

## Chapter 23

### AN ACT TO AMEND THE VITAL STATISTICS ACT

(Assented to September 18, 2025)

The Commissioner, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **This Act amends the *Vital Statistics Act*.**
2. **The definition of "Deputy Registrar General" in section 1 is repealed.**
3. **Section 11.1 is repealed and replaced by:**

Definition of "sex designation"

11.1 (1) In this section and in sections 11.2 and 11.3, "sex designation" means the recorded sex of a person, which may be male, female, or non-binary.

Restriction on use of non-binary sex designation

- (2) A sex designation of non-binary may not be recorded
  - (a) as a stillborn child's sex; or
  - (b) as the sex of a person on their registration of birth, unless the Registrar General has changed their sex designation under section 11.2.

Application for change of sex designation

(3) A person whose birth is registered in Nunavut may make an application to the Registrar General, in accordance with the regulations, to change the sex designation on their registration of birth.

Application fee

- (4) An application made under subsection (3) must be accompanied by the prescribed fee.

4. **(1) Paragraph 11.2(1)(a) and subsection 11.2(4) are amended by replacing "subsection 11.1(2)" with "subsection 11.1(3)".**

**(2) Subsection 11.2(2) is repealed and replaced by:**

Refusal to change sex designation

(2) The Registrar General must refuse to amend a registration of birth in accordance with subsection (1) if the application does not fulfil the requirements prescribed by regulation.

**5. (1) Section 15 is renumbered subsection 15(1) and the portion preceding paragraph (a) is amended as follows:**

Certificate of registration after adoption

15. (1) ~~Where~~ Except in the case of a custom adoption, if a child born in Nunavut is adopted in accordance with ~~pursuant to~~ the laws of Nunavut or of a province, territory, state or country and a new registration has been made under ~~pursuant to~~ section 13, any certificate of birth of that child subsequently issued by the Registrar General

**(2) The following is added after subsection 15(1):**

Certificate of registration after custom adoption

(2) If a child born in Nunavut is adopted in accordance with aboriginal customary law and a new registration has been made under subsection 13(2.1), any certificate of birth of that child subsequently issued by the Registrar General must be in accordance with the new registration.

**6. (1) Subsection 18(1) is amended as follows:**

Transmission of documents effecting dissolution or annulment

18. (1) ~~Where~~ If a marriage is dissolved or annulled by an order of a court of competent jurisdiction in Nunavut, the clerk or registrar of the court must ~~shall~~ transmit two copies of the document effecting the dissolution or annulment to the Registrar General ~~who shall register the dissolution or annulment.~~

**(2) Subsection 18(2) is repealed and replaced by:**

Notation of dissolution or annulment

(2) If, at the time of receipt of the documents referred to in subsection (1), there is a registration of the dissolved or annulled marriage in the office of the Registrar General, the Registrar General, on production of evidence satisfactory to the Registrar General as to the identity of the persons, must cause a notation of the dissolution or annulment of the marriage to be made on the registration of the marriage.

**(3) Subsection 18(3) is repealed and replaced by:**

Notation of dissolution or annulment outside Nunavut of marriage solemnized in Nunavut

(3) If a marriage is dissolved or annulled by an Act of Canada, or by an order, judgment or decree made by a court of competent jurisdiction in a province or other territory, and if there is a registration of the marriage in the office of the Registrar General, the Registrar General must make the notations required by subsection (2) upon receiving

- (a) the Act, a certificate issued under subsection 12(7) of the *Divorce Act* (Canada) or a certified copy of the order, judgment or decree; and
- (b) evidence satisfactory to the Registrar General of the identity of the persons.

**(4) The following is added after subsection 18(3):**

Dissolution outside Canada of marriage solemnized in Nunavut

(3.1) If a marriage is dissolved by a competent authority in a foreign state or country, and if there is a registration of the marriage in the office of the Registrar General, the Registrar General must make the notations required by subsection (2) upon receiving

- (a) a certified or notarial copy of the document effecting the dissolution, obtained from a public or court official of the state or country in which the marriage was dissolved;
- (b) evidence satisfactory to the Registrar General that the dissolution of marriage satisfies the requirements for recognition under section 22 of the *Divorce Act* (Canada); and
- (c) evidence satisfactory to the Registrar General of the identity of the persons.

