

2016 Bill 29

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 29**

## **VITAL STATISTICS AND LIFE EVENTS MODERNIZATION ACT**

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THE MINISTER OF SERVICE ALBERTA

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 29

2016

### VITAL STATISTICS AND LIFE EVENTS MODERNIZATION ACT

(Assented to \_\_\_\_\_, 2016)

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

#### Part 1 Vital Statistics Act

##### Amends SA 2007 cV-4.1

**1 The *Vital Statistics Act* is amended by this Part.**

**2 Section 1(1) is amended**

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

(a.1) “birth registration document” means the originating document for use in the registration of a birth as set out in section 3;

**(b) in clause (e) by adding** “but does not include a commemorative certificate referred to in section 48.1” **after** “filed in the office of the Registrar”;

**(c) by repealing clause (j) and substituting the following:**

(j) “funeral director” means a person who holds a funeral director licence under the *Funeral Services Act* or a person designated by the holder of a funeral director licence to perform duties or functions under this Act;

**(d) by adding the following after clause (l):**

## Explanatory Notes

### Part 1 Vital Statistics Act

**1** Amends chapter V-4.1 of the Statutes of Alberta, 2007.

**2** Section 1(1) presently reads in part:

*1(1) In this Act,*

- (e) “certificate” means a certified extract of the prescribed particulars of a registration document filed in the office of the Registrar;*
- (j) “funeral director” means a person who holds a funeral director licence under the Funeral Services Act;*
- (o) “parent”, unless otherwise indicated, means a person listed as a parent on a birth registration document;*
- (t) “resident of Alberta” means a person who*
  - (i) is lawfully entitled to be or to remain in Canada, and*

(l.1) “legal name” means

- (i) in the case of a person born in Canada, the person’s name as shown on the birth record of that person, or
- (ii) in the case of a person born outside Canada, the person’s name as shown on the documents satisfactory to the Registrar;

**(e) in clause (o) by striking out “registration document” and substituting “record”;**

**(f) by adding the following after clause (o):**

(o.1) “place”, in reference to the place where an event occurred, means the name of the city, town, village or hamlet where the event occurred or the name of the nearest city, town, village or hamlet;

(o.2) “prescribed” means prescribed by regulation;

**(g) by repealing clause (t) and substituting the following:**

- (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;

**3 The heading to Part 1 is repealed and the following is substituted:**

**Part 1  
Birth, Adoption and  
Stillbirth**

**4 Section 3(1) is repealed and the following is substituted:**

(ii) *makes his or her home in and is ordinarily present in Alberta,*

*but does not include a tourist, transient or visitor to Alberta;*

**3** The heading to Part 1 presently reads:

*Part 1  
Births in Alberta*

**4** Section 3(1) presently reads:

*3(1) Within 10 days after the date of birth of a child, or before the birth mother leaves the hospital if the birth occurred in a hospital, whichever is earlier, a birth registration document must be*

**Birth registration document**

**3(1)** A birth registration document must be completed and delivered to the Registrar in accordance with the regulations, accompanied with any prescribed evidence respecting the birth.

**5 Section 4 is amended**

**(a) by repealing subsections (1) to (3) and substituting the following:**

**Notice of birth**

**4(1)** A physician or midwife who attends at a birth shall complete a notice of birth and deliver it to the Registrar in accordance with the regulations.

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

**(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), the notice must be completed and delivered to the Registrar by or on behalf of the hospital administrator in accordance with the regulations.

**(b) by adding the following after subsection (3):**

**(3.1)** If a birth does not take place in a hospital as defined in section 1 of the *Hospitals Act* and the hospital administrator is satisfied that the birth occurred in Alberta, a notice of birth may be completed and delivered to the Registrar by or on behalf of the hospital administrator in accordance with the regulations.

**(c) in subsection (4) by adding “or (3.1),” after “subsection (3)”;**

**(d) by repealing subsection (5);**

**(e) by adding the following after subsection (6):**

**(7)** The Registrar may accept any other document or information provided by or on behalf of a hospital

*completed and delivered to the Registrar in accordance with the regulations and accompanied with any evidence that may be prescribed respecting the birth.*

**5** Section 4 presently reads:

*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.*

administrator in connection with the delivery of a notice of birth under subsection (3) or (3.1).

**6 Section 8 is amended**

**(a) in subsection (1)**

- (i) in clause (a) by striking out “registration document” and substituting “record”;**
- (ii) in clause (b) by striking out “registration document” wherever it appears and substituting “record”;**

**(b) by repealing subsection (3) and substituting the following:**

**(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 last name shown does not meet the requirements of subsection (5) or is unacceptable according to the criteria set out in section 51.3, the Registrar may register the birth.

**(c) in subsection (4)**

- (i) by striking out “no certificate of birth or copy” and substituting “no birth certificate or certified copy”;**
- (ii) by striking out “shown on the birth registration document” and substituting “shown on the birth record”;**

**(d) by repealing subsection (5) and substituting the following:**

- (5)** The last name of a child must be registered as follows:
- (a)** if the parents agree, showing the last name or names they have agreed to use;
  - (b)** if the parents do not agree on the last name or names to be used, showing the last name of each parent’s legal name, hyphenated, in alphabetical order;



**6** Section 8 presently reads:

*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 record, showing the last name or names the parent wishes to use;
- (d) in any other case, in the prescribed manner.

