

# CONSOLIDATION OF VITAL STATISTICS ACT

R.S.N.W.T. 1988,c.V-3

(Current to: May 9, 2016)

## AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.104(Supp.)

S.N.W.T. 1994,c.26

In force September 30, 1995: SI-009-95

S.N.W.T. 1998,c.17

## AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2002,c.17,s.278

s.278 in force September 8, 2003: SI-005-2003

S.Nu. 2007,c.8,s.13

s.13 in force November 8, 2007

S.Nu. 2010,c.3,s.20

s.20 in force March 23, 2010

S.Nu. 2011,c.6,s.29

s.29 in force February 25, 2011

S.Nu. 2011,c.25,s.18

s.18 in force October 31, 2011

S.Nu. 2012,c.17,s.29

s.29 in force June 8, 2012

S.Nu. 2015,c.8

In force March 17, 2015, except s.2,4-7,9,13-14

s.2,4-7,9,13-14 NIF

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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**VITAL STATISTICS ACT**

## INTERPRETATION

## Definitions

**1.** In this Act,

"birth" means the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy, of a product of conception in which, after the expulsion or extraction, there is breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle, whether or not the umbilical cord has been cut or the placenta is attached; (*naissance*)

"burial permit" means a permit to bury, cremate, remove or otherwise dispose of a dead body; (*permis d'inhumer*)

"cemetery" means land set apart or used as a place for the interment or other disposal of dead bodies, and includes a vault, mausoleum and crematorium; (*cimetière*)

"cemetery owner" includes the manager, superintendent, caretaker or other person in charge of a cemetery; (*propriétaire de cimetière*)

"certificate" means a certified extract of the prescribed particulars of a registration filed in the office of the Registrar General; (*certificat*)

"Clerk" means the Clerk of the Nunavut Court of Justice appointed under the *Judicature Act*; (*greffier*)

"cremation" means disposal of a dead body by incineration in a crematorium; (*crémation*)

"Deputy Registrar General" means the Deputy Registrar General of Vital Statistics appointed under paragraph 48(b); (*registraire général adjoint*)

"district registrar" means a district registrar appointed under subsection 49(2); (*registraire local*)

"error" means incorrect information, and includes omission of information; (*erreur*)

"funeral director" means a person who takes charge of a dead body for the purpose of burial, cremation or other disposition; (*entrepreneur des pompes funèbres*)

"incapable" means unable because of death, illness, absence from Nunavut, or otherwise; (*incapable*)

"inspector" means an inspector of vital statistics appointed under paragraph 48(c); (*inspecteur*)

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

"parent" means

- (a) a mother or father of a child,
- (b) a person who declares herself or himself to be a parent under subsection 2(2.1), or
- (c) a spouse of the mother or father at the time of a child's birth or stillbirth who intends or had intended to participate as a parent in the upbringing of the child; (*parent or père ou mère*)

"prescribed" means prescribed by this Act or the regulations; (*réglementaire*)

"Registrar General" means the Registrar General of Vital Statistics appointed under paragraph 48(a); (*registraire général*)

"registration district" means a registration district established under subsection 49(1); (*district d'enregistrement*)

"state" means a state or territory of the United States and includes the District of Columbia; (*État*)

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

"subregistrar" means a subregistrar appointed under section 50. (*sous-registraire*) S.Nu. 2011,c.25,s.18(2); S.Nu. 2012,c.17,s.29(2),(10).

**Note:** On a day to be fixed by order of the Commissioner, **paragraph (b) of the definition of "parent" in section 1 is amended by adding " or 2(2.3)" after "subsection 2(2.1)".**

See S.Nu. 2015,c.8,s.2.

Paramountcy

**1.1.** If there is a conflict or inconsistency between a provision of this Act and a provision of the *Access to Information and Protection of Privacy Act*, the provision of this Act prevails to the extent of the conflict or inconsistency. S.Nu. 2007,c.8,s.13(2).

## REGISTRATION OF LIVE BIRTHS

## Registration of births

2. (1) The birth of every child born in Nunavut shall be registered as provided in this Act.

## Statement respecting births

(2) Within 30 days after the day of the birth of a child, a statement in the prescribed form respecting the birth shall be completed and delivered or mailed to the district registrar of the registration district in which the birth occurred by the following persons:

- (a) a parent of the child,
- (b) if the parents are incapable, a person standing in place of the parents of the child; or
- (c) if there is no person to whom paragraph (a) or (b) applies, any person who has knowledge of the birth of the child.

## Particulars of parent

(2.1) Where the mother or father of a child and another person acknowledging himself or herself to be a parent of the child jointly request in writing, the particulars of that person may be given as the particulars of a parent.

(3) **Repealed, S.Nu. 2011,c.25,s.18(3).**

## Plural births

(4) Where a pregnancy results in the delivery of more than one child:

- (a) a separate statement shall be completed for each child; and
- (b) each statement must indicate the number of children born and their order of birth.

## Additional evidence required by Registrar General

(5) If the district registrar is not satisfied as to the truth and sufficiency of the statement, the district registrar shall refer the matter to the Registrar General who, in order to obtain any additional evidence that may be necessary, may

- (a) request further details from any person whom the Registrar General believes to have knowledge of the facts; or
- (b) appoint a person to inquire into the matter.

## Continuing liability to complete statement

(6) Every person referred to in subsection (2) who does not complete and deliver or mail a statement of birth within the required 30 days

- (a) remains liable to register the birth of the child; and
- (b) is guilty of a contravention of this Act for each successive period of seven days after the expiration of the required time during which that person neglects or fails to complete and deliver or mail the statement.

## Registration of birth by district registrar

(7) On the receipt, within one year after the day of the birth, of a statement respecting the birth, the district registrar, if the district registrar is satisfied as to the truth and sufficiency of the statement, shall register the birth by signing the statement, and upon that, the statement constitutes the registration of the birth. S.Nu. 2011,c.25,s.18(3); S.Nu. 2012,c.17,s.29(3),(4),(10); S.Nu. 2015,c.8,s.3.

**Note: On a day to be fixed by order of the Commissioner,****(a) the following is added after subsection 2(2.1):**

## Statutory declaration of parent

(2.2) Where a registration of birth does not include the particulars of a parent, that parent may at any time submit a statutory declaration of his or her particulars in the prescribed form and with the prescribed fee to the Registrar General.

## Statutory declaration of person acknowledging to be a parent

(2.3) Where the registration of birth does not include the particulars of a person who acknowledges himself or herself to be a parent of the child since the time of the child's birth, the mother or father of the child and that person may at any time jointly submit a statutory declaration of the particulars of that person in the prescribed form and with the prescribed fee to the Registrar General.

## Amendment of registration of birth

(2.4) The Registrar General shall amend the registration of birth in accordance with any statutory declaration submitted in accordance with subsection (2.2) or (2.3) by making the necessary notation on the registration.

**(b) subsection 2(5) is amended by striking out "the statement" and substituting "a statement or statutory declaration submitted under this section".**

*See* S.Nu. 2015,c.8,s.4,5.

