

VITAL STATISTICS ACT

[RSBC 1996] CHAPTER 479

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Definitions

1 In this Act:

"birth" means the complete expulsion or extraction from its mother, irrespective of the duration of the pregnancy, of a product of conception in which, after the expulsion or extraction, there is

- (a) breathing,
- (b) beating of the heart,
- (c) pulsation of the umbilical cord, or
- (d) unmistakable movement of voluntary muscle,

whether or not the umbilical cord has been cut or the placenta attached;

"burial permit" means a permit to bury or otherwise dispose of a dead human body;

"cemetery" means land that is set apart or used as a place of burial or other disposition of dead bodies but does not include a crematorium;

"certificate" means a certified extract of the prescribed particulars of a registration filed in the office of the chief executive officer;

"chief executive officer" means the chief executive officer of vital statistics referred to in section 31 (2);

"cremation" means incineration of a dead body in a crematorium as provided by the *Cremation, Interment and Funeral Services Act*;

"crematorium" means a building fitted with appliances for the purpose of burning human remains, and includes everything incidental or ancillary to it;

"funeral director" means a person who has possession of a dead human body for the purpose of burial or other disposition;

"given name" includes a Christian name and a baptismal name;

"incapable" means unable because of death, illness, absence from British Columbia or otherwise;

"inspector" means an Inspector of Vital Statistics;

"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;

"midwife" means a person who is registered as a member of the College of

Midwives of British Columbia;

"occupier" includes

- (a) the person having the management or charge of any public or private institution where persons are cared for or confined, and
- (b) the proprietor, manager, keeper or other person in charge of an hotel, inn, apartment, lodging house or other dwelling or accommodation;

"registration" means a registration under this Act of the particulars of a birth, stillbirth, adoption, marriage or death;

"state" means any state or territory of the United States of America and includes the District of Columbia;

"stillbirth" means the complete expulsion or extraction from its mother after at least 20 weeks' pregnancy, or after attaining a weight of at least 500 g, of a product of conception in which, after the expulsion or extraction, there is no breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle;

"vital statistics registrar" means a vital statistics registrar appointed under section 33.

Duty to give notices of births

- 2** (1) Each medical practitioner or midwife who attends at a birth must give notice of the birth.
- (2) If no medical practitioner or midwife attends at a birth, the nurse or other person who attends must give notice of the birth.
- (3) If a birth takes place at a hospital as defined in section 1 or 5 of the *Hospital Act* and the persons having control or management of the hospital are satisfied that notice of the birth will not be given in a timely manner as required under subsections (1) and (2), notice of the birth must be given by or on behalf of the persons having control or management of the hospital.
- (4) If notice of a birth is given under subsection (3), subsections (1) and (2) do not apply to the birth.
- (5) A notice under this section, in the form required by the chief executive officer, must be delivered to the chief executive officer within 48 hours after the date of the birth.

Reporting of birth

- 3** (1) Within 30 days after the birth of a child in British Columbia,
- (a) the mother and the father of the child,

- (b) the child's mother, if the father is incapable or is unacknowledged by or unknown to the mother,
- (c) the child's father, if the mother is incapable, or
- (d) if neither parent is capable or if the mother is incapable and the father is unacknowledged by or unknown to her, the person standing in the place of the parents of the child

must complete and deliver to the chief executive officer a statement in the form required by the chief executive officer respecting the birth.

(2) If no person referred to in subsection (1) delivers a statement to the chief executive officer, the chief executive officer may prepare the statement with the information provided in the notice of birth received under section 2.

(3) If the statement is made by a person under subsection (1) (c) or (d), the person making the statement must make and submit with the statement an affidavit setting out the facts that require the statement to be made by the declarant.

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

(5) A statement must contain particulars of the mother and, if the father makes the statement, particulars of the father.

(6) If a statement completed by only one parent of the child or by a person who is not the child's parent is registered, the chief executive officer must alter the registration of birth on application of any of the following persons:

- (a) the child's mother and father together;
- (b) the child's mother, if the father is incapable or is unacknowledged by or unknown to the mother;
- (c) the child's father, if the mother is incapable;
- (d) the child's mother or father, if the application is accompanied by a copy of an order of the court declaring the child's paternity, unless the court orders that the father's particulars are not to be included on the child's registration of birth.

(6.1) Subsection (6) (d) does not apply to an order of the court declaring the child's paternity made before October 1, 2002, but

- (a) the mother or father may apply to the court in the proceeding in which the paternity order was made for an order that the father's particulars are to be included on the child's registration of birth, and
- (b) the chief executive officer must alter the registration of birth on

application of the mother or father if the application is accompanied by a copy of an order under paragraph (a).

(7) If one parent applies to alter the registration of birth without the other because the other parent is incapable, the applicant must make and submit with the application an affidavit specifying the nature of the incapacity.

Name of child

4 (1) The surname of a child must be registered as follows:

(a) if only one parent completes the statement under section 3, the surname must be the one chosen by that parent;

(b) if both parents complete the statement under section 3, the surname must be a surname chosen by both of them;

(c) if both parents complete the statement under section 3, but do not agree on the child's surname, the surname must be

(i) the parents' surname, if they have the same surname, or

(ii) a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they have different surnames;

(d) if a person who is not the child's parent completes the statement under section 3, the surname must be

(i) the parents' surname, if they have the same surname,

(ii) a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they have different surnames, or

(iii) if only one parent is known, that parent's surname;

(e) in accordance with an order of the court under section 4.1 (1).

(2) Despite subsection (1), a surname must not contain more than 2 surnames hyphenated or combined, and if the mother or father or both have a hyphenated or combined surname, only one of the names in that surname or those surnames must be used.

