



Province of Alberta

## **VITAL STATISTICS ACT**

Statutes of Alberta, 2007  
Chapter V-4.1

Current as of June 11, 2018

Office Consolidation

© Published by Alberta Queen's Printer

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2013 cC-12.5 s24 amends s1(1)(k).

2016 c26 s2(b) amends s1, s11(a) amends s14, s24(c) amends s23, s31 repeals and substitutes Part 4 ss30 to 30.4, s36(c) and (d) amends s42, s37 amends s43, s41 adds s48.1.

### Regulations

The following is a list of the regulations made under the *Vital Statistics Act* that are filed as Alberta Regulations under the Regulations Act

**Alta. Reg.**                      *Amendments*

#### **Vital Statistics Act**

Vital Statistics Information ..... 108/2018  
Vital Statistics Ministerial..... 106/2018

# VITAL STATISTICS ACT

## Chapter V-4.1

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

**Interpretation**

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

- (a) “birth” means the complete expulsion or extraction from its birth mother as defined in section 1(b.1) of the *Family Law Act*, irrespective of the duration of the pregnancy, of a product of conception in which, after the expulsion or extraction, there is
  - (i) breathing,
  - (ii) beating of the heart,
  - (iii) pulsation of the umbilical cord, or
  - (iv) unmistakable movement of voluntary muscle,whether or not the umbilical cord has been cut or the placenta is attached;
- (a.1) “birth registration document” means the originating document for use in the registration of a birth as set out in section 3;
- (b) “burial permit” means a permit to bury, cremate, remove to a place outside Alberta or otherwise dispose of a dead human body;
- (c) “cemetery” means land set apart or used as a place for the interment or other disposal of dead human bodies, and

- includes a cemetery vault or a mausoleum, columbarium or crematory as defined in the *Cemeteries Act*;
- (d) “cemetery owner” includes the manager, superintendent, caretaker or other person in charge of a cemetery;
  - (e) “certificate” means a certified extract of the prescribed particulars of a registration document filed in the office of the Registrar;
  - (f) “child”, except in section 13(9), means a person under the age of 18 years who is neither married nor an adult interdependent partner;
  - (g) “deliver” means to deliver information or documents to the Registrar or another recipient in a manner authorized by the regulations and in a form required by the Registrar;
  - (h) “error” means incorrect information, and includes the omission of information;
  - (i) “former Act” means an Act repealed by this Act;
  - (j) “funeral director” means a person who holds a funeral director licence under the *Funeral Services Act* or a person designated by the holder of a funeral director licence to perform duties or functions under this Act;
  - (k) “guardian” means a guardian within the meaning of Part 2 of the *Family Law Act* and includes a director under the *Child, Youth and Family Enhancement Act* where applicable;
  - (l) “hospital administrator” means the administrator who is responsible for the day to day operation and management of the affairs of a hospital as defined in section 9(a) of the *Hospitals Act*;
- (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;
- (m) “medical examiner” means a medical examiner appointed under the *Fatality Inquiries Act*;

- (n) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (o) “parent”, unless otherwise indicated, means a person listed as a parent on a birth record;
- (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;
- (p) “record” means a record of information in any form and includes notes, books, documents, photographs, letters and papers and any other information that is written, recorded or stored in any manner, but does not include software or any mechanism that produces records;
- (q) “Registrar” means the Registrar of Vital Statistics appointed under section 44 and includes any person designated by the Registrar as a Deputy Registrar under this Act;
- (r) “registration” means the process of registering information under this Act in respect of a birth, stillbirth, marriage, death, adoption or change of name or of amending a record of any of those events;
- (s) “registration document” means an originating document in the form required by the Registrar for use in registration;
- (t) “resident of Alberta” means a person who
  - (i) is lawfully entitled to be or to remain in Canada, and
  - (ii) makes his or her home in and is ordinarily present in Alberta;
- (u) “stillbirth” means the complete expulsion or extraction from its birth mother as defined in section 1(b.1) of the *Family Law Act*, after at least 20 weeks of pregnancy, or after its having attained a weight of at least 500 grams, of a product of conception in which, after the expulsion or extraction, there is
  - (i) no breathing,
  - (ii) no beating of the heart,