**(e) by adding the following after subsection (5):**

**(6)** If a child's last name is registered pursuant to subsection (5)(b) and the parents later agree on a different last name or names for the child, they may submit to the Registrar by affidavit in accordance with the regulations a joint application to change the last name.

**7 Section 9 is repealed.**

**8 Section 10 is amended by striking out "registration document" wherever it occurs and substituting "record".**

- (c) *if only one parent is listed on the birth registration document, showing that parent's last name.*

**7** Moved to section 51.3. Section 9 presently reads:

*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.*

**8** Section 10 presently reads:

*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,*

- (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*

**9 Section 11 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**Amendment of parentage on birth record**

**11(1)** In this section, “parent” means a parent as defined in section 1(j) of the *Family Law Act*.

**(1.1)** This section does not authorize any application in respect of a registration of surrogate birth or the registration of an adoption.

- (b) by repealing subsection (2) and substituting the following:**

**(2)** An application to amend the particulars of parentage and, if applicable, to change the name shown on the birth record of a child who is under 18 years of age or of a child who died before reaching 18 years of age may be made to the Registrar

- (a) jointly by the parents by affidavit, where the purpose of the application is to add the particulars of one of them to the birth record,
- (b) by a parent by affidavit, pursuant to a declaration of parentage under section 9 of the *Family Law Act* or a substantially equivalent order made in Canada, or
- (c) by a parent by affidavit, if a parent died after the child was conceived but within one year after the birth of the child.

- (c) by adding the following after subsection (2):**

*(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.*

**9** Section 11 presently reads:

*11(1) In this section, "parent" means a parent as defined in section 1(j) 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 parents 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(8) 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,*

**(2.1)** If an application under subsection (2)(a) or (c) includes a request to change the name of a child who is 12 years of age or over, the consent of the child is required.

**(2.2)** The Registrar, on being satisfied by the evidence submitted in an application under subsection (2) that the application is made in good faith and meets the requirements of this Act, and on payment of the prescribed fee, shall amend the birth record accordingly.

**(d) by repealing subsection (3)(b) to (e) and substituting the following:**

(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 Canada,

but the person is not identified as a parent on the child's birth record, 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 record,

(d) amend the particulars of parentage shown on the child's birth record, or

(e) amend the name of the child shown on the child's birth record, if the child is under 18 years of age.

**(e) in subsection (4)(a) by striking out "registration document" and substituting "record";**

**(f) in subsection (5) by striking out "registration document" and substituting "record";**

**(g) in subsection (6) by striking out "registration document" and substituting "record";**

**(h) in subsection (7) by striking out "sections 8 and 9" and substituting "sections 8 and 51.3";**

*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.*

**(i) by repealing subsection (8)(a) and substituting the following:**

- (a) the name, place of birth, date of birth and sex of the parent that is being either added to or deleted from the birth record, and

**10 Section 13(7) and (8) are amended by striking out “registration document” and substituting “record”.**

**11 Section 14 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** The new birth registration document must show

- (a) the child’s date of birth, place of birth and sex recorded on the original birth registration document, and
- (b) the particulars respecting parents or parentage in accordance with the regulations.

**(b) by repealing subsection (2) and substituting the following:**

**(2)** The Registrar shall not use or disclose copies of the original birth registration documents or any accompanying entry, document or court order referred to in this section, except

- (a) in a form that is not individually identifiable, for statistical purposes, or



*(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 one of the parents of the child, and*
- (b) the name, place of birth, date of birth and sex of the child.*

**10** Section 13 presently reads in part:

*(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.*

**11** Section 14 presently reads:

*14(1) If the Registrar receives a declaration of the Court of Queen's Bench made under section 8.2 of the Family Law Act*

- (a) declaring that a surrogate is not a parent of a child,*
- (b) declaring that a person referred to in the declaration is a parent of a child, and*
- (c) if applicable, identifying another person to be a parent as a result of the declaration,*

*the Registrar shall replace the birth registration document with a new birth registration document in accordance with the particulars set out in the declaration of the Court.*

*(2) The Registrar may retain the original birth information of a surrogate 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.*

- (b) pursuant to an order of the Court of Queen’s Bench that contains the prescribed information, to a person named in the order.

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

**(3)** No birth certificate or certified copy of the birth registration document may be issued under this Act in respect of the original birth registration document relating to a birth in respect of which a surrogate birth has been registered.

**12 Section 15 is amended**

**(a) by repealing subsection (1)(a) and substituting the following:**

- (a) within 12 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 record, or

**(b) by repealing subsection (3) and substituting the following:**

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

- (a) by a parent or guardian of the person,
- (b) by a person named in a court order under section 69 dispensing with the parents’ and guardians’ consents, or
- (c) in accordance with the regulations if the child, parents and guardians are deceased.

**(c) in subsection (4)**

- (i) by striking out “registration document” and substituting “record”;**
- (ii) by repealing clause (a) and substituting the following:**

**12** Section 15 presently reads in part:

*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.*

*(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,*

- (a) where the applicant is a parent, the applicant makes an affidavit stating that the applicant is the only guardian,
- (d) **in subsection (8) by striking out** “registration document” **and substituting** “record”.

**13 Section 16 is amended**

- (a) **in subsection (1)**
  - (i) **by striking out** “, 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” **and substituting** “or 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 replace it with a new birth registration document in accordance with the regulations”;
  - (ii) **in clause (a) by striking out** “the date and place of birth” **and substituting** “the date of birth, place of birth and sex”;
- (b) **by repealing subsection (2);**
- (c) **in subsection (5)**
  - (i) **by striking out** “the record of the person’s birth” **and substituting** “the person’s birth record”;
  - (ii) **by striking out** “or assumed name as well as the person’s natural”.