**(5) Subsection 18(5) is repealed.**

**7. (1) Paragraph 29(1)(a) is amended as follows:**

- (a) for the registration in the office of the Registrar General of any birth, stillbirth, marriage, death, adoption, or change of name, ~~or dissolution or annulment of marriage~~; or

**(2) Subsection 29(2) is repealed and replaced by:**

Report on search

(2) The Registrar General must make a report on the search which must state the following and contain no further information:

- (a) whether or not the birth, stillbirth, marriage, death, adoption, change of name, baptism or burial is registered or recorded;
- (b) if registered, the serial number of the registration.

**8. Section 32 is repealed.**

**9. Subsection 37(2) is repealed.**

**10. Subsection 41(2) is amended by replacing "\$50" with "\$50,000".**

**11. Section 43 is amended as follows:**

Power to take affidavits

43. The Registrar General, ~~Deputy Registrar General~~ and every district registrar and subregistrar may take the affidavit or statutory declaration of any person for the purposes of this Act.

**12. Subsection 45(3) is repealed.**

**13. Section 48 is amended by adding "and" at the end of paragraph (a) and repealing paragraph (b).**

**14. Subsection 53(3) is amended as follows:**

Charging unauthorized fees

(3) Except in the case of a delayed registration and as provided in subsection (4), a person must not claim, charge or collect every person who claims, charges or collects a fee for registration of a birth, marriage or death ~~is guilty of an offence.~~

**15. Subsection 54(1) is repealed and replaced by:**

Failure to carry out duties

54. (1) A person must not fail to give a notice, or to provide a statement, certificate or particulars required under this Act, within the time limits provided under this Act.

**16. Section 55 is repealed and replaced by:**

Interference with public notice

55. A person must not wilfully remove, deface or destroy a public notice relating to the registration of births, stillbirths, marriages or deaths.

**17. Subsection 56(1) is repealed and replaced by:**

Failure to obtain permit for transportation of body

56. (1) Subject to subsection (2) and any other Act, a common carrier must not transport or carry, or accept through its agents or employees for transportation or carriage, the body of a deceased person without the prescribed burial permit issued under this Act.

**18. Section 57 is repealed.**

**19. Section 58 is repealed and replaced by:**

General offence and punishment

58. Except as provided in subsection 41(2), a person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000.

**20. Subsection 60(1) is amended**

**(a) in paragraph (i) as follows:**

(i) for the registration of births, marriages, deaths, stillbirths, ~~dissolutions and annulments of marriage~~, adoptions or changes of name in cases not otherwise provided for in this Act;

(b) **by repealing and replacing paragraphs (l.3) to (l.6) by:**

(l.3) respecting the requirements for an application under subsection 11.1(3);  
and

#### **NON-SUBSTANTIVE AMENDMENTS**

**21. The English versions of the following provisions are amended by replacing "he or she" with "they", with the necessary grammatical modifications:**

- (a) the portion of subsection 16(2) preceding paragraph (a);
- (b) paragraph 35(2)(a);
- (c) subsection 51.1(3).

**22. The English version of the portion of subsection 3(6) preceding paragraph (a) is amended by replacing "he or she" with "the Registrar General".**

**23. The English versions of the following provisions are amended by replacing "his or her", wherever it appears, with "their":**

- (a) subsection 2(2.2);
- (b) paragraph 11(1)(b);
- (c) the portion of subsection 11(4) preceding paragraph (a);
- (d) subsection 13(2.2);
- (e) subsection 27(4);
- (f) paragraph 40(1)(b);
- (g) paragraph 40(2)(b).

**24. The English versions of the following provisions are amended by replacing "his or her" with "the Registrar General's":**

- (a) subsection 13(1);
- (b) subsection 51.2(5).

**25. The English versions of the following provisions are amended by replacing "himself or herself" with "themselves":**

- (a) subsection 2(2.1);
- (b) subsection 2(2.3).

**26. The English version of paragraph (b) of the definition of "parent" in section 1 is amended by replacing "herself or himself" with "themselves".**

**27. The following definitions in section 1 are amended by replacing "mother" with "birthing parent":**

- (a) "birth";
- (b) "stillbirth".