- (iii) no pulsation of the umbilical cord, and
  - (iv) no unmistakable movement of voluntary muscle.
- (2)** In this Act,
- (a) a reference to “this Act” includes the regulations made under this statute;
  - (b) a reference to “this statute” does not include the regulations made under this Act.
- (3)** The Lieutenant Governor in Council may make regulations defining, for the purposes of this Act, any term used in this statute that is not otherwise defined in this statute.

2007 cV-4.1 s1;2010 c16 s1(52);2016 c26 s2

## **Part 1**

### **Birth, Adoption and Stillbirth**

#### **Birth**

##### **Birth in Alberta**

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

##### **Birth registration document**

**3(1)** 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.

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

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

2007 cV-4.1 s3;2010 c16 s1(52);2016 c26 s4

##### **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.

(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.

(4) If the notice of birth is completed and delivered under subsection (3) or (3.1), subsections (1) and (2) do not apply.

(5) Repealed 2016 c26 s5.

(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.

(7) The Registrar may accept any other document or information provided by or on behalf of a hospital administrator in connection with the delivery of a notice of birth under subsection (3) or (3.1).

2007 cV-4.1 s4;2016 c26 s5

### Registration

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

### Registration after one year

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

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

(iii) the prescribed fee,

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

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

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

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

#### **Name of child**

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

- (a) "first name" means the name or names first in sequence as set out in the person's birth record;
- (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 record, or
  - (ii) a parent's name or names shown last in sequence on the child's birth record;
- (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 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.

**(4)** Where the Registrar has registered a birth under subsection (3), no birth certificate or certified copy of the birth registration

document may be issued until the name shown on the birth record 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 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;
- (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.

(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.

2007 cV-4.1 s8;2016 c26 s6

9 Repealed 2016 c26 s7.

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

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

- (a) the Registrar shall register the child's name or change the child's name on the birth record as specified in the declaration, and
- (b) if the child's name on the birth record 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.

2007 cV-4.1 s10;2010 c16 s1(52);2016 c26 s8

#### **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.

**(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.

**(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.

**(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 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.

(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 record 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 record.

(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 record 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 51.3.

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

- (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

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

2007 cV-4.1 s11;2010 c16 s1(52);2016 c29 s9

#### **Birth on aircraft**

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

#### **Deserted unidentified newborn**

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

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

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

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

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

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

- (a) a date of birth, as determined by the medical officer of health or physician under subsection (3),
- (b) a place of birth, as established by the documents submitted to the Registrar,

- (c) a first and last name for the child, selected by the person who has charge of the child or if a name is not selected by that person, by the Registrar in accordance with this Act, and
- (d) the sex of the child.

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

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

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

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

2007 cV-4.1 s13;2016 c26 s10

#### **Registration of surrogate birth**

**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 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



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

**(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.

2007 cV-4.1 s14;2010 c16 s1(52);2016 c26 s11

#### **Amendment of first name**

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

- (a) within 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) in the registration of the person's birth, was not given a first name or was given a first name that was considered by the Registrar to be unacceptable for registration.

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

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

**(3)** An application to amend the first name of a person who is under 18 years of age and not married, not 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.

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

2007 cV-4.1 s15;2016 c26 s12

## Adoption

### Registration of adoption

**16(1)** On receipt of a certified copy of an adoption order made under the *Child, Youth and Family Enhancement Act* 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 that shows

- (a) the date of birth, place of birth and sex 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)** Repealed 2016 c26 s13.