- (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.*

*(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.*

**13** Section 16 presently reads in part:

*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.*

*(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*

**14 The following is added after section 16:**

**Rescinding of adoption order**

**16.1(1)** On receipt of a certified copy of an order rescinding an adoption made under the *Child, Youth and Family Enhancement Act* or the *Adult Adoption Act*, the Registrar shall, in accordance with the regulations, rescind the registration of adoption and amend the birth record.

(2) When an adoption is rescinded 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 rescinding the adoption, and
- (b) production of evidence satisfactory to the Registrar of the identity of the person,

if there is registered in the Registrar's office a birth registration document of that person, shall restore the previous birth registration document.

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

(4) If a registration of adoption is rescinded and a birth record is amended or a birth registration document is restored under this section, the Registrar may require any person to return to

*(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.*

**14** Rescinding of adoption order.

the Registrar any previously issued registration of adoption, birth certificates, certified copies of the birth record or information relating to the registration of adoption or birth record in the person's possession.

**15 Section 17 is amended**

**(a) by repealing subsection (1)(a) and (b) and substituting the following:**

- (a) to the Minister responsible for the *Child, Youth and Family Enhancement Act*, for release to the adopted person in accordance with that Act,
- (b) to the Minister responsible for adoptions in another province or territory of Canada in accordance with the laws of that jurisdiction,
- (c) pursuant to an order of the Court of Queen's Bench, to a person named in the order, or
- (d) in accordance with the regulations.

**(b) in subsection (2) by striking out "certificate" and substituting "birth certificate or certified copy of the birth registration document".**

**16 Section 18 is repealed and the following is substituted:**

**Birth certificate after adoption**

**18** Subject to section 16.1, 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 certificate or certified copy of the 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*, section 9 of the



**15** Section 17 presently reads:

*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.*

**16** Section 18 presently reads:

*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*

*Adult Adoption Act* or the equivalent legislation of the jurisdiction in which the adoption occurred.

**17 Section 19 is amended**

(a) in subsection (4) by adding “15, 33,” after “14,”;

(b) by adding the following after subsection (4):

(4.1) Despite subsection (4), sections 8(2) and (4) and 11(2)(b) do not apply to stillbirths.

**18 The heading to Part 2 is repealed and the following is substituted:**

**Part 2  
Marriage**

**19 Section 20 is repealed and the following is substituted:**

**Marriage registration**

**20(1)** Every marriage that occurs in Alberta must be registered as provided in this Act.

(2) Within one year from the date when a marriage occurs, a person authorized by law to solemnize a marriage in Alberta must complete a marriage registration document in the form established by the Registrar and submit it to the Registrar in accordance with the regulations.

(3) If the Registrar is satisfied as to the truth and sufficiency of the marriage registration document and other prescribed evidence, the Registrar shall register the marriage in accordance with the regulations.

**20 The following is added after section 20:**

**Marriage on aircraft**

**20.1** For the purposes of this Part, the place of marriage of parties whose marriage was solemnized on an aircraft is

*the Registrar after the adoption of a person that would disclose that the person is an adopted person.*

**17** Section 19 presently reads in part:

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

**18** The heading to Part 2 presently reads:

*Part 2  
Registration of Marriages*

**19** Section 20 presently reads:

*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.*

**20** Marriage on aircraft.

deemed to be the place in Alberta where the aircraft landed following the marriage.

**21 The following is added after section 21:**

**Annulment**

**21.1(1)** If a marriage registered in Alberta is annulled by a court in Alberta, the Registrar shall, on receipt of a copy of the order, judgment or decree respecting the annulment that contains the prescribed information, cancel the marriage record.

**(2)** After a marriage record has been cancelled in accordance with this section,

- (a) no marriage certificates or certified copies of the marriage record shall be issued, and
- (b) the Registrar may require any person to return to the Registrar any previously issued marriage certificate or certified copy of the marriage record in the person's possession.

**22 The heading to Part 3 is repealed and the following is substituted:**

**Part 3  
Change of Name**

**23 Section 22 is amended**

- (a) **in subsection (1)(a) by striking out** “registration document” **and substituting** “record”;
- (b) **in subsection (2)(b) by striking out** “an adult interdependent partner or the parent or guardian of a child” **and substituting** “divorced, widowed, an adult interdependent partner or the parent or guardian of a minor”.

**21** Annulment.

**22** The heading to Part 3 presently reads:

*Part 3  
Changes of Name*

**23** Section 22 presently reads:

*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.*

**24 Section 23 is amended**

**(a) by repealing subsection (2) and substituting the following:**

**(2)** Subject to subsections (3), (4), (6), (6.1) and (8), any person referred to in section 22(2) may apply to change the first name or last name of

- (a) a child, if the person is a parent or guardian of the child, or
- (b) a represented adult, if the person is a guardian of the represented adult under Part 2, Division 3 of the *Adult Guardianship and Trusteeship Act* or under the equivalent legislation of another jurisdiction.

**(b) in subsection (3)**

**(i) by striking out** “registration document” **and substituting** “record”;

**(ii) by repealing clause (a) and substituting the following:**

- (a) where the applicant is a parent, the applicant makes an affidavit stating that the applicant is the only guardian,

**(c) by repealing subsection (5);**

**(d) by adding the following after subsection (6):**

**(6.1)** If an application to change a name under subsection (2) is in respect of the name of a represented adult, the consents of all guardians of that person under Part 2, Division 3 of the *Adult Guardianship and Trusteeship Act* or under the equivalent

*(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.*

**24** Section 23 presently reads in part:

*(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.*

*(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.*

legislation of another jurisdiction are required except the consent of any guardian whose consent has been dispensed with by a court order under section 69.

