complete, sign and deliver to the Registrar the medical certificate of death referred to in subsection (2) within 60 days after the interim medical certificate of death is issued.

**(5)** When

- (a) a death occurs without the attendance of a physician in relation to the final illness of the deceased during the 14 days immediately preceding the death, or
- (b) the physician who attended the deceased is for any reason unable to complete the medical certificate of death or

interim medical certificate of death within 48 hours of the death,

the funeral director or the physician shall immediately notify a medical examiner who, on being notified, shall conduct an investigation into the death in accordance with the *Fatality Inquiries Act*.

(6) Where the funeral director or a hospital administrator receives the medical certificate of death or the interim medical certificate of death respecting the deceased person, the funeral director or hospital administrator shall within 10 days after the date of death deliver the death registration document and the medical certificate of death or interim medical certificate of death to the Registrar.

#### **Registration of death**

**34** If, within one year from the date of a death, the Registrar receives a death registration document containing the information prescribed in the regulations and a medical certificate of death or interim medical certificate of death and any other evidence prescribed in the regulations in respect of the death, the Registrar, if satisfied as to the truth and sufficiency of the document and certificate, shall register the death.

#### **Registration of death after one year**

**35** If a death is not registered within one year from the date of the death and an application for registration is

- (a) made to the Registrar,
- (b) verified by affidavit,
- (c) accompanied with
  - (i) a death registration document,
  - (ii) the prescribed evidence respecting the death, and
  - (iii) the prescribed fee,

the Registrar, if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the death.



### **Registrar's discretion to register**

**36** The Registrar may, in the Registrar's discretion, register a death in respect of which no application for registration under section 34 or 35 has been made if the Registrar has received a medical certificate of death under section 33 in respect of the death and it appears to the Registrar that it is necessary to register the death.

### **Registration of presumed death**

**37** The Registrar may, in the Registrar's discretion, register the death of a person who is presumed to have died in Alberta on receiving

- (a) a death registration document, and
- (b) one of the following:
  - (i) a decree of presumption of death made under section 21 of the *Marriage Act*,
  - (ii) a declaration of presumption of death made under section 593 of the *Insurance Act*, or
  - (iii) a declaration of death or presumed death made under section 94 of the *Surrogate Rules* (AR 130/95).

### **Notation**

**38** Where the Registrar's records indicate that a person is deceased, the Registrar shall indicate on the person's birth certificate or birth registration document that the person is deceased.

### **Burial permit**

**39(1)** On receipt of the death registration document and a medical certificate of death or interim medical certificate of death in respect of a deceased person, a burial permit must be issued in accordance with the regulations.

**(2)** No person may bury, cremate or otherwise dispose of the body of a person who dies in Alberta until a burial permit has been issued in respect of the deceased.

(3) Subject to subsection (6), no cemetery owner may permit the burial, cremation or other disposition of a dead human body in the cemetery without a burial permit.

(4) The person who has possession of a dead human body for the purpose of burial or other disposition shall, at the place of burial or other disposition,

- (a) deliver a copy of the burial permit to the person conducting the funeral or religious service, and
- (b) deliver a copy of the burial permit to the cemetery owner.

(5) Subsection (4) does not apply where the dead human body is to be removed to a place outside Alberta for burial, cremation or other disposition, but a funeral director or other person in Alberta who has possession of the dead human body may deliver a copy of the burial permit to the person to whom the body is sent.

(6) When a death occurs outside Alberta and the burial, cremation or other disposition of the body is to take place in Alberta, a burial permit or any other document that is prescribed under the law of the jurisdiction in which the death occurred, signed by the proper officer and satisfactory to the Registrar, is sufficient authority for the burial, cremation or other disposition of the body in Alberta.

#### **Permit for transporting body**

**40(1)** Subject to subsection (2) and any other Act, no person may remove a dead human body from Alberta without a burial permit.

(2) When a dead human body is to be removed to a place outside Alberta for burial, cremation or other disposition, the removal shall not take place unless 2 copies of the burial permit have been affixed to the outside of the casket or other container.

(3) If the death occurred outside Alberta and the body is accompanied with a burial permit issued by the jurisdiction in which the death occurred, the burial permit is sufficient to authorize the transportation of the body into or through Alberta.

#### **Death on aircraft**

**41** If the death of a person occurs on an aircraft whose first stop after the death is in Alberta, the Registrar may register the death in accordance with this Act.

