

Vital Statistics Act

Vital Statistics Act Regulation

[includes amendments up to B.C. Reg. 75/99]

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Interpretation

1 (1) In this regulation:

"**Act**" means the *Vital Statistics Act*;

"**date of birth**" means the day, month and year of birth;

"**place of birth**" means the municipality or other designated area within which the birth took place.

(2) A reference in this regulation to "parent", "guardian", "mother", "father", "sister" or "brother" is a reference to the parent, guardian, mother, father, sister or brother of the person

(a) whose birth is sought to be registered under section 4 or 6 of the Act, or

(b) whose death is sought to be registered under section 17 of the Act.

Part 1 — Evidence

Delayed registration of birth

2 (1) Subject to section 4 of the Act, where application is made for a delayed registration of a birth under that section, the statement required shall be supported and signed

(a) by a parent or guardian,

(b) if the parents and guardians, if any, are incapable, by an older sister or brother,

(c) if the persons referred to in paragraph (b) are all incapable, by a person other than a minor who has personal knowledge of the facts set out in the statement, or

(d) if the persons referred to in paragraph (b) are all incapable and no person qualifies under paragraph (c), by the person whose birth is sought to be registered.

(2) Subject to section 4 of the Act, every application made under that section shall be accompanied by

(a) at least one document made within 4 years of the date of birth sought to be registered and in which appears a record of

(i) the date and place of the birth sought to be registered, and

(ii) the given name and maiden name of the mother where the person whose birth is sought to be registered is illegitimate, or the given names and surnames of both parents in any other case, or

- (b) whatever number of documents made
 - (i) independently of one another, and
 - (ii) within 30 years of the date of birth sought to be registered
- that, collectively, reasonably establish the particulars of the birth.

Repealed

3 Repealed. [B.C. Reg. 11/91, s. 1.]

Delayed registration of marriage

4 (1) Subject to section 16 of the Act, where application is made for a delayed registration of a marriage under that section, the statement required shall be supported and signed wherever possible

- (a) by each of the parties to the marriage,
- (b) by at least 2 witnesses to the marriage, and
- (c) by the person who solemnized the marriage.

(2) The statement required by section 16 of the Act shall, subject to that section, be supported wherever possible

- (a) by the statutory declaration of the person who solemnized the marriage, setting out the facts relating to the delay in registration, or
- (b) if the person who solemnized the marriage is incapable or his statutory declaration inadequate,
 - (i) by the church register of the marriage, and
 - (ii) by the statutory declaration of the applicant or any other person who has personal knowledge of the facts relating to the delay in registration.

Delayed registration of death

5 (1) Subject to section 21 of the Act, where application is made for a delayed registration of a death under that section, the statement required shall be supported and signed wherever possible

(a) by a parent or guardian,

(b) if the parents and guardians, if any, are incapable, by a sister or brother, or

(c) if the persons referred to in paragraph (b) are all incapable, by a person other than a minor who has personal knowledge of the facts relating to the delay in registration.

(2) The statement required by section 21 of the Act shall, subject to that section,

(a) incorporate a medical certificate of death completed by the person who was required by law to complete it at the time of the death or at the time that the body was discovered, and

(b) be accompanied by a separate declaration of the person required under paragraph (a) to complete the medical certificate of death or of any other person who has personal knowledge of the facts relating to the delay in registration.

Part 2 — Duties of District Registrars, Hospitals and Schools

Duties of district and deputy district registrars

6 (1) The duties of a district registrar and a deputy district registrar shall include

(a) examination of each statement of birth, stillbirth, marriage or death and each notice, affidavit or statutory declaration received by him to ensure that they are correctly completed,

(b) keeping all statements, records, notices, registrations and documents received by him in a place of safety,

(c) making weekly returns to the director of all registrations made by him,

(d) forwarding to the director, together with the relevant registrations, all statutory declarations made under section 3 of the Act,

(e) keeping an index of all registrations that are accepted by him and transmitted to the director,

(f) obtaining, wherever possible, the necessary information concerning the registrations required to be made in his district,

(g) where there is reason to believe that within his district a birth, death, stillbirth or marriage has taken place which has not been registered, informing the person whose responsibility it is under the Act to apply for registration of that responsibility, and

(h) promptly notifying the director of any birth, death, stillbirth or marriage that remains unregistered after he has discharged his duty under paragraph (g).

(2) A commission fee of \$2 per notice of birth, registration of birth, stillbirth, marriage or death, or an application for any vital statistics service that is submitted to and accepted by the director, may be paid to a person appointed under section 33 (1) of the Act who is not a member of the public service.

[am. B.C. Regs. 11/91, s. 2; 102/98, s. 1.]

Duty of hospital authorities in respect of births

7 (1) The person in charge of the management of a hospital shall, when requested by the director, prepare and forward a monthly return, in a form approved by the director, of each birth in the hospital during that month.

(2) For the purposes of this section, "**hospital**" means a hospital within the meaning of the *Hospital Act* and includes a private hospital within the meaning of Part 2 of that Act.

Duty of teachers to make returns of new pupils

8 The person in charge of the management of a school shall, when requested by the director, prepare and forward a return, in a form approved by the director, respecting children in the school who are attending for the first time, stating the name, date of birth and place of birth of each of them as appearing on the school record.

Part 3 — Access and Information

To whom given

9 Subject to the discretion conferred on the director and district registrars under sections 28, 36 to 40 and 46 of the Act, the persons designated in Schedule A and their lawful and accredited representatives may have access to or may be given copies of or information from the records in the office of the director, or of a district registrar, when the access to, copies of or information from the records is required in the discharge of their official duties.