(3) For the purpose of subsection (1) (c) (ii) and (d) (ii) and if subsection (2) applies, the one name to be used under subsection (2) is the name that alphabetically precedes the other.

Court order respecting child's name

4.1 (1) The court may, in an order declaring a child's parentage, make an order

(a) that the registration of a child's name be changed, or

(b) if the child's name has not yet been registered, requiring the

child's name to be registered as specified in the order.

(2) If an order under subsection (1) is in respect of a child's surname, the court must order the child's surname to be

(a) the surname of either parent, or

(b) a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, in which case, section 4 (2) and (3) applies.

(3) Before making an order under subsection (1), the court must

(a) consider the best interests of the child, including the matters set out in section 9 (1) (a), (b) and (c),

(b) if the child is at least 7 years of age but less than 12, consider the views of the child, and

(c) if the child is 12 years of age or older, have the child's written consent to change the child's name.

(4) If an order is made under subsection (1),

(a) the chief executive officer must record the child's name on the registration of birth, consistent with the order of the court, and

(b) a birth certificate issued after recording the name under paragraph (a) must be issued as if the original registration had contained that name.

Additional evidence required

5 If the chief executive officer is not satisfied as to the truth and sufficiency of the statement required under section 3 (1), he or she may, in order to obtain additional evidence as may be necessary,

(a) require the attendance of the person who signed the statement or of any other person, and

(b) examine that person respecting any matter pertaining to the registration of the birth.

Birth registration within one year

6 If, within one year after a birth, the chief executive officer receives a statement in the form required by the chief executive officer respecting the birth, the chief executive officer must register the birth if satisfied as to the truth and sufficiency of the statement.

Birth registration after one year

7 If a birth is not registered within one year after the birth and application for

the registration is

- (a) made by any person to the chief executive officer in the form required by the chief executive officer,
- (b) verified by affidavit, and
- (c) accompanied by a statement in the form required by the chief executive officer respecting the birth and other evidence as may be prescribed,

the chief executive officer must register the birth if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith.

Foundlings

8 (1) If a newborn child is found deserted, the person who finds the child, and any person in whose charge the child may be, must provide to the chief executive officer, within 7 days after the finding or taking charge of the child, the information that the person has regarding the particulars required to be registered concerning the birth of the child.

(2) The chief executive officer, on receipt of the information regarding the birth of the child, and on being satisfied that every reasonable effort has been made to identify the child without success must do the following:

(a) require the person who found or has charge of the child to complete an affidavit concerning the facts of the finding of the child and to complete, so far as the person is able, a statement in the form required under section 3 (1);

(b) cause the child to be examined by the local medical health officer or other medical practitioner with a view to determining as nearly as possible the date of the birth of the child, and require the examiner to make an affidavit setting out the facts as determined by the examination;

(c) [Repealed 2002-74-6.]

(3) The fee for an examination made by a medical practitioner under subsection (2) may be prescribed by the Lieutenant Governor in Council.

(4) The chief executive officer, on receipt of the affidavits and statement mentioned in subsection (2), must

(a) review the case, and

(b) if satisfied as to the correctness and sufficiency of the matters stated, register the birth.

(5) A registration under subsection (4) must, subject to subsections (7)

and (8), establish for the child a date of birth, a place of birth and a surname and given name.

(6) The chief executive officer, on registering a birth under this section, must transmit to the director designated under the *Child, Family and Community Service Act* for the purposes of this section a copy of all documents filed under this section respecting the child.

(7) If, subsequent to the registration of a birth under this section, the identity of the child is established to the satisfaction of the chief executive officer or further information with respect to it is received by the chief executive officer, the chief executive officer must

(a) add to or correct the registration of the birth made under this section, or

(b) cancel the registration of birth made under this section and cause a new registration in accordance with the actual facts of the birth to be made and filed in substitution for the registration first made under this section.

(8) If a new registration of the birth of a child is made under subsection (7),

(a) the date of registration must be as shown on the registration first made, and

(b) a certificate in respect of the first registration must not be issued after that.

(9) The chief executive officer must promptly notify the director designated under the *Child, Family and Community Service Act* for the purposes of this section of any action taken under subsection (7).

(10) [Repealed 2004-55-5.]

Registration of names

9 (1) Despite sections 4, 6 and 7, if the chief executive officer considers that a name that a person applying for registration of a birth or an amendment to a registration of birth seeks to give to a child

(a) might reasonably be expected to cause

(i) mistake or confusion, or

(ii) embarrassment to the child or another person,

(b) is sought for an improper purpose, or

(c) is, on any other ground, objectionable,

the chief executive officer must

(d) register the birth without the name applied for or refuse to amend the existing name on a birth registration, as the case may be,

and

(e) notify the applicant promptly of the decision.

(2) If, under subsection (1), the chief executive officer registers the birth without the name applied for or refuses to amend the existing name on a birth registration, the applicant may, within 30 days after receipt of notification of the refusal, appeal the refusal to the minister.

(3) The minister may, in the best interests of the child, the applicant and the public, order the chief executive officer to alter the birth registration to include the name that the applicant applied for or may confirm the chief executive officer's decision.

(4) The minister must promptly notify the applicant of the decision.

(5) If an appeal is made to the minister under subsection (2) and the minister confirms the chief executive officer's decision, the applicant may, within 30 days after receipt of notification of the minister's decision, appeal to the Supreme Court.

(6) On an appeal to the Supreme Court under this section, the court may consider the evidence that in the opinion of the court is relevant and may make an order it considers just.