**Disinterment permit**

**42(1)** No person may disinter a dead human body unless the person has applied for and received a disinterment permit from the Registrar.

**(2)** An applicant for a disinterment permit must

- (a) meet the eligibility requirements prescribed in the regulations,
- (b) submit an application to the Registrar,
- (c) provide the information prescribed in the regulations, and
- (d) if the death occurred in another jurisdiction, submit a medical certificate of death showing the cause of death or documents from the other jurisdiction that are substantially similar to a medical certificate of death.

**(3)** On receipt of the documents referred to in subsection (2) and on being satisfied as to their truth and sufficiency, the Registrar may issue a disinterment permit if the cause of death is not listed in Schedule 1 or Schedule 2 of the *Bodies of Deceased Persons Regulation* (AR 14/2001).

**(4)** If the cause of death is listed in Schedule 1 or 2 of the *Bodies of Deceased Persons Regulation* (AR 14/2001), the Registrar shall refer the application for disinterment to the Chief Medical Officer for determination as to whether it is safe to disinter the body, and the Registrar shall not issue a disinterment permit unless the Chief Medical Officer declares it to be safe.

**(5)** If the cause of death does not appear in the records of the Registrar, the Registrar shall refer the application for disinterment to the Chief Medical Examiner for determination as to whether it is safe to disinter the body, and the Registrar shall not issue a disinterment permit unless the Chief Medical Examiner declares it to be safe.

**(6)** The determination of the Chief Medical Officer under subsection (4), or the Chief Medical Examiner under subsection (5), is final.

**Reinterment permit**

- 43(1)** No person may reinter a disinterred human body unless the person has applied for and received a reinterment permit from the Registrar.
- (2)** An applicant for a disinterment permit under section 42 may apply concurrently for a reinterment permit.
- (3)** An applicant for a reinterment permit must
- (a) submit an application to the Registrar, and
  - (b) provide the information prescribed in the regulations.
- (4)** A reinterment permit is deemed to be a burial permit under sections 39 and 40 for the purpose of reintering or transporting a disinterred human body.

## **Part 6 Administration**

**Vital Statistics**

- 44(1)** The registry previously known as Vital Statistics Services is continued under the name “Vital Statistics”.
- (2)** The Minister may appoint a person as Registrar of Vital Statistics, and the Registrar may designate other persons as Deputy Registrars to exercise the powers and perform the duties of the Registrar under this Act in accordance with the terms of, and subject to any conditions set out in, their designations.
- (3)** The Registrar is, under the control of the Minister, responsible for the administration of this Act and for the direction and supervision of Vital Statistics, and shall perform other duties that may be prescribed in the regulations or by order of the Minister.
- (4)** The Registrar or, if the Registrar is absent or unable to act, the Minister may appoint a person as acting Registrar to exercise the powers and perform the duties of the Registrar under this Act in accordance with the terms of, and subject to any conditions set out in, the appointment.

### **Church records**

**45** If records of baptisms, marriages or burials kept by any church or religious body in Alberta are on file in the office of the Registrar, the records must be preserved as part of the records of the Registrar's office.

### **Search of registration records**

**46(1)** Any person who

- (a) applies to the Registrar and provides the information prescribed in the regulations,
- (b) furnishes the prescribed proof of identity, and
- (c) pays the prescribed fee,

may request that the Registrar make a search for the registration of any birth, stillbirth, marriage or death.

**(2)** The Registrar may, if the Registrar is satisfied that the information will not be used for an unlawful or improper purpose, make a written report to a person who applies under subsection (1) stating whether or not the birth, stillbirth, marriage or death is registered, and if the Registrar does so the report must contain no further information.

**(3)** If the Registrar considers it in the public interest to do so, the Registrar may refuse to issue a report under subsection (2).

### **Search of change of name records**

**47(1)** Any person who

- (a) applies to the Registrar and provides the information prescribed in the regulations,
- (b) furnishes the prescribed proof of identity, and
- (c) pays the prescribed fee

may have a search made of the records of changes of name kept by the Registrar and may obtain from the Registrar a report reflecting the request.

(2) If the Registrar considers it in the public interest to do so, the Registrar may refuse to issue a report under subsection (1).

(3) This section applies only to changes of name under Part 3 of this Act or under the *Change of Name Act*, RSA 2000 cC-7.