## Surname of child

3. The birth of a child shall be registered showing
- (a) the surname of a parent; or
  - (b) a hyphenated or combined surname comprised of the surnames of two parents.
- S.Nu. 2011,c.25,s.18(4).

**Note: On a day to be fixed by order of the Commissioner, section 3 is amended by:**

**(a) renumbering section 3 as subsection 3(1);**

**(b) adding the following after subsection 3(1):**

Surname in case of disagreement

(2) If the parents who complete the statement respecting the birth referred to in subsection 2(2) cannot agree on a surname, the surname must be

- (a) the parents' surname, if the parents have the same surname; or
- (b) a surname consisting of two parents' surnames hyphenated or combined in alphabetical order, if the parents have different surnames.

Priority for surnames

(3) For the purposes of paragraph (2)(b), where there are more than two parents, priority shall be given to the surnames of the natural parents.

Request to change surname

(4) A parent who did not complete the statement of birth referred to in subsection 2(2) may submit a request to change the surname of the child in the prescribed form and with the prescribed fee to the Registrar General within five years of the child's birth.

Request to change surname accompanying statutory declaration

(5) A person submitting a statutory declaration under subsection 2(2.2) or (2.3) within five years of the child's birth may attach to the statutory declaration a request in the prescribed form and with the prescribed fee to change the surname of the child.

Amending surname on registration of birth

(6) Where the Registrar General receives a request submitted in accordance with subsection (4), (5) or (7), he or she shall in the following cases amend the registration of birth by making the necessary notation to show the requested surname as the surname of the child on the registration of birth:

- (a) if all other parents whose particulars appear on the registration of birth consent and the requested surname is in compliance with subsection (1); or
- (b) the requested surname is in compliance with paragraph (2)(a) or (2)(b) and subsection (3).

New request in case of non-compliance

(7) Where the Registrar General receives a request under subsection (4) or (5) or this subsection but refuses it for failure to comply with paragraph (6)(a) or (6)(b), a new request may be submitted in the prescribed form and with the prescribed fee.

*See S.Nu. 2015,c.8,s.6.*

- 4. (1) Repealed, S.Nu. 2011,c.25,s.18(4).**
- (2) Repealed, S.Nu. 2011,c.25,s.18(4).**
- (3) Repealed, S.Nu. 2011,c.25,s.18(4).** S.Nu. 2011,c.25,s.18(4).
- 5. (1) Repealed, S.Nu. 2011,c.25,s.18(4).**
- (2) Repealed, S.Nu. 2011,c.25,s.18(4).** S.Nu. 2011,c.25,s.18(4).
- 6. Repealed, S.Nu. 2011,c.25,s.18(5).**

Registration of birth by Registrar General

**7.** Where a birth is not registered within one year after the day of birth or the district registrar has referred the matter to the Registrar General under subsection 2(5),

- (a) the Registrar General shall sign the statement of birth if
- (i) the Registrar General is satisfied as to the truth and sufficiency of the matters stated in the application and that the application was made in good faith, and
- (ii) the application is made in the prescribed form, verified by statutory declaration and is accompanied by a statement respecting the birth and any other fee or evidence that may be prescribed; and
- (b) upon signing by the Registrar General, the statement constitutes registration of the birth.
- S.Nu. 2012,c.17,s.29(5).

- 8. (1) Repealed, S.Nu. 2011,c.25,s.18(5).**
- (2) Repealed, S.Nu. 2011,c.25,s.18(5).**
- (3) Repealed, S.Nu. 2011,c.25,s.18(5).**
- (4) Repealed, S.Nu. 2011,c.25,s.18(5).** S.Nu. 2011,c.25,s.18(5).

### Deserted child

**9.** (1) Where a new-born child is found deserted, the person who finds the child, and any person in whose charge the child may be, shall give to the district registrar of the registration district in which the child is found, within 14 days after the finding or taking charge of the child, the information that the person may possess as to the particulars required to be registered concerning the birth of the child.

### Duties of district registrar

(2) The district registrar, on receipt of the information referred to in subsection (1) regarding the birth of the child and on being satisfied that every reasonable effort has been made to identify the child without success, shall

- (a) require the person who found or has charge of the child to complete a statutory declaration concerning the facts of the finding of the child and to complete, so far as the person is able, a statement in the prescribed form required under subsection 2(2);
- (b) cause the child to be examined by the local medical officer of health or a medical practitioner with a view to determining as nearly as possible the date of the birth of the child, and require the examiner to make a statutory declaration setting out the facts as determined by the examination; and
- (c) make and transmit to the Registrar General a detailed report of the case including evidence regarding the birth of the child.

### Registration of birth

(3) The Registrar General, on receipt of the report referred to in paragraph (2)(c), shall review the case and, if satisfied as to the correctness and sufficiency of the matters stated, shall register the birth, and for the purpose of the registration shall establish for the child a date of birth, a place of birth and a surname and given name.

### Director of Child and Family Services

(4) The Registrar General, on registering a birth under this section, shall without delay transmit to the Director of Child and Family Services a copy of all documents respecting the child that are transmitted pursuant to paragraph (2)(c).

### Where identity of child established

(5) If, after the registration of a birth under this section, the identity of the child is established to the satisfaction of the Registrar General or further information with respect to the identity of the child is received by the Registrar General, the Registrar General shall

- (a) cancel, add to or correct the registration of birth made under this section, and
- (b) where necessary, cause a new registration in accordance with the actual facts of the birth to be made and registered in substitution for the registration first made under this section,

and the Registrar General shall, upon that, make a notation of any cancellation on the registration first made, and no certificate shall be issued after that in respect of that registration.

#### Date of registration

(6) Where a new registration of the birth of a child is made under subsection (5), the date of registration shall be shown on the registration first made.

#### Notification to Director of Child and Family Services

(7) The Registrar General shall notify the Director of Child and Family Services without delay of any action taken under subsection (5).

#### Where registration cancelled

##### (8) Where

(a) a person has received a certificate issued in respect of the registration of the birth of a child made under subsection (3), and  
(b) the registration is subsequently cancelled under subsection (5),  
the person shall deliver the certificate to the Registrar General for cancellation if the Registrar General so requires. S.N.W.T. 1998,c.17,s.29(2).

#### Alteration or addition of given names by Registrar General

**10.** (1) Except in a case to which the *Change of Name Act* applies, where the birth of a child has been registered and the given name under which the child was registered is changed or the child was registered without a given name, the persons who have lawful custody of the child or the person procuring the name to be changed or given may deliver to the Registrar General an application setting out the particulars of the change or of the name given, accompanied by

- (a) a statutory declaration completed by the applicant; and
- (b) a baptismal certificate, showing the given name under which the child was baptized; or
- (c) if a baptismal certificate cannot be obtained, other documentary evidence that is satisfactory to the Registrar General.

#### Notation of change

(2) The Registrar General shall make a notation of the change in the registration of birth on being satisfied that the application under subsection (1) is made in good faith and on payment of the prescribed fee.

#### Time limit for alteration or addition

(3) Except in a case to which the *Change of Name Act* applies, no alteration of or addition to a given name shall be made under this section in a registration of a birth unless the name of the child was changed or the name was given to the child within 10 years after the day of the birth.