Alteration or addition of given names by chief executive officer

10 (1) Subject to section 9 and except in a case to which section 4.1 or 26 applies, this section applies if the birth of a child has been registered, and

(a) the given name of the child is desired to be changed, or

(b) the birth of the child was registered without a given name.

(2) Both parents, the surviving parent, the guardian of the child or the child after the child has attained the age of 19 years may deliver or cause to be delivered to the chief executive officer

(a) an affidavit in the form required by the chief executive officer setting out the particulars of the change or of the name given, and

(b) either

(i) a baptismal certificate showing the given name under which the child was baptized, or

(ii) if a baptismal certificate is not obtainable, other documentary evidence satisfactory to the chief executive officer.

(3) On being satisfied that the application under subsection (2) is made in good faith and on payment of the prescribed fee, the chief executive officer must record the alteration or addition.

(4) An alteration or addition must not be made under this section unless the name of the child was changed or the name was given to the child within 12 years next after the day of the birth.

(5) An alteration or addition must not be made to a given name in a registration of a birth, except as provided in this Act.

(6) A birth certificate issued after the making of an alteration or addition under this section must be prepared as if the registration had been made containing the changed or added given name at the time of registration.

(7) If a person whose signature is required under this section cannot be located after adequate search, the applicant and the chief executive officer may proceed without the certificate of that person.

(8) The chief executive officer is to be the judge of the sufficiency of the evidence that the person cannot be located.

Stillbirths

11 (1) A stillbirth in British Columbia must be registered as provided in this Act.

(2) Within 48 hours after a stillbirth in British Columbia, a statement in the form required by the chief executive officer respecting the stillbirth must be completed and delivered to a funeral director or the chief executive officer by

(a) the mother or father, or

(b) an adult person, including the funeral director, having knowledge of the facts relevant to the stillbirth.

(3) Every medical practitioner in attendance at a stillbirth, or, if there is no medical practitioner in attendance, a medical practitioner or a coroner, must complete the medical certificate included in the form required by the chief executive officer showing the cause of the stillbirth and must deliver it to the funeral director.

(4) On receipt of the statement, the funeral director must

(a) complete the statement, setting out the proposed date and place of burial or other disposition of the body, and

(b) deliver or cause to be delivered the statement to a vital statistics registrar.

(5) On receipt of the statement, the vital statistics registrar must register the stillbirth if satisfied as to the truth and sufficiency of the statement.

(6) On the registration of a stillbirth, a vital statistics registrar must promptly prepare a burial permit and deliver it to the person requiring it for the purpose of the burial or other disposition of the body of the stillborn child.

(7) Subject to this section, sections 2, 6, 7 and 17 to 24 apply to stillbirths.

Registration of adoption

- 12** (1) On receipt of a copy of an order of adoption transmitted under the *Adoption Act*, the chief executive officer must register the adoption.
- (2) If, at the time of the registration of the adoption, or at any time afterward, there is in the office of the chief executive officer a registration of the birth of the person adopted, the chief executive officer, on production of evidence satisfactory to the chief executive officer of the identity of the person, must delete the original birth registration from the registration files and substitute a birth registration in accordance with the facts contained in the order of adoption.
- (3) If a person is adopted under an order, judgment or decree of adoption made by a court of competent jurisdiction in another province, state or country, the chief executive officer,
- (a) on receipt of a certified copy of the order, judgment or decree, and
 - (b) on production of evidence satisfactory to the chief executive officer of the identity of the person,
- must, if there is in the chief executive officer's office a registration of the birth of that person, register the adoption in the manner referred to in subsection (1) and substitute the birth registration in the manner referred to in subsection (2).
- (4) If a person born outside British Columbia is adopted under the *Adoption Act*, the chief executive officer may transmit a certified copy of the order of adoption to the person who has charge of the registration of births in the province, state or country in which the person was born.

Special register of adoptions

- 13** The chief executive officer must maintain a special register in which the chief executive officer must keep
- (a) the original birth registrations withdrawn from the registration files under section 12, and
 - (b) the copies of all orders, judgments and decrees received by the chief executive officer for the purposes of section 12, other than the copy required for the purposes of section 12 (4).

Birth certificate after adoption

- 14** (1) If a child born in British Columbia is adopted under the laws of British Columbia or of another jurisdiction and a registration of adoption has been made under section 12, a certificate of birth of that child subsequently issued

by the chief executive officer

- (a) must be in accordance with the new birth registration, and
- (b) in any case where parentage is shown, must indicate the adopting parents in accordance with the *Adoption Act*,

and nothing must appear on any certificate issued by the chief executive officer that would disclose that the child is an adopted child.

(2) Subsection (1) is subject to sections 63 and 64 of the *Adoption Act*.

Registration of marriages

15 (1) A marriage solemnized in British Columbia must be registered as provided in this Act.

(2) A person authorized by law to solemnize marriage in British Columbia must, immediately after the person solemnizes a marriage, prepare a statement in the form required by the chief executive officer respecting the marriage, which statement must be signed by all of the following:

- (a) each of the parties to the marriage;
- (b) at least 2 witnesses to the marriage;
- (c) the person by whom the marriage was solemnized.

(3) The person who solemnized the marriage must provide the chief executive officer with the statement completed under subsection (2) within 2 days after the date of the marriage.

(4) On the receipt within one year from the day of a marriage of a completed statement respecting the marriage, the chief executive officer must register the marriage if satisfied as to the truth and sufficiency of the statement.

Late registration of marriage

16 If a marriage is not registered within one year from the day of the marriage and application for registration of it is made by any person to the chief executive officer by affidavit accompanied by

- (a) a statement in the form required by the chief executive officer respecting the marriage, and
- (b) other evidence as may be prescribed,

the chief executive officer must register the marriage if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith.