#### **Certificates**

**48(1)** Any person authorized by the regulations who

- (a) applies to the Registrar and provides the information prescribed in the regulations,
- (b) furnishes the prescribed proof of identity, and
- (c) pays the prescribed fee,

may obtain a certificate in respect of the registration of the birth, marriage, change of name or death of any person if the Registrar is satisfied that it is not to be used for an unlawful or improper purpose.

(2) A certificate referred to in subsection (1) must contain the particulars set out in the regulations.

(3) If the Registrar considers it in the public interest to do so, the Registrar may refuse to issue a certificate under subsection (1).

#### **Certified copies**

**49(1)** In this section and in sections 50 and 51, “registration record” means a registration document and includes an amending document and any supporting documents relating to the registration document or the amending document.

(2) Any person authorized by the regulations who

- (a) applies to the Registrar and provides the information prescribed in the regulations,
- (b) furnishes the proof of identity prescribed in the regulations, and
- (c) pays the fee prescribed in the regulations,

may obtain a certified copy of a registration record of a birth, stillbirth, marriage or death of any person if the Registrar is

satisfied that it is not to be used for an unlawful or improper purpose.

**(3)** If the Registrar considers it in the public interest to do so, the Registrar may refuse to issue a certified copy of a registration record under subsection (2).

### **Genealogy**

**50(1)** Notwithstanding sections 48(1) and 49(2), a copy of the registration record of a birth, stillbirth, marriage or death may be issued to any person on application to the Registrar, on providing the information prescribed in the regulations and furnishing the prescribed proof of identity and payment of the prescribed fee if

- (a) in the case of a birth registration record, 120 years has elapsed since the date of the birth or 50 years has elapsed since the death,
- (b) in the case of a stillbirth registration record, 75 years has elapsed since the date of the stillbirth,
- (c) in the case of a marriage registration record, 75 years has elapsed since the date of the marriage, and
- (d) in the case of a death registration record, 50 years has elapsed since the date of the death

of the person in respect of whom the copy is requested to be issued.

**(2)** The Registrar may make available to the public any information that may be disclosed under subsection (1).

**(3)** A person authorized by the regulations for the purposes of section 49 may obtain a copy of the registration record of a birth, stillbirth, marriage or death under this section prior to the expiry of the time periods set out in subsection (1).

**(4)** If the Registrar considers it in the public interest to do so, the Registrar may refuse to issue a copy of a registration record under this section.

### **Discretion of Registrar**

**51** If the Registrar decides not to issue a copy of a registration record under section 49 or 50, the Registrar may, at the Registrar's discretion, release information contained in the registration record.

### **Issue of documents**

**52(1)** No person other than a person authorized by this Act or Schedule 12 of the *Government Organization Act* to do so shall issue any document that purports to be issued under this Act.

**(2)** When the signature of the Registrar or a Deputy Registrar is required for any purpose of this Act, the signature may be written or reproduced by any other mode of reproducing words in visible form.

**(3)** Every document issued under this Act with the signature of the Registrar or a Deputy Registrar is and remains valid notwithstanding that the Registrar or a Deputy Registrar has ceased to hold office before the issuance of the document.

### **Certificates and certified copies as evidence**

**53(1)** A certificate purporting to be issued under this Act shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts certified to be recorded, and it is not necessary to prove the signature or official position of the person by whom the certificate purports to be signed.

**(2)** A certified copy purporting to be issued under this Act shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts recorded in it, and it is not necessary to prove the signature or official position of the person by whom the certified copy purports to be signed.

### **Copies of documents**

**54** Where this Act

- (a) refers to a copy of a document or to a copy of a form required by the Registrar, or
- (b) requires the making or retaining of a copy or a copy of a required form,



the reference is deemed to include, and the requirement is deemed to be complied with by, the making or retaining of a photographic film, microfilm or electronic copy of the document, and a print from that photographic film, microfilm or electronic copy is deemed to be, and to have the same effect and to serve the same purpose as, a copy or a copy of a required form of the document.

#### **Refusal to register**

**55** Where it appears to the Registrar that an application for registration under this Act may be fraudulent or made for an improper purpose, the Registrar, at the Registrar's discretion, may refuse the application.

#### **Fraudulent or improper registration or use of certificate**

**56(1)** Where the Registrar believes that a registration may have been based on a fraudulent or improperly made application, or a certificate or copy issued in respect of a registration was fraudulently or improperly obtained or is being used for fraudulent or improper purposes, the Registrar may, in the Registrar's discretion,

- (a) investigate the matter,
- (b) refer the matter to a police service for investigation, or
- (c) refer the matter to an investigator.