#### Limitation on alteration or addition

(4) No alteration of or addition to a given name shall be made in a registration of a birth, except as provided in this Act.

#### Changes to be shown on certificate

(5) A birth certificate issued after the making of a notation under this section must be prepared as if the registration had been made containing the changed or new name at the time of registration. S.N.W.T. 1998,c.17,s.29(3).

#### Eligibility to be registered as resident of Nunavut at birth

**11.** (1) A person born outside Nunavut is eligible to be registered as being a resident of Nunavut at birth if

- (a) the person is ordinarily resident in Nunavut; and
- (b) at least one of his or her parents was ordinarily resident in Nunavut immediately before and after the birth.

#### Statements respecting residency

(2) A parent or, if both parents are incapable, the person standing in place of the parents of the child, may, within one year after the day of the birth,

- (a) complete and deliver or mail a statement to the Registrar General in the prescribed form respecting the residency of at least one of the parents; and
- (b) submit the certificate of birth of the child to the Registrar General.

#### Registration

(3) On receipt of the statement and the certificate referred to in subsection (2), the Registrar General, if satisfied as to the truth and sufficiency of the statement and the certificate, shall register the statement respecting the residency of a parent or the parents by signing the statement, and the statement constitutes the registration of the child as a resident of Nunavut at birth.

#### Registration after one year

(4) Where a statement respecting the residency of a person who is eligible under subsection (1) to be registered is not registered within one year after the day of his or her birth, any person may apply to the Registrar General to register a statement respecting the residency of a parent or the parents of the person who is eligible under subsection (1) to be registered, by

- (a) submitting to the Registrar General an application in the prescribed form, verified by statutory declaration;
- (b) paying the prescribed fee to the Registrar General;
- (c) submitting to the Registrar General a statement respecting the residency of at least one of the parents of the person who is eligible under subsection (1) to be registered;
- (d) submitting to the Registrar General the certificate of birth of the person who is eligible under subsection (1) to be registered; and

- (e) submitting to the Registrar General any other evidence that may be prescribed.

### Registration

(5) The Registrar General, if satisfied as to the truth and sufficiency of the matters stated in the application referred to in subsection (4) and that the application is made in good faith, shall register the statement respecting the residency of a parent or the parents by signing the statement, and the statement constitutes the registration of the person as a resident of Nunavut at birth. S.Nu. 2012,c.17,s.29(6),(10).

**Note:** On a day to be fixed by order of the Commissioner, **the following is added after section 11:**

### Interpretation

**11.1.** (1) In this section and in sections 11.2 and 11.3,

"health care professional" means a medical practitioner, nurse practitioner or psychologist or a member of a prescribed health care profession who

- (a) is licensed, certified or registered to practice his or her health care profession in the jurisdiction within which he or she practices; and
- (b) is in good standing with the regulatory authority for that profession in that jurisdiction; (*professionnel de la santé*)

"sex designation" means the recorded sex of a person, either male or female. (*désignation du sexe*)

### Application for change of sex designation

(2) A person whose birth is registered in Nunavut may apply to the Registrar General to change the sex designation on his or her registration of birth.

### Contents of application

(3) An applicant under subsection (2) shall include the following with his or her application:

- (a) a statutory declaration in a prescribed form attesting that:
  - (i) he or she identifies with the requested sex designation, and
  - (ii) he or she is currently living full-time in a manner that is consistent with the requested sex designation and intends to continue doing so;
- (b) supporting letters from two health care professionals that meet the requirements set out in subsection (4) and (5);
- (c) evidence of
  - (i) his or her current full legal name and date and place of birth, and
  - (ii) the names of his or her parents;
- (d) evidence that his or her birth is registered in Nunavut;
- (e) evidence of his or her place of residence if not in Nunavut;

- (f) all certificates and certified copies respecting his or her birth that were previously issued under section 30 and that are in his or her control;
- (g) any additional information that is prescribed; and
- (h) the prescribed fee.

#### Supporting letters

(4) A supporting letter referred to in paragraph (3)(b) must be provided by a health care professional who

- (a) has treated or evaluated the applicant; and
- (b) practices in a jurisdiction in Canada or, in the case of an applicant whose place of residence is outside Canada, practices in any jurisdiction.

#### Idem

(5) A supporting letter referred to in paragraph (3)(b) must

- (a) identify the applicant by his or her current full legal name and date of birth;
- (b) include a statement that the health care professional is of the opinion
  - (i) that the sex designation on the applicant's registration of birth is inconsistent with the sex designation with which the applicant identifies, and
  - (ii) that the sex designation requested by the applicant is consistent with the sex designation with which the applicant identifies;
- (c) include evidence that the health care professional is qualified to practice in his or her jurisdiction;
- (d) include a statement about the duration of the health care professional's relationship with the applicant and of any additional case history regarding the applicant reviewed by the health care professional;
- (e) if the applicant is a minor, include a statement that the health care professional is of the opinion that the minor has the capacity to make health care decisions;
- (f) include any additional information that is prescribed; and
- (g) be in a form that is acceptable to the Registrar General.

#### Alternate documentation

(6) The Registrar General may accept any prescribed documentation instead of the supporting letters referred to in paragraph 3(b).

#### Additional evidence

(7) The Registrar General may require an applicant under subsection (2) to provide any additional documentation, evidence, material or information in respect of the application.

#### Changing sex designation

**11.2.** (1) Subject to subsection (2), the Registrar General shall amend the birth registration of an applicant by changing the sex designation if the Registrar General receives

- (a) an application under subsection 11.1(2); and
- (b) payment of the prescribed fee.

#### Refusal to change sex designation

(2) The Registrar General shall refuse to amend a registration of birth in accordance with subsection (1) if

- (a) the application does not fulfil the requirements of subsections 11.1(3) to (6); or
- (b) a request is made under subsection 11.1(7) and the applicant does not provide additional documentation, evidence, material or information that is satisfactory to the Registrar General.

#### Reasons

(3) On refusing to amend a registration of birth statement under this section, the Registrar General shall provide written reasons to the applicant.

#### New application

(4) A refusal under this section does not prejudice the applicant's right to make a new application under subsection 11.1(2) where further evidence is provided.

#### Birth certificates after change of sex designation

**11.3.** Every birth certificate and certified copy of a registration of birth issued in respect of the applicant after an amendment is made under subsection 11.2(1) shall be issued as if the original registration had been made with the sex designation changed.

#### Return of certificates and certified copies

**11.4.** Upon request of the Registrar General, a person who is in possession or control of a certificate or certified copy issued under section 30 in respect of an applicant's birth before an amendment is made under subsection 11.2(1) shall return the birth certificate to the Registrar General immediately for cancellation.

*See S.Nu. 2015,c.8,s.7.*

## REGISTRATION OF STILLBIRTHS

#### Stillbirths

**12.** (1) Every stillbirth in Nunavut shall be registered as provided in this section.

### Statement

(2) Where a stillbirth occurs, the person who would have been responsible for the registration of the birth as provided in section 2, if it had been a birth, shall complete and deliver to the funeral director a statement in the prescribed form respecting the stillbirth.