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

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

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

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

**(5)** When a person whose birth was registered before October 25, 1913, changed the person's name to, or was brought up under, the name of foster parents who had adopted the person, by an adoption or foster agreement or otherwise, before October 25, 1913, the Registrar may, on receipt of

- (a) the foster agreement or adoption agreement, if any, or a notarially certified copy of that agreement, or

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

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

2007 cV-4.1 s16;2016 c26 s13

#### **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 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.

2016 c26 s14

**Adoption information**

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

- (a) to the Minister responsible for the *Child, Youth and Family Enhancement Act*, for release to the adopted person in accordance with that Act,
- (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.

**(2)** 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 after an adoption has been registered.

2007 cV-4.1 s17;2016 c26 s15

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

2007 cV-4.1 s18;2016 c25 s16

**Stillbirth****Stillbirth in Alberta**

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

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

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

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

**(4)** Subject to this section, sections 3, 4, 6 to 14, 15, 33, 39, 40, 42 and 43 apply, with all necessary modifications, to stillbirths.

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

**(5)** Repealed 2016 c23 s8.

2007 cV-4.1 s18;2016 c23 s8;2016 c26 s17

## **Part 2 Marriage**

### **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.

2007 cV-4.1 s20;2016 c26 s19

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

2016 c26 s20

**Registration after one year**

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

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

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

**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.

2016 c26 s21

### Part 3 Change of Name

#### Eligibility

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

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

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

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

2007 cV-4.1 s22;2016 c26 s23

#### Name to be changed

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

**(2)** Subject to 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.

**(3)** Subject to subsection (4), the consent of both parents listed on the child’s birth record is required for an application under subsection (2) 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 other parent's or any other guardians' consents.

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

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

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

(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 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.

(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 record, 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.

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

(a) in respect of a deceased person;

- (b) in respect of a stillborn child.

2007 cV-4.1 s23;2016 c26 s24

#### **Requirements for application**

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

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

- (a) an affidavit in the form required by the Registrar;
- (b) the consent of every person whose consent to the change of name is required under section 23 or a copy of an order of the Court of Queen's Bench under section 69 dispensing with one or more required consents;
- (c) for each person whose name is being changed
  - (i) a 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;
- (d) documentary proof of the identity of the applicant as prescribed in the regulations;
- (e) documentary proof of the marital status of the person whose name is being changed as prescribed;
- (f) unless waived by the Registrar, if the person whose name is being changed has previously changed his or her name, all certificates showing the previous changes of name;
- (g) if the applicant is applying to change the name of a child, documentary proof as prescribed in the regulations of the relationship between the applicant and the child;
- (h) repealed 2010 c16 s1(52);
- (i) if the applicant is applying to change the name of a child of whom the applicant is a guardian, a copy of the court order referred to in section 23(3) or (4);
- (i.1) if the applicant is applying to change the name of a represented adult, an affidavit declaring that the 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;

- (j) unless the Registrar considers it to be unnecessary, where the person whose name is being changed is 12 years of age or older, the person's fingerprints as taken by a law enforcement agency acceptable to the Registrar;
- (k) any additional evidence that may be requested by the Registrar.

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

**(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.

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

- (a) the original applicant for the change of name,
- (b) the person whose name was changed,
- (c) any person whose consent to the change of name was required under section 24, or
- (d) any person granted access to the documents or copies by court order.

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

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

2007 cV-4.1 s24;2010 c16 s1(52);2016 c26 s25

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

**25(1)** On receipt of an application for a change of name and of the documents required to be filed with it and payment of the prescribed fee, the Registrar shall, if the Registrar is satisfied that the proposed name is in accordance with section 51.3, register the change of name and issue a certificate of change of name.

**(2)** Repealed 2016 c26 s26.

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

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

2007 cV-4.1 s25;2016 c26 s26

**26** Repealed 2016 c26 s27.

#### **Amendment of records**

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

(2) If the person whose name has been changed was born or married outside Alberta, the Registrar may transmit to the officer in charge of the registration of births and marriages in the jurisdiction in which the person was born or married a confirmation or notice of the change of name.