#### **(2) The Registrar**

- (a) may order that no further certificates or copies be issued in respect of a registration referred to in subsection (1) pending the results of the investigation, and
- (b) if the Registrar issues an order pursuant to clause (a), shall advise the holder of any certificate or copy previously issued in respect of the registration accordingly.

**(3)** If after notice to all persons affected and on receipt of written submissions and other evidence satisfactory to the Registrar, the Registrar is satisfied that a registration referred to in subsection (1) was based on a fraudulent or improperly made application, or that a certificate or copy issued in respect of a registration was fraudulently or improperly obtained or is being used for fraudulent or improper purposes, the Registrar may

- (a) cancel the registration,
- (b) demand the return of the certificate or copy, or
- (c) both.

**(4)** If the Registrar cancels a registration under this section,

- (a) any person who is in possession or control of a certificate or a copy that was issued in respect of that registration shall return the certificate or copy to the Registrar immediately, and
- (b) no certificate or copy may be issued in respect of the registration that has been cancelled.

**(5)** If a person who has in that person's possession or control a certificate or copy of a registration and who is required to return it under this section fails to do so, the Registrar may apply by originating notice to the Court of Queen's Bench, ex parte or on any notice that the Court may direct, for an order requiring the return of the certificate or copy.

#### **Notification**

**57(1)** The Registrar may notify a police service in Alberta or in another jurisdiction or a federal or provincial government department, board or agency of a decision of the Registrar under section 56(2) or (3).

**(2)** The Registrar may, for the purposes of this section, disclose information regarding a registration or registration document under this Act to a member of a police service or to an investigator referred to in section 56(1).

#### **Change of name pursuant to false information**

**58(1)** Notwithstanding section 29, where a person falsely states that there are no other guardians of a child whose consent is required and changes the child's name under this Act, the change is effective until an order of the Court of Queen's Bench reversing the change of name is filed with the Registrar, whether or not the person is prosecuted under section 73.

(2) On application by a person whose consent to the change of name should have been obtained, the Court of Queen's Bench may direct the Registrar to reverse the change of name.

**Errors prior to registration**

**59** If on receipt and examination of a registration document it appears to the Registrar that an error exists in the information contained in the document, the Registrar shall inquire into the matter and, on production of evidence satisfactory to the Registrar, may correct the information on the registration document.

**Errors after registration**

**60** If after a registration document has been registered by the Registrar it is reported to the Registrar that an error exists in the registration document, the Registrar shall inquire into the matter and, on production of the prescribed proof of identity, an affidavit and other evidence satisfactory to the Registrar and payment of the prescribed fee, may amend the registration document.

**Review of decision by Registrar**

**61(1)** A person who is affected by the decision of any person who is authorized under this Act to make that decision other than the Registrar may appeal the decision to the Registrar by delivering a written request for review of the decision to the Registrar within 30 days of receiving the original decision.

(2) The Registrar, on receipt of a written request for review under subsection (1),

- (a) may confirm, reverse or vary the decision, and
- (b) shall respond in writing to the address provided by the person within 60 days of receiving the request for review.

(3) The Registrar shall not delegate the Registrar's responsibility under this section to any person.

(4) The Registrar may apply to the Court of Queen's Bench for the opinion, advice or direction of the Court regarding any matter under this Act.

### **Appeal of Registrar's decision**

**62(1)** Subject to subsection (3), a person who is affected by a decision of the Registrar under this Act, including a decision under section 61(2), may within 45 days of the date shown on the Registrar's written reasons for the decision appeal that decision to the Court of Queen's Bench by originating notice served on the Registrar and any other person the Court directs.

**(2)** On an appeal by a person under subsection (1), the Court of Queen's Bench may confirm, reverse or vary the decision of the Registrar, and if the Court reverses or varies a decision of the Registrar, it shall provide reasons in writing for doing so.