**(e) in subsection (7)(a)(i) by striking out “registration document” and substituting “record”;**

**(f) by adding the following after subsection (7):**

**(8) An application under this Part may not be made**

- (a) in respect of a deceased person;
- (b) in respect of a stillborn child.

## **25 Section 24 is amended**

**(a) in subsection (2)**

**(i) in clause (a) by striking out “setting out the reasons for the change of name”;**

**(ii) by repealing clause (c)(i) and (ii) and substituting the following:**

- (i) a birth certificate or a certified copy of a birth record if the person was born in Canada, or
- (ii) if the person was not born in Canada, the documents satisfactory to the Registrar;

**(iii) in clause (e) by striking out “in the regulations”;**

**(iv) by adding the following after clause (i):**

- (i.1) if the applicant is applying to change the name of a represented adult, an affidavit declaring that the



*(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.*

**25** Section 24 presently reads in part:

*(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;*
- (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;*
- (e) documentary proof of the marital status of the person whose name is being changed as prescribed in the regulations;*

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

applicant is a guardian of the represented adult under Part 2, Division 3 of the *Adult Guardianship and Trusteeship Act* or under the equivalent legislation of another jurisdiction;

**(b) by adding the following after subsection (3):**

**(3.1)** The Registrar shall retain the birth and marriage certificates filed under subsections (2)(c)(i) and (2)(e) in the records of the Registrar's office.

**(c) in subsection (4) by striking out "or" at the end of clause (b), adding "or" at the end of clause (c) and adding the following after clause (c):**

(d) any person granted access to the documents or copies by court order.

**26 Section 25 is amended**

**(a) in subsection (1) by striking out "section 9" and substituting "section 51.3";**

**(b) by repealing subsection (2).**

**27 Section 26 is repealed.**

- (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.*

**26** Section 25 presently reads in part:

*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.*

**27** Section 26 presently reads:

*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,*

**28 Section 27 is amended**

- (a) in subsection (3) by striking out “record of birth or” and substituting “birth record or record”;**
- (b) in subsection (4) by striking out “registration document” wherever it occurs and substituting “record”;**
- (c) by repealing subsection (5).**

**29 Section 29 is repealed.**

- (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.*

**28** Section 27 presently reads in part:

*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.*

*(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.*

**29** Section 29 presently reads:

*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.*

**30 The following is added before the heading to Part 4:**

**Part 3.1  
Non-binary Identifier**

**Government to implement non-binary identifier**

**29.1(1)** In this Part, “non-binary identifier” means an identifier that signifies non-binary gender and that may be used instead of the sex identifiers “M” and “F”.

**(2)** A non-binary identifier may be used on vital event records in accordance with the regulations.

**31 Part 4 is repealed and the following is substituted:**

**Part 4  
Amendment of Sex**

**Application**

**30** An application for amendment of the sex on a person’s birth record that is registered in Alberta must be made on the grounds that the person identifies with and is maintaining the gender identity that corresponds with the requested amendment of the sex on the birth record.

*(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.*

**30** Non-binary identifier.

**31** Replacement of Part 4.

**Eligibility to apply**

**30.1(1)** A person may apply for an amendment under this Part if

- (a) the person is at least 18 years of age and is applying to amend the sex on the person's own birth record,
- (b) the person is less than 18 years of age but is married, widowed, divorced or an adult interdependent partner or is a parent or guardian of a minor and is applying to amend the sex on the person's own birth record,
- (c) the person is a parent or guardian of a minor and is applying to amend the sex on the minor's birth record, or
- (d) the person is applying to amend the sex on a minor's birth record and there is a court order under section 69 dispensing with the parents' and guardians' consents.

**(2)** The consent of both parents listed on the minor's birth record is required for an application under subsection (1)(c) unless

- (a) where the applicant is a parent, the applicant makes an affidavit stating that the applicant is the only 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 consents of the parents or guardians who do not consent.

**(3)** If there is a court order that appoints guardians in addition to the parents, the consent of those guardians to an application under subsection (1)(c) is also required unless there is a court order under section 69 dispensing with the consents of those guardians.

**(4)** If an application under subsection (1) is in respect of a minor who is 12 years of age or older and who is not the applicant, the minor's consent is required unless there is a court order under section 69 dispensing with the consent of the minor.





(5) The consents required under subsections (2), (3) and (4) must include the information required by the regulations.

**Application requirements**

**30.2(1)** An application under this Part must include an original affidavit executed by the applicant setting out the following information about the person whose birth record is to be amended:

- (a) the person's name as it appears on the birth record and any other name used;
- (b) the person's date of birth;
- (c) the amendment of the sex on the birth record that is being requested;
- (d) a statement confirming that the person identifies with and is maintaining the gender identity that corresponds with the requested amendment of the sex on the birth record.