Particulars of deaths

17 (1) The death of a person who dies in British Columbia must be registered as

provided in this Act.

(2) The personal particulars of the deceased person must, on the request of the funeral director, be set out in a statement in the form required by the chief executive officer and delivered to the funeral director by one of the following as applicable:

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

Medical certificate

18 (1) A medical certificate must be prepared in accordance with subsection (2) in any of the following circumstances:

- (a) if a medical practitioner
 - (i) attended the deceased during the deceased's last illness,
 - (ii) is able to certify the medical cause of death with reasonable accuracy, and
 - (iii) has no reason to believe that the deceased died under circumstances which require an inquiry or inquest under the *Coroners Act*;
- (b) if the death was natural and a medical practitioner
 - (i) is able to certify the medical cause of death with reasonable accuracy, and
 - (ii) has received the consent of a coroner to complete and sign the medical certificate;
- (c) if a coroner conducts an inquiry or inquest into the death under the *Coroners Act*.

(2) Within 48 hours after the death, the medical practitioner or the coroner, as applicable, must

- (a) complete and sign a medical certificate in the form required by the chief executive officer stating in it the cause of death according to the international classification, and
- (b) make the certificate available to the funeral director.

(3) If

(a) a death occurred without the attendance of a medical practitioner during the last illness of the deceased, or

(b) the medical practitioner who attended the deceased is for any reason unable to complete the medical certificate within 48 hours after the death,

the funeral director or the medical practitioner, as the case may be, must promptly notify the coroner.

(4) If a cause of death cannot be determined within 48 hours after the death and

(a) an autopsy is performed, or

(b) an inquiry or inquest is commenced under the *Coroners Act*,

and the medical practitioner who performs the autopsy or the coroner who commences an inquiry or inquest under the *Coroners Act*, as the case may be, considers that the body is no longer required for the purposes of the autopsy, inquiry or inquest, the medical practitioner or the coroner, as the case may be, may, despite subsection (1), issue and must make available to the funeral director an interim medical certificate in the form required by the chief executive officer.

(5) After the conclusion of the autopsy, inquiry or inquest referred to in subsection (4),

(a) the medical practitioner who performed the autopsy, or the coroner, must complete and sign the medical certificate referred to in subsection (2) and deliver it to the chief executive officer, and

(b) the coroner must deliver a copy of any report prepared under section 20 (4) (b) or 25 (2) of the *Coroners Act* to the chief executive officer.

Statement and certificate to vital statistics registrar

19 On receipt of the statement referred to in section 17 (2) and of the medical certificate or the interim medical certificate, the funeral director must promptly deliver the statement and certificate to a vital statistics registrar.

Registration of death

20 (1) A vital statistics registrar or the chief executive officer must register a death if the statement and certificate under section 19 are received within one year from the date of the death and the vital statistics registrar or chief executive officer is satisfied as to the truth and sufficiency of the statement.

(2) If a death is not registered within one year from the date of the death,

and if application for registration of it is made by any person to the chief executive officer accompanied by the statement and certificate under section 19 and other evidence as may be prescribed, the chief executive officer must register the death if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith.

(3) On receiving a court order that declares a person to be presumed dead, the chief executive officer must register the death.

(4) Each month, the chief executive officer must provide to the chief electoral officer a list of the names and addresses of persons whose deaths were registered with a vital statistics registrar or the chief executive officer since the last list was provided.

(5) If requested by the chief electoral officer for the purpose of resolving an objection to the registration of a voter or an elector, the chief executive officer must conduct a search of the register of deaths and report the results to the chief electoral officer.

Repealed

21 [Repealed 2002-74-17.]

Burial permit

22 (1) On receipt of the statement and certificate under section 19, a vital statistics registrar must prepare a burial permit and issue it to the funeral director.

(2) [Repealed 2002-74-18.]

(3) A person must not

(a) bury or otherwise dispose of the body of a person who dies in British Columbia, or

(b) remove the body from the community where the death occurred or the body was found, except temporarily for the purpose of preparing it for burial,

unless a burial permit in respect of the deceased has been obtained from a vital statistics registrar.

(4) If the body of a person is to be removed by a common carrier to the place of burial or other disposition, the removal must not take place unless the appropriate copies of the burial permit have been attached to the outside of the casket.

(5) A funeral director must do the following:

(a) at the place of burial or other disposition of a dead body, remove the copies of the burial permit attached to the outside of the casket;

(b) before the burial or other disposition of a dead body, deliver the appropriate copy of the burial permit to the person conducting the funeral or religious service;

(c) at the time of burial or other disposition of a dead body,

(i) subject to subparagraph (ii), deliver the appropriate copy of the burial permit to the operator of the cemetery, mausoleum or crematorium, or

(ii) if no person is in charge of the cemetery or mausoleum at time of burial or other disposition, sign the appropriate copy of the burial permit and write "No person in charge" on the face and deliver the burial permit to the chief executive officer.

(6) If a death occurs outside British Columbia and the burial or other disposition of the body is to take place in British Columbia, a burial permit or other document authorized under the law of the province or country in which the death occurs, signed by a vital statistics registrar or other proper officer, is sufficient authority for the burial or other disposition of the body.

Cemetery or crematorium operator's duties

23 The operator of a cemetery, mausoleum or crematorium must not permit the interment or cremation of a dead body unless the operator holds the appropriate copy of the burial permit or other document described under section 22.

Birth or death on aircraft or ship

24 If the birth or death of a person occurs on an aircraft or ship whose first stop after the birth or death is in British Columbia, the chief executive officer may register the birth or death.