**(3)** A decision of the Registrar concerning matters under the following sections is final and conclusive and may not be appealed:

- (a) retention and use of information respecting a surrogacy birth under section 14;
- (b) release of original birth registration information after the registration of an adoption under section 17;
- (c) access to original documents under section 24;
- (d) searches of registration records under section 46;
- (e) searches of changes of name records under section 47;
- (f) issuing certificates under section 48;
- (g) issuing certified copies under section 49;
- (h) issuing copies of registration records under section 50;
- (i) confidentiality of information under section 63;
- (j) surrender of records and documents under section 65;
- (k) release of information pertaining to legitimation under the *Vital Statistics Act*, RSA 2000 cV-4.

### **Confidential information**

**63(1)** The Registrar and any other person with access to information collected under this Act shall not, except as set out in the Act or prescribed in the regulations,

- (a) communicate or allow to be communicated to any person not entitled to it any information obtained under this Act, or
- (b) allow a person to inspect or have access to records containing information obtained under this Act.

(2) Notwithstanding subsection (1), the Registrar may compile, furnish or publish statistical data that does not disclose information in individually identifiable form with respect to a particular person.

#### **Report**

**64(1)** The Registrar shall make for the use of the Legislative Assembly and for public information a statistical report of the births, stillbirths, marriages, changes of name, adoptions and deaths, and any other information considered appropriate by the Registrar, for each calendar year.

(2) The report must include all of the events referred to in subsection (1) that occurred during a calendar year, including those that were registered after the end of the calendar year but prior to the making of the report.

#### **Records**

**65** All records and documents created under this Act are the property of the Crown and must be surrendered to the Registrar on request.

#### **Forms**

**66(1)** The Registrar may establish forms for the purposes of this Act.

(2) The forms established under subsection (1) must contain the information required by the regulations, if any.

#### **Information required by Registrar**

**67(1)** If any documents received for registration or for the purpose of amending a record are in the opinion of the Registrar incomplete or unsatisfactory, the Registrar may, for the purpose of obtaining the further information necessary to make the record complete and satisfactory,

- (a) request further information from any person,
- (b) require the attendance of the person who prepared the documents or of any other person having knowledge of the facts,
- (c) examine the person respecting any matter pertaining to the documents, and
- (d) require affidavit evidence from any person.

**(2)** The Registrar may take the affidavit of any person for the purposes of this Act.

**(3)** Any person having knowledge of the facts shall, on demand of the Registrar, in person, by mail or any other means, provide without charge any other information or records the person possesses regarding any birth, stillbirth, marriage, change of name or death.

**(4)** If the Registrar is not satisfied as to the truth or sufficiency of any information provided pursuant to this Act, the Registrar may, for the purpose of obtaining the additional evidence or information the Registrar considers necessary,

- (a) request further information from any person,
- (b) require the attendance of the person who provided the information or of any other person having knowledge of the facts,
- (c) examine the person respecting any matter pertaining to the information, and
- (d) require further affidavit evidence from any person.

#### **Waiver of fees**

**68** The Registrar may in the Registrar's discretion waive all or any part of a fee prescribed under this Act in accordance with the regulations.

#### **Dispensing with consent**

**69(1)** If on an application under this Act the consent of a person is required and the applicant is unable to obtain the consent of that

person, the Court of Queen's Bench may dispense with the consent of that person.

(2) If the application referred to in subsection (1) is an application to amend or change the name of a child, the Court of Queen's Bench, in deciding whether to dispense with consent, shall have regard to the best interests of the child.

#### **Originating notice**

**70** An application to the Court of Queen's Bench under this Act must be by originating notice served on the Registrar and on any notice to other persons that the Court requires.

#### **Protection from liability**

**71** No action lies against the Crown, the Minister, the Registrar, a Deputy Registrar, an investigator or any person acting under the authority of the Registrar for anything done or omitted to be done by any of them in good faith while exercising their powers and performing their duties under this Act.

#### **Prohibition**

**72** No registration may be made of a birth, stillbirth, adoption, marriage or death that occurred outside Alberta.

#### **Providing false information**

**73** Any person who knowingly provides false or misleading information to the Registrar in respect of any matter under this Act is guilty of an offence and liable to a fine of not more than \$50 000.

#### **Offence**

**74(1)** A person who contravenes any provision of this Act is guilty of an offence.

(2) A person who applies or attempts to apply for registration or certificates or copies of registration documents under this Act fraudulently or for an improper purpose is guilty of an offence.

#### **Prosecutions**

**75** A prosecution under this Act may not be commenced more than 2 years after the later of

- (a) the date on which the offence was committed, and
- (b) the date on which evidence of the offence first came to the attention of the Registrar.