## RELATED AND CONSEQUENTIAL AMENDMENTS

### *Change of Name Act*

**28. (1) This section amends the *Change of Name Act*.**

**(2) Paragraph 9(2)(c) is amended as follows:**

- (c) the full name of the parents of the applicant including family names of each of the applicant's parents at the time of the parent's birth, if that family name differs from the parent's current family name, where applicable, the full maiden name of the mother of the applicant;

**(3) Paragraph 9(2)(d) is amended as follows:**

- (d) if the applicant is married, the full name of the spouse, the date and place of marriage, the full name of the parents of the spouse including family names of each of the spouse's parents at the time of the parent's birth, if that family name differs from the parent's current family name, where applicable, the full maiden name of the mother of the spouse;

### *Child Day Care Act*

**29. The English version of the definition of "relative" in section 1 of the *Child Day Care Act* is amended as follows:**

"relative" means a grandparent, sibling ~~brother, sister, aunt, uncle~~ or first cousin of a child, or a sibling of a parent of a child. (parent)

### *Curfew Act*

**30. (1) This section amends the *Curfew Act*.**

**(2) Paragraph 3(a) is amended as follows:**

- (a) establish the age of childhood in ~~at which a boy or girl shall be deemed to be a child for the purposes of the municipality for the purposes of this Act;~~

**(3) Paragraph 7(a) is amended as follows:**

- (a) establish the age of childhood in ~~at which a boy or girl shall be deemed to be a child for the purposes of~~ a curfew district established under section 2 for the purposes of this Act;

*Family Law Act*

**31. Paragraph 6(c) of the *Family Law Act* is amended as follows:**

- (c) funeral expenses of the child or a parent ~~mother~~;

*Fatal Accidents Act*

**32. (1) This section amends the *Fatal Accidents Act*.**

**(2) The definition of "child" in section 1 is amended as follows:**

"child" includes a grandchild, stepchild ~~son, daughter, grandson, grand-daughter, stepson, stepdaughter, adopted child~~ and a person for whom the deceased stood in the place of a parent; (*enfant*)

**(3) The definition of "parent" in section 1 is amended as follows:**

"parent" includes a grandparent, stepparent ~~father, mother, grandfather, grandmother, stepfather, stepmother, a person who adopted a child~~ and a person who stood in the place of a parent for the deceased; (*parent*)

*Human Rights Act*

**33. Subsection 7(4) of the *Human Rights Act* is repealed and replaced by:**

Pregnancy and adoption

(4) Whenever this Act protects an individual from discrimination on the basis of sex, the protection includes, without limitation, the protection from discrimination on the basis that the individual may

- (a) become pregnant; or  
(b) become a parent of a child.

*Income Tax Act*

**34. (1) This section amends the *Income Tax Act*.**

**(2) Subparagraph 2.17(1)(b)(ii) is repealed and replaced by:**

- (ii) resident in Canada and, in relation to the individual or the individual's spouse or common-law partner, is  
(A) their parent, grandparent or sibling,  
(B) the sibling of their parent, or  
(C) the child of their sibling; and

**(3) Paragraph 3.1(2)(a) is repealed and replaced by:**

- (a) the presumption prescribed by paragraph (f) of the definition of "eligible individual" in section 122.6 of the federal Act applies;

*Insurance Act*

**35. (1) This section amends the *Insurance Act*.**

**(2) Subsection 1(2) is amended as follows:**

*Interpretation*

(2) In the statutory conditions contained in subsections 64(2) and 129(2) and in section 177, and in the Schedule, gender-specific references to a person ~~words importing male persons~~ include individuals of any gender ~~female persons~~.

**(3) The English version of subparagraph 138(b)(i) is amended by replacing "daughter, son" with "child".**

*Intestate Succession Act*

**36. (1) This section amends the *Intestate Succession Act*.**

**(2) Section 5 is amended as follows:**

*Distribution to parents*

5. The estate of a person who dies intestate leaving no surviving spouse or issue ~~must~~ shall go to the person's living parents in equal shares ~~his or her father and mother in equal shares if both are living, but if either of them is dead, the estate shall go to the survivor.~~

**(3) Subsection 6(1) is amended as follows:**

*Distribution to siblings*

6. (1) The estate of a person who dies intestate leaving no surviving spouse or issue or parent must go to the person's siblings ~~father or mother shall go to his or her brothers and sisters~~ in equal shares.