Repealed

25 [Repealed 2002-74-20.]

Change of name

26 (1) If the name of a person is changed under the *Name Act* or under a statute of another province, the chief executive officer, on production to the chief executive officer of proof of the change and evidence satisfactory to the chief executive officer as to the identity of the person,

(a) if the birth or marriage of the person is registered in British Columbia, must record the change, and

(b) if the change was made under the *Name Act* and the person was born or married in Canada but outside British Columbia, must

transmit to the officer in charge of the registration of births and marriages in the jurisdiction in which the person was born or married a copy of the proof of the change of name produced to the chief executive officer.

(2) A birth or marriage certificate, issued after the recording of a change under this section, must be issued as if the original registration had been made in the name of the person as changed under the *Name Act*.

Change of sex designation

27 (1) If a person in respect of whom trans-sexual surgery has been performed is unmarried on the date the person applies under this section, the chief executive officer must, on application made to the chief executive officer in accordance with subsection (2), change the sex designation on the registration of birth of the person in such a manner that the sex designation is consistent with the intended results of the trans-sexual surgery.

(2) An application under subsection (1) must be made in the form required by the chief executive officer and must be accompanied by,

(a) if the trans-sexual surgery was performed in a province of Canada, the certificate of a medical practitioner, qualified and licensed to practise medicine in that province, explaining the surgical procedures carried out and certifying that the medical practitioner performed the trans-sexual surgery on the applicant,

(b) if the trans-sexual surgery was performed in a jurisdiction outside Canada,

(i) evidence satisfactory to the chief executive officer that the person who performed the surgery was, at the time of the surgery, qualified and licensed to practise medicine in that jurisdiction, and

(ii) the certificate referred to in paragraph (a) certified by the person who performed the surgery, and

(c) the certificate of a medical practitioner who did not perform the trans-sexual surgery, but who is qualified and licensed to practise medicine in the jurisdiction where the applicant resides, certifying that

(i) the medical practitioner examined the applicant,

(ii) the results of the medical practitioner's examination substantiate the certificate of the practitioner who performed the trans-sexual surgery, and

(iii) the trans-sexual surgery is complete by accepted medical standards.

(3) A birth certificate issued after the registration of birth is changed under this section must be issued as if the original registration had been made showing the sex designation as changed under this section.

Registrations fraudulently or improperly obtained

28 If, after the notice to and hearing of those interested parties as the chief executive officer considers proper, the chief executive officer is satisfied that a registration under this Act was fraudulently or improperly obtained, the chief executive officer may order that it be cancelled, and after that a certificate must not be issued in respect of the registration.

Corrections of errors and omissions

29 (1) and (2) [Repealed 2002-74-22.]

(3) If on receipt and examination of a registration it appears to the chief executive officer that an error or omission exists in the registration, the chief executive officer must inquire into the matter and may correct the error or omission on production of evidence of the error or omission satisfactory to the chief executive officer.

(4) If after a registration has been filed by the chief executive officer, it is reported to the chief executive officer that an error or omission exists in the registration, the chief executive officer must inquire into the matter, and may correct the error or omission on production of evidence of the error or omission satisfactory to the chief executive officer verified by affidavit and on payment of the prescribed fee.

(5) If, after the correction of an error or omission application is made for a certificate, the certificate must be prepared as if the registration had been made containing correct particulars at the time of registration, except that a photostatic copy or photographic print of the registration must include both the original information and all amendments made under subsections (3) and (4).

Appeal from decision of chief executive officer

30 (1) A person who wishes to dispute a decision of the chief executive officer to either accept or refuse an application for registration of a birth, stillbirth, marriage or death may, within one year of the chief executive officer's decision, make an application to the Supreme Court for an order requiring the chief executive officer

(a) to accept the application for registration and register the birth, stillbirth, marriage or death, as applicable, or

(b) to reject the application for registration and cancel any registration of the birth, stillbirth, marriage or death, as applicable,

that was made.

(2) On an application under subsection (1), the court may make an order described in that subsection if the court

(a) is satisfied

(i) that the application is made in good faith, and

(ii) of the truth and sufficiency of the evidence adduced on the application, and

(b) considers the standards respecting delayed registration set out in the regulations for the guidance of the chief executive officer.

(3) [Repealed 2004-55-10.]

(4) The clerk of the court must promptly send a copy of an order under subsection (2) to the chief executive officer, who must comply with the order and attach the copy to the registration.

(5) If an application for a certificate or a search in respect of the registration of a birth, stillbirth, marriage or death is refused by the chief executive officer, an application may be made to the Supreme Court for an order under subsection (7).

(6) An application under subsection (7) must be made within one year of the refusal by the chief executive officer.

(7) On an application respecting a refusal referred to in subsection (5), the court may, on being satisfied that

(a) the application is made in good faith, and

(b) the applicant has good reason for requiring the certificate or search

order the chief executive officer to issue the certificate or make the search.

(8) The clerk of the court must promptly forward a copy of the order to the chief executive officer, who must comply with it.

(9) Any interested person may appeal to the Supreme Court if the chief executive officer makes an order to cancel

(a) a registration under section 28, or

(b) a certificate under section 40.1 (2).

(10) An appeal under subsection (9) may be heard at any time after the order being appealed is made.

(11) On an appeal under subsection (9), the court may make an order confirming or setting aside the order of the chief executive officer, and the order of the court is final and is binding on the chief executive officer.

(12) An application or appeal must not be made under this section unless at

least 30 days' notice of the hearing of the application has been served on the chief executive officer, accompanied by

- (a) a statement of the particulars of the application, and
- (b) a copy of each paper intended to be produced to the court on the hearing of the application or appeal.