**Lieutenant Governor in Council regulations**

**76(1)** The Lieutenant Governor in Council may make regulations

- (a) respecting persons or classes of persons who are authorized to receive information or records under this Act, the purposes for which that information or those records may be used and the conditions under which access to information or records is permitted;
- (b) respecting information that may or must be contained in a registration of birth, death, marriage, stillbirth, adoption or change of name and the requirements for completing documents for registration;
- (c) respecting the registration of births, deaths, stillbirths, adoptions, marriages or changes of name in cases not otherwise provided for in this Act.

**(2)** The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to this Act of anything under a former Act, including the interpretation of any transitional provision in this statute;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from a former Act.

**(3)** A regulation made under subsection (2) is repealed on the earliest of

- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this statute,
- (b) the coming into force of a regulation that repeals the regulation made under subsection (2), and
- (c) 2 years after the regulation comes into force.



(4) The repeal of a regulation under subsection (3)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

(5) Subsections (2) to (4) and this subsection are repealed 5 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a regulation made under subsection (2) before the repeal of subsections (2) to (4).

### **Ministerial regulations**

**77** The Minister may make regulations

- (a) respecting the powers, duties and functions of the Registrar and the Deputy Registrars;
- (b) respecting the duties and functions under this Act of hospital administrators and funeral directors;
- (c) respecting the information, registration documents and records to be delivered to the Registrar or to other persons;
- (d) fixing the times when and the manner in which information, registration documents and records are to be delivered;
- (e) respecting fees imposed for the provision of services under this Act and the exemption from or waiver of payment of those fees;
- (f) respecting the evidence, particulars or other information regarding a birth, stillbirth, marriage, change of name, adoption or death that may be required by the Registrar;
- (g) respecting the evidence on which the Registrar may register a birth, stillbirth, marriage or death after one year from the date of the event;
- (h) respecting acceptable forms of proof of identity that must be furnished by a person applying for information, services or records under this Act;

- (i) respecting acceptable proof of the nature of a relationship between an applicant and a child for the purposes of section 24(2)(g);
- (j) respecting the information to be provided on certificates issued under section 48;
- (k) respecting the duration of validity of certificates and other documents issued under this Act or a former Act;
- (l) respecting the information that must be provided by a person applying for information, services or records under this Act;
- (m) respecting persons who may apply for a disinterment or reinterment permit and the information that must be provided with the application;
- (n) respecting the retention of documents created or collected under a former Act;
- (o) respecting any other matter necessary to carry out the intent of this Act.

## **Part 7 Transitional Provisions, Consequential Amendments, Repeals and Coming into Force**

### **Transitional provision**

**78** Subject to a regulation made under section 77(k), every certificate or other document issued or created under a former Act that was valid on the coming into force of this statute remains valid and in force according to its terms and is deemed to be a certificate or document issued under this statute.

### **Amends RSA 2000 cA-4**

**79** The *Adult Adoption Act* is amended in section 10 by striking out “Director” wherever it occurs and substituting “Registrar”.

## Explanatory Notes

**79** Amends chapter A-4 of the Revised Statutes of Alberta 2000.  
Section 10 presently reads:

*10 Not more than 35 days after an adoption order is made, the clerk of the Court shall*

**Amends RSA 2000 cC-3**

**80 The Cemeteries Act is amended**

- (a) **by repealing section 11 and substituting the following:**

**Disinterment**

**11** Disinterment of a body shall not take place until a disinterment permit has been issued in accordance with section 42 of the *Vital Statistics Act*.

- (b) **in section 65(1)(bb) by striking out “Director” and substituting “Registrar”.**

**Amends RSA 2000 cC-12**

**81 The Child, Youth and Family Enhancement Act is amended**

- (a) **in section 73.1(4)(a) by striking out “Director” and substituting “Registrar”;**
- (b) **in section 74(1)(e) by striking out “Director” and substituting “Registrar”;**
- (c) **in section 74(2) by striking out “Director” wherever it occurs and substituting “Registrar”;**
- (d) **in section 110(b) by striking out “Director” and substituting “Registrar”.**

- (a) *if the adopted person was born in Alberta, send one certified copy of the order to the Director of Vital Statistics, or*
- (b) *if the adopted person was born outside Alberta, send 2 certified copies of the order to the Director of Vital Statistics.*