(3) When the name of a person is changed in accordance with the legislation of another jurisdiction that is, in the opinion of the Registrar, substantially similar to this Part, the Registrar, on receipt of proof of the change of name, may amend the birth record or record 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 record or the marriage record under this section must be issued as if the original registration had been made in the name as changed.

(5) Repealed 2016 c26 s28.

2007 cV-4.1 s27;2016 c26 s28

#### **Change to other records**

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

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

**29** Repealed 2016 c26 s29.

### **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.

2016 c26 s30

### **Part 4 Change of Sex**

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

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

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

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

**(1.1)** The Registrar may, in a circumstance provided for in the regulations and subject to any conditions in the regulations, amend the sex on the person’s record of birth and may, with the consent of the other party to the marriage, amend the sex on the record of a subsisting marriage, if any, of the person that is registered in Alberta.

**(2)** Every birth or marriage certificate of the person referred to in subsection (1) or (1.1) issued after amending the sex on the record under this section must be issued as if the registration had been made with the sex as changed.

2007 cV-4.1 s30;2014 c8 s9

## Part 5 Death

### Death in Alberta

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

### Death registration document

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

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

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

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

### Medical certificate of death

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

**(2)** When

- (a) a physician
  - (i) has attended the deceased person in relation to the deceased’s final illness at least once during the 14 days immediately preceding the death,
  - (ii) is able to certify the medical cause of death with reasonable accuracy, and
  - (iii) has no reason to believe that the deceased died under circumstances that require the notification of a medical examiner under the *Fatality Inquiries Act*,

- (b) the death was natural or occurred during an operative procedure or within 10 days after an operative procedure and a physician
  - (i) is able to certify the medical cause of death with reasonable accuracy, and
  - (ii) is authorized to complete and sign the medical certificate of death under section 19(7) of the *Fatality Inquiries Act*,

or

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

the physician or the medical examiner, as the case may be, shall within 48 hours of the death complete, sign and deliver to the Registrar a medical certificate of death in the form required by the Registrar stating the cause of death according to the International Classification.

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

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

and

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

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

- (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.
- (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.

2007 cV-4.1 s33;2016 c26 s33

#### **Registration of death**

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

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

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

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



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

**Registrar's discretion to register**

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

**Registration of presumed death**

**37(1)** 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 680 or 710 of the *Insurance Act*, or
  - (iii) a declaration of death or presumed death made under section 94 of the *Surrogate Rules* (AR 130/95).

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

2007 cV-4.1 s37;2016 c26 s34;2018 c11 s19

**Notation**

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

2007 cV-4.1 s38;2016 c26 s35

**Burial permit**

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

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

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

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

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

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

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

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

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

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

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

**Death on aircraft**

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

**Disinterment permit**

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

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

- (a) meet the prescribed eligibility requirements,
- (b) submit an application to the Registrar,
- (c) provide the prescribed information, 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 establish the cause of death to the satisfaction of the Registrar.

**(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 135/2008).

**(4)** If the cause of death is listed in Schedule 1 or 2 of the *Bodies of Deceased Persons Regulation* (AR 135/2008), 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.

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

2007 cV-4.1 s42;2016 c26 s36

**Reinterment permit**

**43(1)** No person may reinter a disinterred human body unless the person has applied for and received a reinterment permit from the Registrar.

**(2)** An applicant for a disinterment permit under section 42 may apply concurrently for a reinterment permit.

**(3)** An applicant for a reinterment permit must

- (a) submit an application to the Registrar, and
- (b) provide the prescribed information.

**(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.

2007 cV-4.1 s43;2016 c26 s37

## **Part 6 Administration**

**Vital Statistics**

**44(1)** The registry previously known as Vital Statistics Services is continued under the name “Vital Statistics”.

**(2)** The Minister may appoint a person as Registrar of Vital Statistics, and the Registrar may designate other persons as Deputy Registrars to exercise the powers and perform the duties of the Registrar under this Act in accordance with the terms of, and subject to any conditions set out in, their designations.