The Vital Statistics Agency

- 31** (1) There must be a Vital Statistics Agency in the minister's ministry.
- (2) The chief executive officer of vital statistics must be appointed under the *Public Service Act* to supervise the work of the Vital Statistics Agency.
- (3) to (5) [Repealed 2002-74-24.]

Repealed

- 32** [Repealed 2002-74-25.]

Vital statistics registrars

- 33** (1) The minister may appoint vital statistics registrars necessary for carrying out this Act.
- (2) The remuneration of vital statistics registrars is to be as prescribed by regulation.

Enforcement duties of vital statistics registrars

- 34** A vital statistics registrar must
- (a) under the supervision and direction of the chief executive officer and in accordance with the regulations, enforce this Act, and
 - (b) immediately report any violation of this Act to the chief executive officer.

Searches of registration records

- 35** (1) If a person applies in the form required by the chief executive officer and pays the prescribed fee, and if the chief executive officer is satisfied that the information is not to be used for an unlawful or improper purpose, the chief executive officer must make a search for the registration of any birth, stillbirth, marriage, death, change of name or adoption.
- (2) The chief executive officer must make a written report on the search to the person who applied under subsection (1) stating whether or not the birth, stillbirth, marriage, death, change of name or adoption is registered or recorded and the report must not contain further information.

Birth certificates

36 (1) A certificate of birth may be issued by the chief executive officer, on application in the form required by the chief executive officer and on payment of the prescribed fee, only to the following persons:

- (a) the person who is the subject of the certificate;
- (b) a parent of the person who is subject of the certificate, if that person is less than 19 years of age or is incapable;
- (c) a custodial guardian if no parent under paragraph (b) is capable;
- (d) a person who has written authorization from a person described in paragraph (a), (b) or (c) to be issued the certificate;
- (e) an officer of any provincial government or the government of Canada who requires the certificate for use in the discharge of official duties;
- (f) any other person who satisfies the chief executive officer concerning the good faith of the person's cause for requiring the certificate.

(2) A birth certificate must contain all of the following:

- (a) the name of the person;
- (b) the date of birth;
- (c) the place of birth;
- (d) the sex of the person;
- (e) the date of registration;
- (f) the serial number of the registration.

(3) A birth certificate may contain the names and places of birth of the parents.

(4) Subject to sections 63 (2) and 64 (3) of the *Adoption Act*, a certified copy or certified electronic extract of a registration of birth, or of a portion of the copy or extract, may be issued, on application in the form required by the chief executive officer and on payment of the prescribed fee, by the chief executive officer only to the following persons:

- (a) a person who is eligible to receive a certificate of birth under subsection (1);
- (b) a parent of the person who is the subject of the registration, regardless of the age or capability of that person;
- (c) if the person described under subsection (1) (a) is deceased, the nearest living relative of that person;

- (d) a person who requires the copy or extract to comply with section 32 (b) of the *Adoption Act*;
- (e) a medical health officer appointed under the *Health Act* who requires the copy or extract for use in the discharge of official duties;
- (f) any person, if
 - (i) the person described under subsection (1) (a) has been deceased for 20 years or more, or
 - (ii) more than 120 years have passed since the birth of the person described under subsection (1) (a);
- (g) any other person who satisfies the chief executive officer concerning the good faith of the person's cause for requiring the copy or extract.

Marriage certificates

37 (1) A certificate of marriage may be issued by the chief executive officer, on application in the form required by the chief executive officer and on payment of the prescribed fee, only to the following persons:

- (a) either party to the marriage;
- (b) a person who has written authorization from a person described in paragraph (a) to be issued the certificate;
- (c) an officer of any provincial government or the government of Canada who requires the certificate for use in the discharge of official duties;
- (d) any other person who satisfies the chief executive officer concerning the good faith of the person's cause for requiring the certificate.

(2) A certified copy or certified electronic extract of a registration of marriage may be issued by the chief executive officer, on application in the form required by the chief executive officer and on payment of the prescribed fee, only to the following persons:

- (a) a person who is eligible to receive a certificate of marriage under subsection (1);
- (b) if a person described under subsection (1) (a) is deceased, the nearest living relative of that person;
- (c) any person, if
 - (i) both parties described under subsection (1) (a) have been deceased for 20 years or more, or
 - (ii) more than 75 years have passed since the marriage of the

parties described under subsection (1) (a);

(d) any other person who satisfies the chief executive officer concerning the good faith of the person's cause for requiring the copy or extract.

Death certificate

38 (1) Subject to subsection (2), any person, on application in the form required by the chief executive officer, the furnishing of information satisfactory to the chief executive officer and the payment of the prescribed fee, may obtain from the chief executive officer a certificate of death.

(2) A certificate issued in respect of the registration of a death must not be issued in a manner as to disclose the cause of death as certified on the medical certificate, except

(a) on the authority in writing of the deputy minister, or

(b) on the order of a court.

(3) A certified copy or certified electronic extract of a registration of a death or stillbirth may be issued by the chief executive officer, on application in the form required by the chief executive officer and on payment of the prescribed fee, only to the following persons:

(a) the nearest living relative of the deceased;

(b) a medical practitioner who requires the copy or extract for use in the treatment of a member of the deceased's immediate family, if the family member's illness, in the opinion of the medical practitioner, may be life threatening;

(c) a person who is authorized by a court order to be issued the copy or extract;

(d) an officer of any provincial government or the government of Canada who requires the copy or extract for use in the discharge of official duties;

(e) any person, if more than 20 years have passed since the death of the deceased;

(f) any other person who satisfies the chief executive officer concerning the good faith of the person's cause for requiring the copy or extract.