(2) An application under this Part must be made in a form satisfactory to the Registrar and must include the following:

- (a) unless clause (b) applies, a statement from one of the following professionals containing the information required by the regulations:
  - (i) a physician;
  - (ii) a regulated member of the College of Alberta Psychologists under the *Health Professions Act* who holds a practice permit issued under that Act;
  - (iii) a regulated member of the Alberta College of Social Workers under the *Health Professions Act* who holds a practice permit issued under that Act;
  - (iv) a regulated member of the College and Association of Registered Nurses of Alberta under the *Health Professions Act* who holds a practice permit issued under that Act;



- (v) a person who is practising and who is authorized in a jurisdiction other than Alberta to practise a health profession equivalent to that practised by a person referred to in subclause (i), (ii), (iii) or (iv);
  - (vi) a medical professional identified in the regulations;
- (b) if an amendment of the sex of the person has occurred in accordance with the laws of a jurisdiction other than Alberta, a notice satisfactory to the Registrar issued by an official responsible for the registration of vital statistics in that jurisdiction;
- (c) the prescribed additional information.

**Registrar's powers and duties**

**30.3(1)** On receipt of an application for amendment of the sex on a birth record under this Part and payment of the prescribed fee, the Registrar shall, if satisfied that this Act has been complied with, amend the sex on the birth record accordingly.

**(2)** The Registrar may require any person to return to the Registrar any previously issued birth certificate or certified copies of the birth record in the person's possession.

**Amendment of sex on record of subsisting marriage**

**30.4(1)** The following persons may request that the sex on the record of a subsisting marriage that is registered in Alberta be amended:

- (a) an applicant or the person whose birth record is to be amended in an application under this Part, by submitting the request with that application;
- (b) the other party to the subsisting marriage, by providing, in addition to the information referred to in subsection (2),
  - (i) a certified copy of the amended registration of birth or a copy of the new birth certificate, or
  - (ii) all the documents that would be required if a party to the subsisting marriage were making an application under this Part.



(2) On receipt of a request for amendment of the sex on the record of a subsisting marriage in the form of an affidavit and payment of the prescribed fee, the Registrar shall amend the sex on the record of the subsisting marriage if satisfied

(a) that proof of the consent of the other party to the subsisting marriage has been provided in accordance with the regulations, and

(b) that this Act has otherwise been complied with.

(3) The Registrar may require any person to return to the Registrar any previously issued marriage certificate or certified copy of the record of marriage in the person's possession.

**32 The heading to Part 5 is repealed and the following is substituted:**

## **Part 5 Death**

**33 Section 33 is amended**

(a) **in subsection (1) by striking out** "International Statistical Classification of Diseases, Injuries and Causes of Death" **and substituting** "International Statistical Classification of Diseases and Related Health Problems";

(b) **by repealing subsection (4) and substituting the following:**

(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)

(a) within 60 days after the interim medical certificate of death is issued, or

(b) if a neurological cause of death is involved, within 6 months after the interim certificate of death is issued.

**32** The heading to Part 5 presently reads:

*Part 5  
Deaths*

**33** Section 33 presently reads in part:

*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.*

*(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*

**(c) by repealing subsections (5) and (6) and substituting the following:**

**(5)** Notice must be given in accordance with the regulations if

- (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.

**(6)** A death registration document and a medical certificate of death or an interim medical certificate of death must be completed and delivered to the Registrar in accordance with the regulations within the time and in the manner set out in the regulations, accompanied with any prescribed evidence respecting the death.

**34 Section 37 is amended by renumbering it as section 37(1) and by adding the following after subsection (1):**

**(2)** Section 35 does not apply to the registration of a presumed death.



*(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.*

**34** Section 37 presently reads:

*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).*

**35 Section 38 is amended by striking out** “birth certificate or” **and substituting** “birth certificate or certified copies of the”.

**36 Section 42 is amended**

**(a) in subsection (2)**

**(i) in clause (a) by striking out** “eligibility requirements prescribed in the regulations” **and substituting** “prescribed eligibility requirements”;

**(ii) in clause (c) by striking out** “information prescribed in the regulations” **and substituting** “prescribed information”;

**(iii) in clause (d) by striking out** “that are substantially similar to a medical certificate of death” **and substituting** “that establish the cause of death to the satisfaction of the Registrar”;

**(b) in subsections (3) and (4) by striking out** “the *Bodies of Deceased Persons Regulation* (AR 14/2001)” **and substituting** “the *Bodies of Deceased Persons Regulation* (AR 135/2008)”;

**(c) by repealing subsection (5) and substituting the following:**

**(5)** Except as provided in subsection (2)(d), if the cause of death does not appear in the records of the Registrar, the Registrar shall not issue a disinterment permit.

**(d) in subsection (6) by striking out** “, or the Chief Medical Examiner under subsection (5),”.

**35** Section 38 presently reads:

*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.*

**36** Section 42 presently reads in part:

*(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 a medical officer of health for determination as to whether it is safe to disinter the body, and the Registrar shall not issue a disinterment permit unless a medical officer of health 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.*

**37 Section 43 is amended**

**(a) by adding the following after subsection (2):**

**(2.1)** The Registrar shall not issue a reinterment permit unless the Registrar has issued a disinterment permit under section 42.

**(b) in subsection (3)(b) by striking out “information prescribed in the regulations” and substituting “prescribed information”.**

**38 The following is added after section 45:**

**Electronic submissions and signatures**

**45.1(1)** A statement, application, form, document or other information required to be submitted to the Registrar in connection with a registrable event or an application under this Act may be submitted in the manner determined by the Registrar, which may include submission by electronic means.

**(2)** A signature required in connection with a registrable event or an application under this Act may be provided or verified in the manner determined by the Registrar, which may include its provision or verification by electronic means.