Repealed

10 Repealed. [B.C. Reg. 555/95, s. 1.]

Part 4 — Miscellaneous

Repealed

11 Repealed. [B.C. Reg. 484/82.]

Authority to sign notations on registrations

12 Notations may be signed by

(a) the director or an acting director,

(b) a district registrar or a deputy district registrar, and

(c) an inspector, the office supervisor, certification clerk, documentary revision clerk or the registration clerk, all of whom are on the director's staff.

Fees

13 (1) Subject to section 10, the fees for searches, certificates and anything done or permitted to be done under the Act are those set out in Schedule B.

(2) The fee for the alteration or addition of a given name or for the correction of an error includes the fee for any search that may be involved.

[am. B.C. Reg. 11/91, s. 3.]

Waiver of fees

14 Any fee may be waived by the director in favour of any person if such action is necessary to obtain compliance with the Act or to avoid undue hardship.

Repealed

15 Repealed. [B.C. Reg. 51/88.]

Schedule A

[am. B.C. Regs. 38/83; 555/95, s. 2; 371/96.]

Persons Designated under Section 54 (2) (b) of the Act

1 The person who is charged by law with the responsibility for maintaining the office of vital statistics in or established by

- (a) the government of Canada or of any Province of Canada,
- (b) the government of the United States of America or of any state of the United States of America, or
- (c) the government of any member of the Commonwealth of Nations,

by whatever name that office may be known, and who is carrying out essentially the same or similar duties and functions as the director.

2 The person who is

- (a) the commissioner of the provincial police force appointed under section 6 of the *Police Act*,
- (b) the commissioner of a provincial force under section 14 (2) of the *Police Act*,
- (c) the chief constable of a municipal force established under section 26 of the *Police Act*,
- (d) the commissioner of the Royal Canadian Mounted Police,
- (e) the chief constable or commissioner of any provincial or municipal police force established under the laws of any province of Canada.

3 The chief executive of a medical institute or medical research agency where the information is required for scientific purposes only.

4 For the purpose of obtaining a copy of statements filed in accordance with section 3 of the Act, the person who is designated as director under the *Child, Family and Community Service Act* and the person who is designated as director under the *Adoption Act*.

5 The Children's Commissioner, if the information is required for the purposes of acting as a commissioner under Part 1 of the *Inquiry Act* as provided for by order in council 1073/96.

Schedule B

[en. B.C. Reg. 137/95; am. B.C. Regs. 555/95, s. 3; 102/98, s. 2; 75/99.]

Fees

- 1 For the medical examination under section 8 (2) (b) of the Act.....\$27
- 2 For the alteration or addition of a given name under section 10 (1) of the Act\$27
- 3 For correcting an error or omission under section 29 of the Act.....\$27
- 4 For a search for an event specified under section 35 (1) of the Act for each 3 year period or part thereof\$27
- 5 For a certificate of a registration or record under section 36 (1), 38 (1) or 39 (1) of the Act, including the search fee covering one 3 year period,
 - (a) when provided at convenience, per certificate or copy thereof\$27
 - (b) when same day service is requested and provided, one certificate\$60
 - (c) when a certificate of marriage registration is issued under section 37 (1) of the Act at the time of the registration of marriage by the director, if the marriage licence required under section 15 of the *Marriage Act* is issued on or after April 1, 1998\$0
- 6 For a certified copy, photostatic copy or photographic print of a registration under section 36 (4), 37 (1) or (2) or 38 (3) of the Act, including the fee for a search covering one 3 year period,
 - (a) when provided at convenience, per copy thereof\$50
 - (b) when same day service is requested and provided, one copy\$60
- 7 For an additional copy
 - (a) provided under section 5 (b) of this Schedule\$27
 - (b) provided under section 6 (b) of this Schedule\$50
- 8 For a certified copy, photostatic copy or photographic print of a registration under section 36 (4), 37 (1) or (2), 38 (3) or 39 (1) of the Act, where the copy is provided for genealogical research approved in accordance with an order made under section 39 (4) of the Act, \$50 per copy.
- 9 For each electronic extract or verification of a record of registration under section 36 (4), 37 (2), 38 (3) or 39 (1) of the Act if the extract is provided in either electronic or printed form,

(a) if a standard format data extract is requested by a person acting on behalf of a ministry or agency of the Government of British Columbia

- (i) per monthly extract\$100
- (ii) per quarterly extract\$200
- (iii) per annual extract\$300

(b) if a standard format data extract is requested by a person not acting on behalf of a ministry or agency of the Government of British Columbia

- (i) per monthly extract\$200
- (ii) per quarterly extract\$300
- (iii) per annual extract\$500

(c) if a specially developed data extract is requested by a person acting on behalf of a ministry or agency of the Government of British Columbia

- (i) minimum\$200
- (ii) per record over 800 records\$0.25

(d) if a specially developed data extract is requested by a person not acting on behalf of a ministry or agency of the Government of British Columbia

- (i) minimum\$300
- (ii) per record over 300 records\$1.10

(e) if it is an electronic probabilistic record linking

- (i) setup charge for single process\$1 000
- (ii) setup charge for multiple process\$2 000
- (iii) per matched record\$1.10

[Provisions of the *Vital Statistics Act*, R.S.B.C. 1996, c. 479 relevant to the enactment of this regulation: sections 8 (3), 54]