**(3)** The Registrar is, under the control of the Minister, responsible for the administration of this Act and for the direction and supervision of Vital Statistics, and shall perform other duties that may be prescribed in the regulations or by order of the Minister.

**(4)** The Registrar or, if the Registrar is absent or unable to act, the Minister may appoint a person as acting Registrar to exercise the powers and perform the duties of the Registrar under this Act in accordance with the terms of, and subject to any conditions set out in, the appointment.

**Church records**

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

**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.

2016 c26 s38

**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.

**(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.

2016 c26 s38

**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.

2016 c26 s38

**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.

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

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

2007 cV-4.1 s46;2016 c26 s39

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

**47(1)** Any person who

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

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

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

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

#### **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 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).

2016 c26 s40

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

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

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

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

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

**Certified copies**

**49(1)** In this section and in sections 50 and 51, "registration record" means a registration document 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.

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

2007 cV-4.1 s49;2016 c26 s42

#### **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,
- (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.

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

**(3)** Repealed 2016 c26 s43.

**(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.

2007 cV-4.1 s50;2016 c26 s43

#### **Discretion of Registrar**

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



**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.

2016 c26 s44

**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.

2016 c26 s44

**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
  - (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.

2016 c26 s44

#### **Issue of documents**

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

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

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

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

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

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

#### **Copies of documents**

**54** Where this Act

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

the reference is deemed to include, and the requirement is deemed to be complied with by, the making or retaining of a photographic film, microfilm or electronic copy of the document, and a print from that photographic film, microfilm or electronic copy is

deemed to be, and to have the same effect and to serve the same purpose as, a copy or a copy of a required form of the document.

#### **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.

2016 c26 s45

#### **Refusal to register**

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

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

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

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

**(2)** The Registrar

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

**(3)** If, 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 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.

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

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

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

**(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.

2007 cV-4.1 s56;2009 c53 s184;2016 c26 s46

**Notification**

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

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

**58** Repealed 2016 c26 s47.

**Errors prior to registration**

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

**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.

2007 cV-4.1 s60;2016 c26 s48

**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.

2016 c26 s49

**Review of decision by Registrar**

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

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

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

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

**(4)** Repealed 2016 c26 s50.

2007 cV-4.1 s61;2016 c26 s50

**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.

2016 c26 s51

**Appeal of Registrar's decision**

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

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

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

- (a) retention and use of information respecting a surrogacy birth under section 14;
- (b) release of original birth registration information after the registration of an adoption under section 17;
- (c) access to original documents under section 24;
- (d) searches of registration records under section 46;
- (e) searches of changes of name records under section 47;
- (f) issuing certificates under section 48;
- (g) issuing certified copies under section 49;
- (h) issuing copies of registration records under section 50;
- (i) confidentiality of information under section 63;
- (j) surrender of records and documents under section 65;
- (k) release of information pertaining to legitimation under the *Vital Statistics Act*, RSA 2000 cV-4;
- (l) release of a copy of a court order under section 14, 16, 16.1 or 47.1.

2007 cV-4.1 s62;2009 c53 s184;2016 c26 s52

#### **Confidential information**

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

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

**(2)** Notwithstanding subsection (1), the Registrar may

- (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.

2007 cV-4.1 s63;2016 c26 s53

### **Report**

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

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

### **Records**

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

### **Forms**

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

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

### **Information required by Registrar**

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

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



- (2) The Registrar may take the affidavit of any person for the purposes of this Act.
- (3) Any person having knowledge of the facts shall, on demand of the Registrar, in person, by mail or any other means, provide without charge any other information or records the person possesses regarding any birth, stillbirth, marriage, change of name or death.
- (4) If the Registrar is not satisfied as to the truth or sufficiency of any information provided pursuant to this Act,
- (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.

2007 cV-4.1 s67;2016 c26 s54

#### **Waiver of fees**

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

#### **Dispensing with consent**

**69(1)** If on an application under this Act the consent of a person is required and the applicant is unable to obtain the consent of that person, the Court of Queen's Bench may dispense with the consent of that person.