**(4) Subsection 6(2) is repealed and replaced by:**

*Distribution to children of siblings*

(2) If any sibling referred to in subsection (1) is dead, the children of the deceased sibling are entitled to the share their parent would have taken, if living, but if the only persons entitled are children of deceased siblings, they are entitled to equal shares.

**(5) Section 7 is amended as follows:**

Distribution to next of kin

7. The estate of a person who dies intestate leaving no surviving spouse, issue, parent or sibling ~~father, mother, brother or sister~~ and no children of any deceased sibling ~~must brother or sister~~ shall go to the person's ~~his or her~~ next of kin.

**(6) The English version of section 8 is amended by replacing "brothers and sisters" with "siblings".**

*Liquor Act*

**37. Section 112 of the *Liquor Act* is repealed.**

*Marriage Act*

**38. (1) This section amends the *Marriage Act*.**

**(2) Subsection 42(1)(a) of the *Marriage Act* is amended as follows:**

- (a) a certificate issued under subsection 12(7) of the *Divorce Act* (Canada) ~~of the dissolution or annulment obtained from an appropriate official under the *Vital Statistics Act*~~; or

*Midwifery Profession Act*

**39. (1) This section amends the *Midwifery Profession Act*.**

**(2) Paragraph 2(a) is amended as follows:**

- (a) individuals of childbearing age ~~women of reproductive age~~ in respect of health promotion, pregnancy, labour, delivery and the postpartum period;

**(3) Section 3 is amended**

**(a) in paragraph (a) as follows:**

- (a) counsel, support, advise, examine, monitor and care for individuals ~~women~~ during their pregnancy, labour, delivery and ~~the~~ postpartum period;

**(b) in the French version of paragraph (c) as follows:**

- c) de conseiller les particuliers les femmes sur la détection la plus précoce possible des grossesses à risques, et d'obtenir les évaluations plus approfondies nécessaires à cette fin;

(c) in paragraph (d) as follows:

(d) identify the conditions in the individual ~~woman~~, fetus or newborn that necessitate consultation with or referral to a medical practitioner or other health care professional;

*Senior Citizens and Disabled Persons Property Tax Relief Act*

**40. Paragraph (b) of the definition of "dependant" in section 1 of the *Senior Citizens and Disabled Persons Property Tax Relief Act* is amended by deleting the "or" at the end of subparagraph (i) and repealing and replacing subparagraph (ii) by:**

- (ii) a child, grandchild, sibling, parent or grandparent of the senior citizen or disabled person,
- (iii) a child of the sibling of the senior citizen or disabled person, or
- (iv) a sibling of the parent of the senior citizen or disabled person;  
(*personne à charge*)

*Wills Act*

**41. (1) This section amends the *Wills Act*.**

**(2) The English version of paragraph 21(a) is amended by replacing "brother or sister" with "sibling".**

**(3) Section 22 is amended by replacing "his" with "their" and "father" with "parent" wherever they appear, including in paragraphs (a) and (b).**

**FINAL PROVISIONS**

**Transitional**

**42. (1) Any form that is prescribed under an enactment and that provides for the gender or sex of a person to be inputted is deemed to include a non-binary option.**

**(2) This section is repealed on a day to be fixed by order of the Commissioner in Executive Council upon certification by the Minister of Justice that all enactments prescribing forms described in subsection (1) include a non-binary option in those forms.**

**43. The person appointed as the Deputy Registrar General of Vital Statistics under paragraph 48(b) of the *Vital Statistics Act* as it read immediately before the day this section comes into force is deemed, on the coming into force of this section, to have been appointed as a deputy Registrar General of Vital Statistics under paragraph 48(a) of that Act.**

**Coming into force**

**44. (1) Subject to this section, this Act comes into force on Assent.**

**(2) Sections 3, 4 and 42 and paragraph 20(b) come into force on a day to be fixed by order of the Commissioner in Executive Council.**

**(3) Section 5 and subsection 6(4) come into force three months after the day this Act receives Assent.**