**80** Amends chapter C-3 of the Revised Statutes of Alberta 2000. Sections 11 and 65(1)(bb) presently read:

*11 Disinterment of a body shall not take place until an application for disinterment in the prescribed form, together with the certificate of death, showing the cause of death, is given to the Director of Vital Statistics, who, in that Director's discretion, if that Director considers it necessary or advisable, may issue under that Director's signature a permit for disinterment on receipt of the prescribed fee.*

*65(1) The Minister may make regulations*

- (bb) *requiring and prescribing the submission to the Director of Vital Statistics, by persons in charge of cemeteries, mausolea and crematories, of periodic returns, covering burials or interments or cremations;*

**81** Amends chapter C-12 of the Revised Statutes of Alberta 2000. Sections 73.1(4), 74(1)(e) and (2) and 110(b) presently read:

*73.1(4) The clerk of the Court shall send a certified copy of an order setting aside an adoption order to*

- (a) *the Director of Vital Statistics, and*
- (b) *the Registrar under the Indian Act (Canada) if the adopted child is an Indian.*

*74(1) Not more than 35 days after an adoption order is made, the clerk of the Court shall send a certified copy of the adoption order to*

- (e) *the Director of Vital Statistics.*

*(2) The clerk of the Court shall provide to the Director of Vital Statistics*

- (a) *any other information relating to an adoption order that the Director of Vital Statistics requires to enable that Director to carry out the requirements of the Vital Statistics Act, and*
- (b) *if the adopted child was born outside Alberta, an additional certified copy of the adoption order.*

*110 In any proceedings under this Act,*

**Amends RSA 2003 cF-4.5**

**82 The *Family Law Act* is amended in section 9 by adding the following after subsection (4):**

**(4.1)** When making a declaration of parentage, the court may order

(a) that the Registrar of Vital Statistics register or amend the name of the child in accordance with section 10 of the *Vital Statistics Act* if the child is less than 12 years of age, or

(b) that the Registrar of Vital Statistics

(i) add the name of a mother or father to the child's birth registration document, or

(ii) amend the parentage shown on the child's birth registration document,

in accordance with the declaration of parentage and section 11(2) of the *Vital Statistics Act*,

or both.

**(4.2)** The court shall, where the child whose name is to be registered or amended pursuant to subsection (4.1)(a) is at least 7 years of age but less than 12 years of age, consider the views of the child.

**Amends RSA 2000 cF-9**

**83 The *Fatality Inquiries Act* is amended**

**(a) in section 19(7) by striking out "section 15" and substituting "section 33";**

**(b) in section 28(2)(b) by striking out "Director" and substituting "Registrar".**

- (b) a birth or baptismal certificate or a copy of it purporting to be certified by the Director of Vital Statistics, or

**82** Amends chapter F-4.5 of the Statutes of Alberta, 2003.  
Section 9 presently reads:

*9(1) The following persons may apply to the court for a declaration that a female person named in the application is the mother of a child or a male person named in the application is the father of a child:*

- (a) a person claiming to be the mother or father of the child;
- (b) the child;
- (c) a parent of the child, if the child is under the age of 18 years;
- (d) a guardian of the child;
- (e) a person who has the care and control of the child.

*(2) The court shall grant a declaration of parentage on being satisfied on a balance of probabilities that the alleged mother or alleged father is the mother or father of the child.*

*(3) In making a declaration of parentage, the court shall have regard to any subsisting presumption of parentage under section 8.*

*(4) The court has jurisdiction under this section if the child or an alleged parent against whom an application is brought resides in Alberta.*

*(5) A declaration under this section applies for all purposes of the law of Alberta.*

**83** Amends chapter F-9 of the Revised Statutes of Alberta 2000.  
Sections 19(7) and 28(2)(b) presently read:

*19(7) If a medical examiner does not conduct an investigation under subsection (5), the physician is authorized to complete and sign the medical certificate of death referred to in section 15 of the Vital Statistics Act.*

*28(2) Copies of an order under subsection (1) shall be sent by registered mail at least 48 hours before the disinterment to*

- (b) the Director of Vital Statistics, and

**Amends RSA 2000 cF-25**

**84 The *Freedom of Information and Protection of Privacy Act* is amended in section 4(1)(l) by repealing subclause (vi) and substituting the following:**

- (vi) in the office of the Registrar of Vital Statistics, or

**Amends RSA 2000 cH-12**

**85 The *Hospitals Act* is amended by repealing section 33 and substituting the following:**

**Registration of births, stillbirths and deaths**

**33** The board of an approved hospital, in respect of each birth, stillbirth and death that occurs in the hospital, and where burial permits in respect of a stillbirth or death are issued by the hospital, shall ensure that the documents required under the *Vital Statistics Act* are completed and delivered to the Registrar of Vital Statistics in accordance with that Act.