(4) Any person, on application in the form required by the chief executive officer and payment of the prescribed fee, may, before the inclusion of the registration in any return to the chief executive officer, obtain from a vital statistics registrar a certificate in the form required by the chief executive officer of a death of which there is a registration in the vital statistics

registrar's office.

(5) Except under subsection (4), no certificate and no certified copy or certified electronic extract must be issued by a vital statistics registrar.

Certificates generally

39 (1) [Repealed 2002-74-30.]

(2) The chief executive officer may refuse to issue a certified copy or certified electronic extract if the chief executive officer has reason to believe that the document is to be used for an unlawful or improper purpose.

(3) A vital statistics registrar may refuse to issue a certificate of death if the vital statistics registrar has reason to believe that the document is to be used for an unlawful or improper purpose.

(4) The deputy minister may, by a written order signed by the deputy minister and directed to the chief executive officer, require the chief executive officer, when issuing a certificate, certified copy or certified electronic extract under this section,

(a) to dispense with the production of the authority in writing of the deputy minister required under section 38 (2), or

(b) to dispense with the production of that written authority in the cases, or in the circumstances, as the deputy minister may set out in the order.

(5) The chief executive officer must comply with an order under subsection (4).

(6) If the deputy minister has issued an order under subsection (4), the deputy minister may at any time amend or revoke it or issue a further order under it.

Who is to issue certificates

40 (1) Except as provided in section 38 (4), a certificate, certified copy or certified electronic extract issued under section 36, 37, 38 or 39 must be issued by the chief executive officer.

(2) A person other than a person authorized under this Act to do so must not issue any document that purports to be issued under this Act.

(3) If the signature of

(a) the chief executive officer or acting chief executive officer is required for any purposes of this Act, or

(b) a vital statistics registrar specifically designated in writing by the chief executive officer is required on any certificate issued under this Act,

the signature may be written, engraved, lithographed or reproduced by any other mode of reproducing words in visible form.

(4) Unless cancelled under section 40.1, a document or certificate issued under this Act under the signature of a person described in subsection (3) is valid, even if the signatory ceased to hold office before the issue of the document or certificate.

Cancellation of certificates

40.1 (1) The chief executive officer may order that a certificate be cancelled on or after the occurrence of any of the following events in respect of a person named in the certificate:

- (a) the registration of birth is altered under section 3;
- (b) a change of name is recorded under section 4.1 (4);
- (c) the registration of a foundling is cancelled under section 8 (7) (b);
- (d) a change in a given name is recorded under section 10 (3);
- (e) an adoption order is registered and the original birth registration deleted under section 12;
- (f) a marriage is annulled;
- (g) a death;
- (h) a change of name is recorded under section 26 (1) (a);
- (i) a change of sex designation is made under section 27 (1);
- (j) a registration is cancelled under section 28;
- (k) an error or omission is corrected under section 29.

(2) The chief executive officer may order that a certificate be cancelled if, after the notice to and hearing of those interested parties as the chief executive officer considers proper, the chief executive officer is satisfied that the certificate

- (a) was obtained, or is being possessed or used, fraudulently or for improper purposes,
- (b) is being used in a manner that violates this Act or the regulations, or
- (c) is invalid for any reason other than a reason listed under subsection (1).

(3) If a certificate is cancelled under subsection (1) or (2), the chief executive officer may make an order requiring the delivery, to the chief executive officer, of

- (a) the certificate, and
- (b) any certified copy or certified electronic extract of the registration on which the certificate was based.

(4) If an order is made under subsection (3), any person having possession or control of the certificate, certified copy or certified electronic extract must deliver it to the chief executive officer within the time specified by the chief executive officer.

Certificate or copies as evidence

41 (1) Subject to subsection (3), a certificate, or a certified copy or certified electronic extract of a registration, is admissible in court as evidence of the facts recorded in the certificate, certified copy or certified electronic extract, as applicable.

(2) It is not necessary to prove the signature or official position of the person who has signed a certificate, certified copy or certified electronic extract described under subsection (1).

(3) A certificate that has been cancelled under section 40.1, or a certified copy or certified electronic extract of a registration that has been cancelled under section 8 or 28, is admissible in court as evidence only

- (a) of the fact of the certificate, certified copy or certified electronic extract having been issued, and

- (b) of the information contained on the face of the certificate or registration, without being evidence of the truth of that information.

Information-sharing agreements

41.1 (1) The chief executive officer may enter into an information-sharing agreement with a body listed in subsection (2), under which information from the records in the office of the chief executive officer or of a vital statistics registrar may be disclosed, including disclosure of information

- (a) on a bulk or regular basis, and

- (b) that would be considered "personal information" under the *Freedom of Information and Protection of Privacy Act*.

(2) The chief executive officer may enter into an information-sharing agreement under subsection (1) only with the following bodies:

- (a) an agency or ministry of the government of British Columbia, of another province, or of Canada, including a Crown corporation;

- (b) an aboriginal government, an educational body, a health care body or a social services body, as those terms are defined in the *Freedom of Information and Protection of Privacy Act*;

(c) a public body in another jurisdiction of Canada that is equivalent to one described in paragraph (b);

(d) a prescribed body that is public in nature.

(3) An information-sharing agreement under subsection (1) must identify all of the following:

(a) the persons, by name, title or position, who may have access to the information under the agreement;

(b) the circumstances in which information may be disclosed under the agreement;

(c) the limits, if any, on

(i) the disclosure of information by the chief executive officer under the agreement, and

(ii) the use or disclosure of the information obtained under the agreement by persons identified under paragraph (a);

(d) the conditions, if any, on the disclosure of information under the agreement, including

(i) conditions respecting the storage of disclosed information by persons identified under paragraph (a), and

(ii) conditions respecting the monitoring of compliance with the agreement;

(e) the term of the agreement and the circumstances in which the agreement may be renewed, suspended or terminated.