### Medical certificate

(3) The medical practitioner in attendance at a stillbirth, or, where there is no medical practitioner in attendance, a medical practitioner or a coroner, shall complete the medical certificate included in the prescribed form referred to in subsection (2) showing the cause of the stillbirth and shall deliver it to the funeral director.

### Where no medical certificate

(4) Where a district registrar is satisfied that

- (a) there was no medical practitioner and no coroner within a reasonable distance from the place where a stillbirth occurred, and
- (b) it is not reasonably practicable to have the medical certificate completed as provided in subsection (3),

the district registrar may, in place of the medical certificate, prepare and sign a certificate included in the prescribed form referred to in subsection (2) prepared from the statements of relatives of the parents of the stillborn child or of other persons having adequate knowledge of the facts.

### Statement of funeral director

(5) On receipt of the prescribed form referred to in subsection (2), the funeral director shall set out in the form the proposed date and place of burial, cremation or other disposition of the body and shall deliver the form to the district registrar.

### Registration of stillbirth

(6) On receipt from the funeral director of the prescribed form referred to in subsection (2), the district registrar, if satisfied as to the truth and sufficiency of the form, shall register the stillbirth by signing and filing the form, and upon that, the form constitutes the registration of the stillbirth.

### Duties of district registrar

(7) On the registration of a stillbirth, the district registrar shall without delay prepare and deliver to the person requiring them for the purpose of the burial, cremation or other disposition of the body of the stillborn child

- (a) an acknowledgement that the stillbirth is registered; and
- (b) a burial permit.

### Application of other sections

(8) Subject to this section, sections 2 to 7 and 19 to 23 apply to stillbirths with such modifications as the circumstances require. S.Nu. 2012,c.17,s.29(10).

## REGISTRATION OF ADOPTIONS

### Registration of adoption

**13.** (1) Where the Registrar General receives a certified copy of an adoption order transmitted pursuant to the *Adoption Act* or a certified copy of a certificate recognizing a custom adoption transmitted pursuant to section 5 of the *Aboriginal Custom Adoption Recognition Act*, the Registrar General shall register the adoption by endorsing his or her signature on the order or certificate.

### Duties of Registrar General

(2) Where, at the time of the registration of an adoption effected under the *Adoption Act* or any predecessor Act or at any time after that, there is in the office of the Registrar General a registration of the birth of the person adopted, the Registrar General, on production of evidence satisfactory to the Registrar General of the identity of the person, shall cause the substitution of a new registration of the birth in accordance with the facts contained in the order of adoption as if the adopted person had

- (a) on the date of birth recorded in the original registration, and
- (b) at the place of birth recorded in the original registration,

been born to the adoptive parent or parents and cause the original registration to be withdrawn from the registration files.

### Substitution of registration of birth where custom adoption

(2.1) Where, at the time of the registration of a custom adoption or at any time after that, there is in the office of the Registrar General a registration of the birth of the person adopted, the Registrar General, on production of evidence satisfactory to the Registrar General of the identity of the person, shall cause

- (a) the substitution of a new registration of the birth that is in accordance with the facts contained in the certificate recognizing the custom adoption and that includes the names of the birth parents as set out in the original registration of birth; and
- (b) the original registration to be withdrawn from the registration files.

### Adoption received from outside Nunavut

(3) Where a person is adopted pursuant to an order, judgment or decree of adoption made by a court of competent jurisdiction in a province, territory, state or country, the Registrar General

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

shall, if there is in the office of the Registrar General a registration of birth of that person, register the adoption in the manner set out in subsection (1), and shall cause the substitution of a new registration required by subsection (2).

Where adopted person is born outside Nunavut

(4) Where the Registrar General receives a certified copy of an adoption order of a person born outside Nunavut transmitted pursuant to the *Adoption Act* or a certified copy of a certificate recognizing the custom adoption of a person born outside Nunavut transmitted pursuant to section 5 of the *Aboriginal Custom Adoption Recognition Act*, the Registrar General shall transmit a certified copy of the order or certificate to the person having charge of the registration of births in the province, territory, state or country where the person was born. S.N.W.T. 1994,c.26,s.8; S.N.W.T. 1998,c.17,s.29(4),(5); S.Nu. 2012,c.17,s.29(10); S.Nu. 2015,c.8,s.8.

**Note: On a day to be fixed by order of the Commissioner, the following is added after subsection 13(2.1):**

Birth parents

(2.2) Where a new registration of birth has been prepared under paragraph (2.1)(a), a person who could have added his or her particulars to the original registration of birth as a parent may at any time submit a statutory declaration of his or her particulars to the Registrar General in the same manner and with the same fee as a statutory declaration submitted under subsection 2(2.2) or 2(2.3).

Amendment

(2.3) The Registrar General shall amend the names of the birth parents on a registration of birth in accordance with any statutory declaration submitted in accordance with subsection (2.2) by making the necessary notation on the registration.

See S.Nu. 2015,c.8,s.9.

Special register of adoption

- 14.** (1) The Registrar General shall maintain a special register in which shall be kept
- (a) the original registration of birth withdrawn from the registration files pursuant to section 13; and
  - (b) the copies of all orders, certificates, judgments and decrees received by the Registrar General for the purposes of section 13, other than the copy required for the purposes of subsection 13(4).

Use of special register

(2) Where one of the parties to a proposal of marriage is an adopted child, the Registrar General may refer to the special register on the request of an issuer, member of the clergy or marriage commissioner as defined in the *Marriage Act* for the purpose of determining whether the parties are within the forbidden degrees of consanguinity.

#### Authority to disclose information

(3) Except as authorized by this section and subsection 35(2), the special register and any entry or information or documents contained in the special register shall not be made public or disclosed to any person except on the order of a judge of the Nunavut Court of Justice. S.N.W.T. 1994,c.26,s.8; S.N.W.T. 1998,c.17,s.29(6); S.Nu. 2012,c.17,s.29(10).

#### Certificate of registration after adoption

**15.** Where a child born in Nunavut is adopted pursuant to the laws of Nunavut or of a province, territory, state or country and a new registration has been made pursuant to section 13, any certificate of birth of that child subsequently issued by the Registrar General

- (a) must be in accordance with the new registration, and where parentage is shown, indicate the legal parents in accordance with section 37 of the *Adoption Act*; and
  - (b) may not contain anything that would disclose that the child is an adopted child.
- S.N.W.T. 1998,c.17,s.29(7); S.Nu. 2012,c.17,s.29(7).

### REGISTRATION OF MARRIAGES

#### Registration of marriages

**16.** (1) Every marriage solemnized in Nunavut shall be registered as provided in this Act.

#### Statement respecting marriage

(2) Every person authorized by law to solemnize marriage in Nunavut shall, immediately after he or she solemnizes a marriage, prepare a statement in the prescribed form respecting the marriage, which shall be signed by

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

#### Time for registration

(3) The person by whom the marriage was solemnized shall, within 30 days after the day of marriage, deliver or mail the completed statement in the prescribed form to the district registrar or to a subregistrar of the registration district in which the marriage was solemnized.