**Amends RSA 2000 cI-3**

**86 The *Insurance Act* is amended in section 593 by renumbering it as section 593(1) and by adding the following after subsection (1):**

- (2) A declaration of presumption of death made by the Court of Queen's Bench under subsection (1) must contain particulars of the following information to the extent that those particulars have been established to the satisfaction of the Court:
  - (a) the full name of the person presumed dead, including a maiden or married name where applicable;
  - (b) the sex of the person presumed dead;
  - (c) the place where death is presumed to have occurred;
  - (d) the date on which death is presumed to have occurred.



**84** Amends chapter F-25 of the Revised Statutes of Alberta 2000.  
Section 4(1)(l)(vi) presently reads:

*4(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:*

*(l) a record made from information*

*(vi) in an office of the Director, or of a district registrar, as defined in the Vital Statistics Act, or*

**85** Amends chapter H-12 of the Revised Statutes of Alberta 2000.  
Section 33 presently reads:

*33 The board of an approved hospital shall in respect of each birth in the hospital ensure that the statement of birth required under the Vital Statistics Act is completed and forwarded to the Director of Vital Statistics.*

**86** Amends chapter I-3 of the Revised Statutes of Alberta 2000.  
Section 593 presently reads:

*593 When a claimant alleges that the person whose life is insured should be presumed to be dead by reason of the person not having been heard of for 7 years, and there is no other question in issue except a question under section 592, the insurer or the claimant may, before or after action is brought and on at least 30 days' notice, apply to the Court of Queen's Bench in accordance with the Surrogate Rules for a declaration as to presumption of the death, and the Court may make the declaration.*

**Amends RSA 2000 cM-5**

**87 The *Marriage Act* is amended**

**(a) in section 1**

**(i) by repealing clause (a);**

**(ii) by adding the following after clause (e):**

(f) “Registrar” means the Registrar of Vital Statistics appointed under the *Vital Statistics Act*.

**(b) in section 18(3)**

**(i) by striking out “Director” wherever it occurs and substituting “Registrar”;**

**(ii) by striking out “Director’s” and substituting “Registrar’s”;**

**(c) in section 21 by adding the following after subsection (2):**

**(3)** A decree of presumption of death made by the Court of Queen’s Bench under subsection (1) must contain particulars of the following information to the extent that those particulars have been established to the satisfaction of the Court:

(a) the full name of the person presumed dead, including a maiden or married name where applicable;

(b) the sex of the person presumed dead;

(c) the place where death is presumed to have occurred;

(d) the date on which death is presumed to have occurred.

**(d) in the following provisions by striking out “Director” wherever it occurs and substituting “Registrar”:**

section 4(1), (2), (3), (4);

section 5(1);

section 6(1), (2);

section 7(1)(a),(b), (2);

**87** Amends chapter M-5 of the Revised Statutes of Alberta 2000. Sections 1(a), 18(3) and 21 presently read:

*1 In this Act,*

*(a) “Director” means the Director of Vital Statistics appointed under the Vital Statistics Act;*

*18(3) In any proceedings referred to in subsection (1), the fact that for a period of 7 years or more the other party to the marriage has been continually absent from the petitioner and the petitioner has no reason to believe that the other party has been living within that time is evidence that the other party is dead until the contrary is proved.*

*21(1) The Director, in the Director’s discretion, may authorize an issuer to accept and act on any document that does not comply with the requirements of the regulations with respect to the form and content of a consent but that, in the circumstances, shows to the satisfaction of the Director that consent to the marriage is given.*

section 14(3);  
section 15(2)(b);  
section 16(2)(b);  
section 23(2)(c).

**Repeals**

**88(1)** The *Vital Statistics Act*, RSA 2000 cV-4, and the *Change of Name Act*, RSA 2000 cC-7, are repealed.

**(2)** The *Vital Statistics Amendment Act*, RSA 2000 c33(Supp), is repealed.

**Coming into force**

**89** This statute comes into force on Proclamation.

**88** Repeals.

**89** Coming into force.





### RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To