**Electronic registrations and database**

**45.2(1)** A registration requirement set out in this Act must be performed in the manner determined by the Registrar, which may include registration by electronic means.

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

**37** Section 43 presently reads:

*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.*

**38** Electronic submissions and signatures; electronic registrations and database.

(2) The Registrar may establish and maintain an electronic database including

- (a) the particulars of registrable events;
- (b) the particulars of amendments in respect of registrable events;
- (c) information respecting the annulment, sealing or confidentiality of registrations;
- (d) information respecting the issuance of certificates and certified extracts of registered events.

(3) The Registrar may rely on the information recorded in the electronic database for any purpose related to the administration of this Act.

**Electronic Transactions Act does not apply**

**45.3** The *Electronic Transactions Act* does not apply to a submission, signature or registration made or to any other electronic transaction performed in accordance with this Act.

**39 Section 46(1) is repealed and the following is substituted:**

**Search of registration records**

**46(1)** Any person authorized under this Act who

- (a) applies to the Registrar and provides the prescribed information,
- (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.

**40 The following is added after section 47:**

**Sealing order**

**47.1(1)** On receipt of an application that complies with the regulations, if any, the Court of Queen's Bench may, for the

**39** Section 46(1) presently reads:

*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.*

**40** Sealing order.

purpose of protecting the safety of a person, order that the Registrar shall not issue or disclose any certificate, certified copy, information or report pertaining to a matter registered under this Act.

(2) On receipt of an order referred to in subsection (1), or an equivalent order or a notice satisfactory to the Registrar issued elsewhere in Canada, the Registrar shall not issue or disclose any certificate, certified copy, information or report in respect of the person, except

- (a) in a form that is not individually identifiable, for statistical purposes,
- (b) pursuant to an order of the Court of Queen's Bench, to a person named in the order, or
- (c) to another jurisdiction of Canada in accordance with section 27(2).

**41 The following is added after section 48:**

**Commemorative certificates**

**48.1(1)** Any person authorized by the regulations who

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

may obtain a commemorative certificate in respect of the registration of the birth, stillbirth, 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 commemorative certificate referred to in subsection (1) must contain the information 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 commemorative certificate under subsection (1).



**41** Commemorative certificates.

**42 Section 49(1) and (2) are repealed and the following is substituted:**

**Certified copies**

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

(2) Any person authorized by the regulations who

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

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.

**43 Section 50 is amended**

(a) **by repealing subsection (1) and substituting the following:**

**Historical records**

**50(1)** Despite sections 14, 17 and 18, a record may be transferred to the Provincial Archives for management, including release on request, in accordance with the Provincial Archives Program, if

- (a) in the case of a birth record, including where an adoption or surrogacy has occurred, 120 years has elapsed since the date of the birth or 50 years has elapsed since the date of the death,
- (b) in the case of a stillbirth record, 75 years has elapsed since the date of the stillbirth,

**42** Section 49 presently reads in part:

*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.*

**43** Section 50 presently reads:

*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*

- (c) in the case of a marriage record, 75 years has elapsed since the date of the marriage, and
- (d) in the case of a death record, 50 years has elapsed since the date of the death

of the person to whom the request relates.

**(b) by repealing subsection (3).**

**44 The following is added after section 51:**

**Registrar's discretion to accept a copy**

**51.1** The Registrar may, in the Registrar's discretion, accept a copy, including a facsimile version, of a document if a person who is applying for a registration under this Act is unable to provide the original of the document.

**Registrar's discretion to waive consent**

**51.2** The Registrar may, in the Registrar's discretion,

- (a) waive a requirement under this Act for a child's consent if the Registrar is satisfied that the child is unable to give consent in accordance with the regulations, and
- (b) waive a requirement under this Act for a person's consent if the Registrar is satisfied that the person is a represented adult under Part 2, Division 3 of the *Adult Guardianship and Trusteeship Act* or under the equivalent legislation of another jurisdiction.

**Registrar's discretion to register a name**

**51.3(1)** Despite section 8, the Registrar may, in the Registrar's discretion, refuse to register a name proposed under Part 1 or Part 3 if

- (a) the proposed name does not include a first and last name,
- (b) in the Registrar's opinion the proposed name might

*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.*

**44** Registrar may refuse a name.

- (i) reasonably be expected to cause confusion,
- (ii) be a cause of embarrassment to any person,
- (iii) be used in a manner that could defraud or mislead the public, or
- (iv) be objectionable on any other grounds,

or

- (c) in the Registrar's opinion the application for change of name in question is made in respect of a person who has made frequent changes of registered name.

**(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.

**(3)** 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.

**45 The following is added after section 54:**

**Translation**

**54.1(1)** Where any document required for the purposes of this Act is in a language other than English, the person submitting the document must provide an English translation acceptable to the Registrar.

**(2)** The expense of providing an English translation of a document is to be borne by the person submitting the document.

**46 Section 56 is amended**

- (a) by repealing subsection (3) and substituting the following:**

**(3)** If, on receipt of written submissions or 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, including an

**45** Translation.

**46** Section 56(3) presently reads:

*(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*

application made as the result of duress or misrepresentation, and should not have been registered, the Registrar may

- (a) cancel or amend the registration,
- (b) demand the return of any certificate or copy issued on the basis of the registration,
- (c) provide notice of the cancellation or amendment to persons whose consent was required in respect of the registration, and
- (d) transmit a notice of the cancellation or amendment to an official responsible for the registration of vital statistics in another jurisdiction for the purpose of updating the records of that jurisdiction.