#### Statement respecting marriage performed under section 2.1 of *Marriage Act*

(3.1) After a marriage is performed according to the rites, usages and customs of a religious body referred to in section 2.1 of the *Marriage Act*, the person who authorized the marriage under subsection 8.1(1) of the *Marriage Act* shall prepare a statement in the prescribed form respecting the marriage, which statement shall be signed by



- (a) each of the parties to the marriage;
- (b) at least two adult witnesses to the marriage; and
- (c) the person who authorized the marriage.

#### Time for registration

(3.2) The person required to prepare the statement under subsection (3.1) shall, within 30 days after the day of the marriage, deliver or mail the completed statement in the prescribed form to the district registrar or to a subregistrar of the registration district in which the marriage was performed.

#### Registration of marriage by district registrar

(4) On the receipt, within one year after the day of a marriage, of a completed statement in the prescribed form respecting the marriage, the district registrar, if satisfied as to the truth and sufficiency of the statement, shall register the marriage by signing the statement, and upon that, the statement constitutes the registration of the marriage.

R.S.N.W.T. 1988,c.104(Supp.),s.17; S.Nu. 2012,c.17,s.29(10).

#### Registration of marriage by registrar

**17.** Where a marriage is not registered within one year after the day of the marriage, if application for registration of the marriage is made by any person to the Registrar General

- (a) in the prescribed form,
- (b) verified by statutory declaration, and
- (c) accompanied by the prescribed fee, a statement respecting the marriage and any other evidence that may be prescribed,

the Registrar General, 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 by signing the statement, and upon that, the statement constitutes the registration of the marriage.

#### Registration of dissolution or annulment

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

#### Notation of dissolution or annulment

(2) Where, at the time of the registration of the dissolution or annulment or at any time after that, there is in the office of the Registrar General a registration of the marriage dissolved or annulled, the Registrar General, on production of evidence satisfactory to the Registrar General as to the identity of the persons, shall cause

- (a) a notation of the dissolution or annulment of the marriage to be made on the registration of the marriage; and
- (b) a notation of the registration of the marriage to be endorsed on the registration of the dissolution or annulment.

### Registration of dissolution or annulment outside Nunavut of marriage solemnized in Nunavut

(3) Where 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 province or territory, the Registrar General,

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

shall, if there is in the office of the Registrar General a registration of the marriage, register the dissolution or annulment in the manner set out in subsection (1) and make the notations required by subsection (2).

### Marriage certificate

(4) Every marriage certificate issued after the making of a notation pursuant to this section must contain a copy of the notation.

### Marriage performed in province or territory

(5) Where a marriage solemnized in a province or territory is dissolved or annulled in Nunavut, the Registrar General on receipt of the statement respecting the dissolution or annulment shall transmit a certified copy of the order, judgment or decree to the person having charge of registration of marriages in the province or territory in which the marriage was solemnized. S.Nu. 2012,c.17,s.29(8),(10).

## REGISTRATION OF DEATHS

### Registration of deaths

**19.** (1) The death of every person who dies in Nunavut shall be registered as provided in this Act.

### Personal particulars of deceased

(2) The personal particulars of the deceased shall, on the request of the funeral director, be completed in the prescribed form and delivered to the funeral director

- (a) by the nearest relative of the deceased present at the death or in attendance at the last illness of the deceased;
- (b) if no such relative is available, by any relative of the deceased residing or being within the registration district;
- (c) if no relative is available, by any person present at the death;
- (d) by any other person having knowledge of the facts;
- (e) by the occupier of the residence in which the death occurred; or
- (f) by a coroner who is conducting an investigation or holding an inquest respecting the death.

#### Certification by medical practitioner or coroner

(3) The medical practitioner who was last in attendance during the last illness of the deceased, or the coroner who conducted an investigation or held an inquest respecting the death, shall, immediately after the death, investigation or inquest, as the case may be,

- (a) complete and sign the medical certificate in the prescribed form, stating in it the cause of death according to the International List of Causes of Death, as last revised by the International Commission assembled for that purpose; and
- (b) cause the medical certificate to be delivered to the funeral director without delay.

#### Coroner's duty when a body is destroyed, irrecoverable or removed from Nunavut

(3.1) On conducting an investigation or holding an inquest under the *Coroners Act* in circumstances in which a body has been destroyed in whole or in part, has been found but cannot be recovered, or has been removed from Nunavut, a coroner who is satisfied that a death has occurred in Nunavut shall

- (a) enter the personal particulars of the deceased on a death registration statement;
- (b) complete the medical certificate portion of the death registration statement by recording that the body has been destroyed in whole or in part, has been seen but could not be recovered, or has been removed from Nunavut; and
- (c) without delay on the close of the investigation or inquest, submit the completed death registration statement to the Registrar General.

#### Death without medical attendance

(4) The district registrar or subregistrar shall inquire into the facts and complete a medical certificate in the prescribed form where a death occurs without medical attendance or where a medical practitioner is not available to complete the medical certificate, and there is no reason to believe that the death was a reportable death as defined in the *Coroners Act*.

#### Reportable death under the *Coroners Act*

(5) Subject to subsection 22(1), where there has been a reportable death as defined in the *Coroners Act*, no acknowledgement of registration of the death and no burial permit shall be issued by the district registrar unless

- (a) the death has been investigated by a coroner;
- (b) a coroner has signed the medical certificate of the cause of death in accordance with subsection (3); and
- (c) the other provisions of this Act respecting the registration of death have been complied with.

### Duty of funeral director

- (6) On receipt of the personal particulars respecting the deceased and of the medical certificate in the prescribed form, the funeral director shall
- (a) complete the form; and
  - (b) without delay deliver the completed form to the district registrar or to a subregistrar of the registration district in which the death occurred, or if the place of death is not known, to the district registrar or to a subregistrar of the registration district in which the body was found.
- S.Nu. 2012,c.17,s.29(10); S.Nu. 2015,c.8,s.10.

### Registration of death by district registrar

**20.** (1) On the receipt, within one year after the day of a death, of a statement in the prescribed form respecting the death, the district registrar, if satisfied as to the truth and sufficiency of the statement, shall register the death by signing the statement, and upon that, the statement constitutes the registration of the death, and if the district registrar is requested to do so, the district registrar shall issue a burial permit in the prescribed form.

### Statement received by district registrar of another district

- (2) Where it is impracticable to deliver the prescribed form to the proper district registrar or to a subregistrar, the form may be delivered to the nearest district registrar who shall
- (a) register the death by signing the form and issue a burial permit, in the prescribed form; and
  - (b) forward the registration without delay to the Registrar General with a copy to the appropriate district registrar.

### Registration of death by Registrar General

**21.** Where a death is not registered within one year after the day of the death, or the district registrar refuses to register a death, if application for registration of the death is made by any person to the Registrar General

- (a) in the prescribed form,
- (b) verified by statutory declaration, and
- (c) accompanied by the prescribed fee, a statement respecting the death and any other evidence that may be prescribed,

the Registrar General, 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 by signing the form, and upon that, the form constitutes the registration of the death.