(4) An information-sharing agreement under subsection (1)

(a) is not effective until the agreement is approved by order of the Lieutenant Governor in Council, and

(b) must not be amended except with approval by order of the Lieutenant Governor in Council.

(5) An order under subsection (4) (a) must identify all of the following:

(a) the information-sharing agreement, by referring to the parties to the agreement and the date on which the agreement is executed;

(b) the type or nature of the information that may be disclosed;

(c) the purpose for which the disclosed information may be collected or used.

(6) Despite subsection (4), the chief executive officer may enter into or amend an information-sharing agreement as described in subsection (1) without approval of the Lieutenant Governor in Council if all of the following conditions are met:

- (a) the information being disclosed is limited to information respecting the registration of births or deaths;
- (b) the information is being disclosed only to an agency or ministry of the government of British Columbia, of another province, or of Canada, including a Crown corporation;
- (c) the information is being disclosed only for the purpose of verifying information held by the agency or ministry, or determining entitlement to a benefit, privilege or other interest;
- (d) the information-sharing agreement identifies the information set out in subsection (3) and is signed by the agency or ministry and the chief executive officer.

Power to take affidavits

- 42** The chief executive officer, inspector and every vital statistics registrar has, for the purposes of this Act only, the powers of a commissioner for taking affidavits for British Columbia.

Publication of statistical information

- 43** The chief executive officer may compile, publish and distribute statistical information respecting the births, stillbirths, marriages, deaths, adoptions and changes of name registered during any period the chief executive officer may consider necessary and in the public interest.

Annual report

- 44** As soon as convenient after January 1 in each year, the chief executive officer must make, for the use of the Legislative Assembly and for public information, a statistical report of the births, stillbirths, marriages, deaths, adoptions and changes of name registered during the preceding calendar year.

Records property of government

- 45** (1) All records, books and other documents pertaining to any office under this Act are the property of the government.
- (2) If a vacancy occurs in any office under this Act, the person who has the possession, custody or control of books, records or other documents pertaining to the office must give up possession of and deliver them to the successor in office or to any person appointed by the chief executive officer to demand and receive them.
- (3) A person who fails to comply with subsection (2) commits an offence.

Confidential information

46 (1) A vital statistics registrar or a person employed in the service of the government must not

(a) communicate or allow to be communicated to any person not entitled to it any information obtained under this Act, or

(b) allow the person to inspect or have access to records containing information obtained under this Act.

(2) Nothing in subsection (1) prohibits the completion, furnishing or publication of statistical data that does not disclose specific information with respect to a particular person.

Application of Act

47 This Act applies in respect of a birth, stillbirth, marriage, death, dissolution or annulment of marriage, adoption or change of name that occurred before the passing of this Act, as well as to a birth, stillbirth, marriage, adoption or change of name that may occur subsequent to the passing of this Act.

Establish forms

48 The chief executive officer may establish the forms to be used for the purposes of this Act and, unless specified by this Act, the particulars to be included in a certificate issued under this Act.

Failure to carry out duties

49 (1) A person who fails to give a notice or to furnish any statement, certificate or particulars required under this Act, within the time limited by this Act, commits an offence and is liable on conviction to a fine of not more than \$50 000.

(2) If more than one person is required to give a notice or to register or to furnish any statement, certificate or particulars required under this Act and the duty is carried out by any of those persons, the other or others are absolved from the performance of the duty.

Interference with public notice

50 A person who wilfully removes, defaces or destroys a public notice relating to the registration of births, stillbirths, marriages or deaths commits an offence.

Failure to obtain permit for transportation of body

51 (1) Subject to subsection (2) and any other Act, a common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of a deceased person without the burial permit issued under this Act commits an offence.

(2) If the death occurred outside British Columbia and the body is accompanied by a burial permit issued in accordance with the law in force where the death occurred, the burial permit is sufficient to authorize the transportation or carriage of the body into or through British Columbia.

Prohibition against other registration systems

52 A system of registration of births, deaths or marriages must not be maintained or continued in British Columbia other than as authorized by this Act.

Requirements for prosecutions

53 (1) A prosecution must not be commenced under this Act without the consent of the deputy minister.

(2) A prosecution under this Act must be commenced within 10 years after the offence.

Power to make regulations

54 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) prescribing the duties of and records to be kept by the vital statistics registrars;

(b) designating the persons who may have access to or may be given copies of or information from the records in the office of the chief executive officer or of a vital statistics registrar and prescribing an oath of secrecy to be taken by those persons;

(b.1) prescribing bodies with which the chief executive officer may enter into information-sharing agreements under section 41.1 (2)

(d);

(c) providing for the registration of births, stillbirths, marriages, deaths, adoptions or changes of name in cases not otherwise provided for in this Act;

(d) prescribing the fees to be paid for searches, certificates and anything done or permitted to be done under this Act or section 63 or 64 of the *Adoption Act*;

(e) providing for the waiver of payment of prescribed fees in favour of any person or class of persons;

(f) designating the persons who may sign registrations;

(g) prescribing the evidence on which the chief executive officer may

register a birth, stillbirth, marriage or death after one year from the date of it;

(h) prescribing the evidence on which the chief executive officer may make a registration of birth under section 8 (1);

(i) [Repealed 2002-74-36.]

(j) respecting restrictions or prohibitions on the use of a birth, marriage or death certificate, or classes of those certificates.