**(3.1)** If, on receipt of written submissions or other evidence satisfactory to the Registrar, the Registrar is satisfied 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 demand the return of the certificate or copy.

**(b) by adding the following after subsection (5):**

**(6)** When an official responsible for the registration of vital statistics in another province or territory of Canada has cancelled or annulled a registration on the basis that the registration was based on a fraudulent or improperly made application or that a certificate or copy issued in respect of the registration is being used for fraudulent or improper purposes, the Registrar, on receipt of proof of the cancellation or annulment, may amend the corresponding Alberta registration accordingly.

**47 Section 58 is repealed.**



*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.*

**47** Section 58 presently reads:

*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*

**48 Section 60 is repealed and the following is substituted:**

**Amendment after registration**

**60(1)** 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, if satisfied that an error exists, may amend the registration document.

**(2)** For the purposes of this section, the Registrar may require production of proof of identity, an affidavit or any prescribed evidence or other evidence that is satisfactory to the Registrar and payment of the prescribed fee.

**(3)** If the Registrar determines that an error exists in the registration record and amends the registration record,

- (a) every record, registration certificate, certified copy, information or report in respect of the person referred to in the registration document must be issued in accordance with the registration record as amended, and
- (b) the Registrar may require the return of original registration certificates or certified copies of a registration record that are in that person's possession or control.

**49 The following is added after section 60:**

**Return of documents**

**60.1** If a person who has in that person's possession or control a certificate or copy of a registration record and is required to return it under this Act fails to do so, the Registrar may apply 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 of a registration record.

*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.*

**48** Section 60 presently reads:

*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.*

**49** Return of documents.

**50 Section 61(4) is repealed.**

**51 The following is added after section 61:**

**Registrar's application for direction**

**61.1** 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.

**52 Section 62(3) is amended by adding the following after clause (k):**

- (l) release of a copy of a court order under section 14, 16, 16.1 or 47.1.

**50** Moved to section 61.1. Section 61 presently reads in part:

*(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.*

**51** Registrar's application for direction.

**52** Section 62(3) presently reads:

*(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.*

**53 Section 63(2) is repealed and the following is substituted:**

- (2) Notwithstanding subsection (1), the Registrar may
- (a) as the Registrar considers to be appropriate in all the circumstances, communicate or allow to be communicated in accordance with the regulations information obtained under this Act in relation to an incomplete registration, and
  - (b) compile, furnish or publish statistical data that does not disclose information in individually identifiable form with respect to a particular person.

**54 Section 67(4) is repealed and the following is substituted:**

- (4) If the Registrar is not satisfied as to the truth or sufficiency of any information provided pursuant to this Act,
- (a) the Registrar may, for the purpose of obtaining the additional evidence or information the Registrar considers necessary,
    - (i) request further information from any person,
    - (ii) require the attendance of the person who provided the information or of any other person having knowledge of the facts,
    - (iii) examine the person respecting any matter pertaining to the information, and
    - (iv) require further affidavit evidence from any person,and
  - (b) the applicant may apply to the Court of Queen's Bench for an order in respect of the application and the truth or sufficiency of any information provided in support.

**53** Section 63(2) presently reads

*(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.*

**54** Section 67(4) presently reads:

*(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.*

**55 Section 69(2) is amended by adding** “or an application to amend the sex on a child’s birth record” **after** “application to amend or change the name of a child”.

**56 Section 74 is amended by adding the following after subsection (1):**

(1.1) A person who contravenes any provision of the regulations is guilty of an offence.

**57 Section 76(1) is amended**

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

(a.1) respecting agreements that the Registrar may enter into to give access to or information from a register or to provide copies of or information from a record maintained for the purposes of this Act;

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

(b.1) respecting information that may or must be provided and any other matter relating to an application for amendment of the sex on a birth record and the requirements for completing documents for registration;

(b.2) identifying medical professionals for the purposes of section 30.2(2)(a);

(b.3) respecting information that may or must be provided and any other matter relating to a request for amendment of the sex on the record of a subsisting marriage and the requirements for completing documents for registration;

**(c) by adding the following after clause (c):**

(c.1) respecting information that may or must be provided and any other matter relating to the subsequent amendment of a registration of birth, death, stillbirth, adoption, marriage or a change of name under this Act;



**55** Section 69(2) presently reads:

*(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.*

**56** Section 74(1) presently reads:

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

**57** Additional Lieutenant Governor in Council regulation-making powers.

- (c.2) respecting or varying, for the purpose of establishing electronic registration systems and transactions, the information that may or must be contained in
  - (i) a statement, application, form, document or other information that may be submitted to or received by the Registrar by electronic means,
  - (ii) a registration under this Act that may be performed by electronic means, and
  - (iii) certificates, commemorative certificates and certified copies under this Act issued by electronic means;

**(d) by repealing clause (d) and substituting the following:**

- (d) respecting the vital event records for which non-binary identifiers may be used for the purposes of section 29.1;
- (e) respecting the manner in which non-binary identifiers may be used on vital event records for the purposes of section 29.1;

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

- (f) respecting the notices referred to in section 33(5);
- (g) identifying the persons who may complete a medical certificate of death or an interim medical certificate of death for the purposes of section 33(6);
- (h) respecting the evidence referred to in section 33(6).