### Issuance of burial permit before medical certificate completed

- 22.** (1) Where
- (a) there is a reportable death as defined in the *Coroners Act*, and
  - (b) a coroner has authorized the release of the body of the deceased before determining the cause of death or signing a medical certificate,

the district registrar shall issue a burial permit in the prescribed form and the coroner shall complete a medical certificate within two days after the determination of the cause of death and forward it to the district registrar.

#### Registration before burial or other disposition

(2) No person shall

- (a) bury or otherwise dispose of the body of any person who dies in Nunavut,
- (b) remove the body from the registration district in which the death occurred or the body was found, except
  - (i) temporarily for the purpose of preparing the body for burial, or
  - (ii) where authorized under the *Coroners Act*, or
- (c) conduct or take part in a funeral or religious service in connection with the burial or other disposition of the body,

unless the death is registered as provided in this Act and a burial permit has been obtained and is in the possession of the person conducting the funeral or religious service.

#### Removal of body

(3) Where the body of a person is to be removed by a common carrier to the place of burial or other disposition, the removal shall not take place unless the prescribed copies of the burial permit have been affixed to the outside of the casket.

#### Duties of funeral director

(4) The funeral director at the place of burial or other disposition shall

- (a) remove any copies of the burial permit affixed to the outside of the casket;
- (b) deliver a copy of the burial permit to the person conducting the funeral or religious service; and
- (c) deliver a copy of the burial permit to the cemetery owner.

#### Burial without burial permit

(5) Subsections (2) to (4) do not apply in areas where it is not possible to register the death and obtain a burial permit within a period during which a body should be buried.

#### Report

(6) In a case referred to in subsection (5), any person who conducted the burial or other service or otherwise disposed of the body of a deceased person shall report as soon as possible all circumstances of the death and burial or other disposal of the body to a district registrar or subregistrar who shall

- (a) without delay inquire into those circumstances, and
- (b) make a full report to the Commissioner,

and the Commissioner may take the action that the Commissioner considers appropriate. S.Nu. 2012,c.17,s.29(10).

## Burial or cremation at cemetery

**23.** (1) No cemetery owner shall permit the burial or cremation of a dead body in the cemetery, unless the funeral director or the person officiating at the burial has delivered to the cemetery owner a burial permit in the prescribed form.

## Quarterly returns of burials and cremations

(2) Every cemetery owner shall

- (a) on January 1, April 1, July 1 and October 1 in each year prepare a quarterly report in the prescribed form of the burials and cremations that took place during the previous quarter; and
- (b) as the mails permit, transmit that report together with all burial permits in the prescribed form received by the cemetery owner in respect of the burials and cremations to the district registrar for transmission to the Registrar General.

## Nil report

(3) Where no burials or cremations have taken place during a quarter, the cemetery owner shall prepare and transmit to the district registrar for transmission to the Registrar General, as the mails permit, a nil report for that quarter.

## REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON THE HIGH SEAS

## Births and deaths on high seas

**24.** On receipt from the Minister of Transport of information transmitted under the *Canada Shipping Act, 2001*, respecting the birth of a child or the death of a person on board a ship whose port of registry is in Nunavut, the Registrar General, if satisfied as to the truth and sufficiency of the particulars received, shall register the birth or death. S.Nu. 2011,c.6,s.29(2); S.Nu. 2012,c.17,s.29(10).

## CHURCH RECORDS

## Filing of church records of baptisms, marriages or burials

**25.** Where registers or records of baptisms, marriages or burials kept by any church or religious body in Nunavut are on file on April 1, 1955, or are after April 1, 1955, with the approval of the Registrar General placed on file in the office of the Registrar General, the registers or records shall be preserved and shall remain in the custody of the Registrar General as part of the records of the office of the Registrar General. S.Nu. 2012,c.17,s.29(10).

## CHANGE OF NAME

## Notation of change of name

**26.** (1) Where the name of a person is changed under the *Change of Name Act* or under an Act of a province or territory, the Registrar General, on production to the Registrar General of proof of the change and evidence satisfactory to the Registrar General as to the identity of the person,

- (a) if the birth or marriage of the person is registered in Nunavut, shall cause a notation of the change to be made on the registration of the birth or marriage; and
- (b) if the change was made under the *Change of Name Act*, and the person was born or married outside Nunavut, shall transmit a copy of the proof of the change of name,
  - (i) where the person was born or married in a province or territory, to the officer in charge of registration of births and marriages in that province or territory, or
  - (ii) where the person was born or married outside of Canada, to the federal Deputy Minister of Citizenship and Immigration.

#### Certificate after change of name

(2) Every birth or marriage certificate issued after the making of a notation under subsection (1) shall be issued as if the registration had been made in the name as changed. S.Nu. 2010,c.3,s.20(2); S.Nu. 2012,c.17,s.29(10).

### FRAUDULENT REGISTRATIONS AND CERTIFICATES

#### Cancellation of registration and certificate

**27.** (1) On written application by any person and after notice to and hearing of all persons interested, or where the holding of a hearing is not possible, on receipt of a statutory declaration or other evidence satisfactory to the Registrar General that may be adduced by any person interested, the Registrar General, if satisfied that a registration was fraudulently or improperly made, may order that a notation be made on the registration to that effect and order that every certificate issued in respect of that registration be delivered to the Registrar General for cancellation.

#### Certificate

(2) No certificate shall be issued after a notation has been made under subsection (1) in respect of the registration.

#### Certificates fraudulently or improperly obtained or used

(3) On written application by any person and after notice to and hearing of all persons interested, or where the holding of a hearing is not possible, on receipt of a statutory declaration or other evidence satisfactory to the Registrar General that may be adduced by any person interested, the Registrar General, if satisfied that a certificate was obtained or is being used for fraudulent or improper purposes, may make an order requiring the delivery to the Registrar General of that certificate.

#### Certificate to be delivered to Registrar General

(4) A person who has in his or her possession or under his or her control a certificate in respect of which an order is made under subsection (1) or (3) shall without delay, on receipt of the order, deliver the certificate to the Registrar General, who shall preserve it in a permanent file together with the order and all documents relating to it.

## CORRECTIONS OF ERRORS IN REGISTRATIONS

### Corrections by district registrar or subregistrar

- 28.** (1) If, while the registration of a birth, stillbirth, marriage or death is in the possession of a district registrar or subregistrar, it is reported to the district registrar or subregistrar that an error exists in the registration, the district registrar or subregistrar
- (a) shall inquire into the matter; and
  - (b) if the district registrar or subregistrar is satisfied that an error has been made, may correct the error according to the facts by making a notation of the correction on the registration without altering the original entry.

### Correction by personal appearance

- (2) The district registrar or subregistrar may permit correction by altering the original entry where the person who provided the information contained in the registration to be corrected appears in person.

### Correction by Registrar General

- (3) Where, after a registration has been received or made by the Registrar General, it is reported to the Registrar General that an error exists in the registration, the Registrar General
- (a) shall inquire into the matter; and
  - (b) on the production of evidence satisfactory to the Registrar General verified by statutory declaration, the Registrar General may correct the error by making a notation of the correction on the registration without altering the original entry.