(2) If the application referred to in subsection (1) is an application to amend or change the name of a child or an application to amend the sex on a child's birth record, the Court of Queen's Bench, in

deciding whether to dispense with consent, shall have regard to the best interests of the child.

2007 cV-4.1 s69;2016 c26 s55

#### **Notice of application**

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

2007 cV-4.1 s70;2009 c53 s184

#### **Protection from liability**

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

#### **Prohibition**

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

#### **Providing false information**

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

#### **Offence**

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

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

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

2007 cV-4.1 s74;2016 c26 s56

#### **Prosecutions**

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

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

**Lieutenant Governor in Council regulations**

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

- (a) respecting persons or classes of persons who are authorized to receive information or records under this Act, the purposes for which that information or those records may be used and the conditions under which access to information or records is permitted;
- (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) respecting information that may or must be contained in a registration of birth, death, marriage, stillbirth, adoption or change of name and the requirements for completing documents for registration;
- (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) respecting the registration of births, deaths, stillbirths, adoptions, marriages or changes of name in cases not otherwise provided for in this Act;
- (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;
- (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) 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;
  - (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).
- (2)** The Lieutenant Governor in Council may make regulations
- (a) respecting the transition to this Act of anything under a former Act, including the interpretation of any transitional provision in this statute;
  - (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from a former Act.
- (3)** A regulation made under subsection (2) is repealed on the earliest of
- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this statute,
  - (b) the coming into force of a regulation that repeals the regulation made under subsection (2), and
  - (c) 2 years after the regulation comes into force.
- (4)** The repeal of a regulation under subsection (3)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.
- (5)** Subsections (2) to (4) and this subsection are repealed 5 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a

regulation made under subsection (2) before the repeal of subsections (2) to (4).

2007 cV-4.1 s76;2014 c8 s9;2016 c26 s57

### **Ministerial regulations**

#### **77** The Minister may make regulations

- (a) respecting the powers, duties and functions of the Registrar and the Deputy Registrars;
- (b) respecting the duties and functions under this Act of hospital administrators and funeral directors;
- (c) respecting the information, registration documents and records to be delivered to the Registrar or to other persons;
- (d) fixing the times when and the manner in which information, registration documents and records are to be delivered;
- (e) respecting fees imposed for the provision of services under this Act and the exemption from or waiver of payment of those fees;
- (f) respecting the evidence, particulars or other information regarding a birth, stillbirth, marriage, change of name, adoption or death that may be required by the Registrar;
- (g) respecting the evidence on which the Registrar may register a birth, stillbirth, marriage or death after one year from the date of the event;
- (h) respecting acceptable forms of proof of identity that must be furnished by a person applying for information, services or records under this Act;
- (i) respecting acceptable proof of the nature of a relationship between an applicant and a child for the purposes of this Act;
- (j) respecting the information to be provided on certificates issued under section 48 or commemorative certificates issued under section 48.1;
- (k) respecting the duration of validity of certificates and other documents issued under this Act or a former Act;
- (l) respecting the information that must be provided by a person applying for information, services or records under this Act;

- (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;
- (m) respecting persons who may apply for a disinterment or reinterment permit and the information that must be provided with the application;
- (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;
- (n) respecting the retention of documents created or collected under a former Act;
- (o) respecting any other matter necessary to carry out the intent of this Act.

2007 cV-4.1 s77;2016 c26 s58

## **Part 7**

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

#### **Transitional provision**

**78** Subject to a regulation made under section 77(k), every certificate or other document issued or created under a former Act

that was valid on the coming into force of this statute remains valid and in force according to its terms and is deemed to be a certificate or document issued under this statute.

**79 to 87** *(These sections make consequential amendments to other Acts. The Amendments have been incorporated into those Acts.)*

#### **Repeals**

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

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

#### **Coming into force**

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

*(NOTE: Proclaimed in force May 14, 2012.)*



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