**58 Section 77 is amended**

- (a) in clause (i) by striking out** “for the purposes of section 24(2)(g)” **and substituting** “for the purposes of this Act”;
- (b) in clause (j) by adding** “or commemorative certificates issued under section 48.1” **after** “certificates issued under section 48”;
- (c) by adding the following after clause (l):**

**58** Section 77(i) and (j) presently read:

*77 The Minister may make regulations*

- (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;*

- (l.1) respecting the information that must be provided in a court order, judgment or decree referred to in section 14(2)(b), 16(1) or (2), 16.1(1) or (2), 21.1(1) or 47.1;

**(d) by adding the following after clause (m):**

- (m.1) defining any word or expression used but not defined in this Act or, within the meaning of this Act, further defining or setting out criteria respecting a word or expression that is defined in this Act;
- (m.2) respecting the submission and receipt by electronic means of any statement, application, form, document or other information required to be submitted to the Registrar;
- (m.3) respecting the electronic means to be used when a signature is required under this Act, including the verification of identity by alternative electronic means;
- (m.4) respecting the completion of a registration under this Act by electronic means;
- (m.5) respecting the issuance of certificates and certified copies under this Act by electronic means and their evidentiary status and treatment;
- (m.6) respecting the conduct of reviews and audits of persons authorized to provide services and of functions carried out by those persons relating to the administration of this Act;
- (m.7) respecting the restriction or suspension of database access or the right to make electronic applications and submissions;

**Amends SA 2003 cF-4.5**

**59(1) The *Family Law Act* is amended by this section.**

**(2) Section 9(8)(a) is amended by striking out “less than 12 years of age” and substituting “less than 18 years of age”.**

**59** Amends chapter F-4.5 of the Statutes of Alberta, 2003.  
Section 9(8)(a) presently reads:

*(8) When making a declaration of parentage, the court may, in order to facilitate registration under the Vital Statistics Act, order one or more of the following:*

**Part 2**  
**Marriage Act**

**Amends RSA 2000 cM-5**

**60** The *Marriage Act* is amended by this Part.

**61** Section 17(2) is repealed.

**62** Section 27 is repealed and the following is substituted:

**Capacity issues**

**27(1)** Except as provided in subsection (2), no person shall issue a marriage licence when the person knows or has reason to believe that there is in effect with respect to a party to the intended marriage

- (a) a guardianship order or trusteeship order under the *Adult Guardianship and Trusteeship Act* or equivalent legislation of another jurisdiction,
- (b) a certificate of incapacity under the *Adult Guardianship and Trusteeship Act* or equivalent legislation of another jurisdiction, or
- (c) a committee under *The Mentally Incapacitated Persons Act*, RSA 1970 c232, or equivalent legislation of another jurisdiction.

**(2)** If subsection (1) applies, an issuer may issue a marriage licence if

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

## **Part 2 Marriage Act**

**60** Amends chapter M-5 of the Revised Statutes of Alberta 2000.

**61** Section 17(2) presently reads:

*(2) This section does not apply with respect to a female who is shown by the certificate of a physician to be either pregnant or the mother of a living child.*

**62** Section 27 presently reads in part:

*27(1) No person shall issue a marriage licence or solemnize a marriage when the person knows or has reason to believe that there is in effect with respect to a party to the intended marriage*

- (a) a committee under The Mentally Incapacitated Persons Act, RSA 1970 c232,*
- (b) a guardianship order or trusteeship order under the Adult Guardianship and Trusteeship Act, or*
- (c) a certificate of incapacity under the Adult Guardianship and Trusteeship Act,*

*unless there is delivered to the person a certificate under subsection (2) and, when there is a trustee or guardian of a party to the intended marriage, proof that the trustee or guardian has been given 14 days' notice of the issuance of the licence or the solemnization of the marriage, as the case may be.*

*(2) A physician may certify in writing that in the physician's opinion a party described in subsection (1)(a) or (b) has the capacity to understand the nature of the contract of marriage and the duties and responsibilities relating to it.*

- (a) an applicant, trustee or guardian provides proof to the issuer that the trustee or guardian has been given 30 days' notice prior to the issuance of the licence, and
- (b) no trustee or guardian has served, on the issuer and on the Registrar, an originating notice concerning the issuance of the marriage licence.

(3) No person shall issue a marriage licence, or solemnize a marriage, if the person knows or has reason to believe that either of the parties to the intended marriage is, at the time of the application for the licence or at the time of the solemnization, as the case may be, under the influence of alcohol or a drug.

(4) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$1000 and in default of payment to imprisonment for a term not exceeding 30 days.

**63 This Act, except the following provisions, comes into force on Proclamation:**

section 1;  
section 2(c) and (g);  
section 3;  
section 5(b), (c) and (e);  
section 6(b), (c) and (d);  
section 9;  
section 11(b) and (c);  
section 22;  
section 23(b);  
section 24(f);  
section 25(b) and (c);  
section 26(b);  
section 29;  
section 30;  
section 32;  
section 33(a) and (b);  
section 34;  
section 36(a) and (b);  
section 42;



*(3) No person shall*

*(a) issue a marriage licence, or*

*(b) solemnize a marriage,*

*when the person knows or has reason to believe that either of the parties to the intended marriage or to the marriage is, at the time of the application for the licence or at the time of the solemnization, as the case may be, under the influence of alcohol or a drug.*

*(4) A person who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than \$1000 and in default of payment to imprisonment for a term not exceeding 30 days.*

**63** Coming into force.

section 43;  
section 44 to the extent that it enacts section 51.1;  
section 46;  
section 47;  
section 49;  
section 50;  
section 51;  
sections 54 to 59.



**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>