### Certificate from registration after correction

- (4) Where, after the correction of an error, application is made for a certificate, the certificate shall be prepared as if the registration has been made containing correct particulars at the time of registration.

## SEARCHES

### Searches of registrations and church records

- 29.** (1) Any person, on applying, providing information satisfactory to the Registrar General and paying the prescribed fee, may, if the Registrar General is satisfied that the information is not to be used for an unlawful or improper purpose, have a search made
- (a) for the registration in the office of the Registrar General of any birth, stillbirth, marriage, death, adoption, change of name, or dissolution or annulment of marriage; or
  - (b) for the record of any baptism, marriage or burial placed on file in the office of the Registrar General under section 25.



### Report on search

(2) The Registrar General shall make a report on the search which must state whether or not the birth, stillbirth, marriage, death, adoption, change of name, or dissolution or annulment of marriage, baptism or burial is registered or recorded and, if registered, must state the serial number of the registration, and must contain no further information.

## ISSUANCE OF CERTIFICATES AND COPIES

### Birth certificate

**30.** (1) Any person who applies for one of the prescribed forms of certificate in respect of the registration of the birth of any person and who provides information satisfactory to the Registrar General and pays the prescribed fee may, if the Registrar General is satisfied that it is not to be used for an unlawful or improper purpose, obtain that prescribed form of certificate.

### Contents

- (2) A certificate in respect of the registration of the birth of a person must contain:
- (a) the name, date of birth, place of birth and sex of the person;
  - (b) the date of registration;
  - (c) the serial number of the registration; and
  - (d) any prescribed information.

### Certified copy of registration of birth

(3) A certified copy of the registration of a birth may be issued only on application and payment of the prescribed fee and only

- (a) to a person who requires it for a stated reason that in the opinion of the Registrar General justifies the issuance of the certified copy;
- (b) to an officer of Her Majesty in right of Canada who requires it for use in the discharge of the official duties of the officer; or
- (c) to a person on the order of a judge of the Nunavut Court of Justice. S.Nu. 2012,c.17,s.29(10).

### Marriage certificate

**31.** (1) Any person who applies for one of the prescribed forms of certificate in respect of the registration of a marriage and who provides information satisfactory to the Registrar General and pays the prescribed fee may, if the Registrar General is satisfied that it is not to be used for an unlawful or improper purpose, obtain that prescribed form of certificate.

### Contents

- (2) A certificate in respect of the registration of a marriage must contain:
- (a) the names of the parties to the marriage;
  - (b) the date of the marriage;
  - (c) the place where the marriage was solemnized;
  - (d) the date of registration;

- (e) the serial number of the registration; and
- (f) any prescribed information.

#### Certified copy of registration of marriage

(3) A certified copy of the registration of a marriage may be issued only on application and payment of the prescribed fee and only

- (a) to a party to the marriage;
- (b) to a person requiring it for a stated reason where the stated reason in the opinion of the Registrar General justifies the issuance of the certified copy; or
- (c) to a person on the order of a judge of the Nunavut Court of Justice. S.Nu. 2012,c.17,s.29(10).

#### Certificate of dissolution or annulment

**32.** (1) The Registrar General shall, on application and the payment of the prescribed fee, issue to a person whose marriage has been dissolved or annulled in Nunavut and who intends to remarry a certificate of the dissolution or the annulment.

#### Contents

(2) The certificate of dissolution or annulment must state:

- (a) the names of the parties to the marriage;
  - (b) the date of the marriage;
  - (c) the place of the marriage;
  - (d) that the marriage was dissolved or annulled;
  - (e) the name and official position of the person who made the decree by which the marriage was dissolved or annulled;
  - (f) the number and date of the decree;
  - (g) that the decree is final and not subject to appeal;
  - (h) the date of the certificate; and
  - (i) the number of the certificate.
- S.Nu. 2012,c.17,s.29(10).

#### Death certificate

**33.** (1) Any person who applies for the prescribed form of certificate in respect of the registration of a death and who provides information satisfactory to the Registrar General and pays the prescribed fee may, if the Registrar General is satisfied that it is not to be used for an unlawful or improper purpose and subject to subsection (3), obtain the certificate in the prescribed form.

#### Contents

(2) A certificate in respect of the registration of a death of a person must contain:

- (a) the name, date of birth, date of death, place of death and sex of the person;
- (b) the date of registration;
- (c) the serial number of the registration; and
- (d) any prescribed information.

#### Disclosure of cause of death on death certificate

(3) No certificate issued in respect of the registration of death shall be issued in such a manner as to disclose the cause of death as certified on the medical certificate, except

- (a) where required for a stated reason that in the opinion of the Registrar General justifies the issuance of the certified copies; or
- (b) on the order of a judge of the Nunavut Court of Justice.

#### Certified copy of registration of death

(4) A certified copy of the registration of a death may be issued only on application and payment of the prescribed fee and only

- (a) to a person who requires it for a stated reason that in the opinion of the Registrar General justifies the issuance of the certified copy; or
- (b) to a person on the order of a judge of the Nunavut Court of Justice.  
S.Nu. 2012,c.17,s.29(10).

#### Certificates from church records

**34.** Any person, on applying and paying the prescribed fee, may, with the approval of the Registrar General and subject to the same limitations as those respecting certified copies set out in subsections 30(3), 31(3) and 33(4), obtain a certificate in respect of the record of a baptism, marriage or burial placed on file under section 25.

#### Certificate of adoption

**35.** (1) No certificate, certified copy or photographic print shall be issued under this Act in respect of the registration of an adoption.

#### Copies of documents in the special register

(2) Notwithstanding subsection (1), the following persons, on application and payment of the prescribed fee, are entitled to obtain a certified copy of the original registration of birth, referred to in paragraph 14(1)(a), and a copy of the documents referred to in paragraph 14(1)(b):

- (a) a person adopted under the *Adoption Act* to whom the documents relate, if he or she has attained the age of majority; and
- (b) a natural parent of the person referred to in paragraph (a), if the person has attained the age of majority.  
S.N.W.T. 1998,c.17,s.29(8).

#### Residency certificate

**36.** Any person, on applying, providing information satisfactory to the Registrar General and paying the prescribed fee to the Registrar General, may, if the Registrar General is satisfied that it is not to be used for an unlawful or improper purpose, obtain a certificate in the prescribed form in respect of a registration referred to in section 11 and the certificate shall contain a statement indicating that the person named in the certificate was a resident of Nunavut at birth and the following particulars only of the registration:

- (a) the name of the person;
  - (b) the date of birth;
  - (c) the place of birth;
  - (d) the sex of the person;
  - (e) the jurisdiction in which the birth occurred and the number of the registration assigned by that jurisdiction; and
  - (f) the serial number of the registration.
- S.Nu. 2012,c.17,s.29(10).

#### Certificates to be issued only by Registrar General

**37.** (1) Every certificate or certified copy issued under sections 30 to 34 shall be issued by the Registrar General and no person other than a person authorized by this Act to do so shall issue any document.

#### Signatures

(2) Where the signature of the Registrar General, Deputy Registrar General, district registrar or subregistrar is required for any purposes of this Act, the signature may be written, engraved or lithographed.

#### Change of Registrar General

(3) Every document issued under this Act under the signature of the Registrar General is and remains valid, notwithstanding that such person has ceased to hold office before the issue of the certificate.

#### Certificates as evidence

**38.** Every certificate purporting to be issued under sections 30 to 34 is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts certified to be recorded, and every certified copy of a registration purporting to be issued under sections 30, 31 and 33 is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts recorded in the registration, and it is not necessary to prove the signature or official position of the person by whom the certificate or certified copy purports to be signed.

#### Appeal from refusal of Registrar General to register

**39.** (1) Where an application for the registration of a birth, stillbirth, marriage or death is refused by the Registrar General, if within one year after the refusal, an application is made to a judge of the Nunavut Court of Justice, the judge

- (a) on being satisfied that the application is made in good faith and as to the truth and sufficiency of the evidence adduced on the application, and
- (b) having regard to the standards respecting delayed registration set out in the regulations for the guidance of the Registrar General,

may make an order requiring the Registrar General to accept the application and register the birth, stillbirth, marriage or death.

#### Compliance with order

(2) The Clerk shall without delay send a copy of the order referred to in subsection (1) to the Registrar General who shall comply with the order and attach the copy to the registration.

#### Appeal from refusal of Registrar General to search or issue certificate

(3) Where an application for a certificate or a search in respect of the registration of a birth, stillbirth, marriage or death is refused by the Registrar General, if within one year after the refusal, application is made to a judge of the Nunavut Court of Justice, the judge, on being satisfied that

- (a) the application is made in good faith, and
- (b) the applicant has good reason for requiring the certificate or search,

may make an order requiring the Registrar General to issue the certificate or make the search.

#### Compliance with order

(4) The Clerk shall without delay forward a copy of the order referred to in subsection (3) to the Registrar General who shall comply with the order.

#### Appeal from order of Registrar General

(5) Where the Registrar General makes an order under section 27, any person interested may, within two years after the making of the order, appeal from the order to a judge of the Nunavut Court of Justice and the judge may make an order confirming or setting aside the order of the Registrar General.

#### Order

(6) An order of a judge of the Nunavut Court of Justice under subsection (5) is final and binding on the Registrar General.

#### Notice

(7) At least 14-day notice of an application or appeal under this section must be served on the Registrar General. S.Nu. 2012,c.17,s.29(10).

## DISINTERMENT

#### Authorizing order

**40.** (1) Subject to the *Coroners Act*,

- (a) no person shall disinter or assist in the disinterment of, and
- (b) no person being a cemetery owner shall, in respect of his or her cemetery, permit the disinterment of,

the body of a deceased person that has been buried unless an order authorizing the disinterment has been secured under this section.

### Reburial permit

(2) Subject to the *Coroners Act*,

- (a) no person shall rebury or assist in the reburial of, and
- (b) no person being a cemetery owner shall, in respect of his or her cemetery, permit the reburial of,

the body of a deceased person that has been disinterred unless a reburial permit has been secured under subsection 42(1).

### Application

(3) Any person wishing to disinter a body buried in a cemetery, building or any other place in Nunavut may make an application to the Registrar General in the form of an affidavit setting out

- (a) the place where the body is buried;
- (b) the purpose of the proposed disinterment; and
- (c) the place, if any, where it is intended to rebury the body.

### Document and fee

(4) An application shall be accompanied by

- (a) the written consent of the medical officer for the area in which the body is buried to the disinterment of the body;
- (b) the prescribed fee; and
- (c) where the application is by a person who is not the owner of the cemetery where the body is buried,
  - (i) the consent of the owner of the cemetery where the body is buried, or
  - (ii) proof that reasonable notice of the application has been given to the owner of the cemetery where the body is buried.

### Order

(5) The Registrar General may issue an order authorizing the disinterment if the Registrar General is satisfied that the disinterment should be allowed.

S.Nu. 2012,c.17,s.29(10).

### Authority to cemetery owner

**41.** (1) An order made under subsection 40(5) is sufficient authority to the cemetery owner in which the body is buried to allow the disinterment of the body.

### Offence and punishment

(2) Every person who disinters a body or causes a body to be disinterred pursuant to an order obtained under subsection 40(5) and disposes of the body in any manner other than that authorized by the order is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 or to imprisonment for a term not exceeding one month or to both.

#### Reburial permit

**42.** (1) The Registrar General may, on application accompanied by the prescribed fee, issue a reburial permit for the reburial of a body that has been disinterred under section 40.

#### Fee for reburial on warrant of coroner

(2) No fee is payable for the issuance of a reburial permit for the reburial of the body of a deceased person that has been disinterred on a warrant of a coroner.

### GENERAL

#### 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.

#### Publication of statistical information

**44.** The Registrar General may compile, publish and distribute statistical information respecting the births, stillbirths, marriages, deaths, adoptions, changes of name, and dissolutions and annulments of marriage registered during any period that the Registrar General considers necessary and in the public interest.

#### Records, books and other documents

**45.** (1) All records, books and other documents pertaining to any office under this Act are the property of Her Majesty.

#### Delivery of records to successor

(2) Where a vacancy occurs in any office under this Act, the person having the possession, custody or control of any books, records or other documents pertaining to the office shall give up possession of and deliver them to the successor in office or to any person appointed by the Registrar General to demand and receive them.

#### Offence

(3) Every person who fails to comply with subsection (2) is guilty of an offence.

#### Secrecy

**46.** (1) No district registrar or subregistrar and no person employed in the public service shall communicate or allow to be communicated to any person not entitled to it any information obtained under this Act or allow any such person to inspect or have access to any records containing information obtained under this Act.

#### Exception

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

#### Information for voters lists

(3) The Registrar may provide information under this Act to the Chief Electoral Officer for the purpose of compiling and maintaining accurate voters lists under the *Nunavut Elections Act* and may enter into an agreement with the Chief Electoral Officer for this purpose. S.Nu. 2002,c.17,s.278.

#### Notations

**47.** Every notation made under this Act shall be effected without altering or defacing any entry on the registration and shall be dated and initialled by the person making the notation.

### ADMINISTRATION

#### Appointments

**48.** The Commissioner may appoint

- (a) a Registrar General of Vital Statistics who shall be responsible for the administration of this Act and for the direction and supervision of staff;
- (b) a Deputy Registrar General of Vital Statistics to assist the Registrar General and perform the duties of that officer during the absence of the Registrar General or while the office of the Registrar General is vacant; and
- (c) an inspector or inspectors of vital statistics, to perform the duties that may be imposed by the Registrar General.

#### Registration districts

**49.** (1) The Registrar General may establish registration districts and may extend, reduce, subdivide or abolish any registration district or merge it in whole or in part with one or more registration districts.

#### District registrar

(2) The Registrar General may appoint a district registrar for each registration district.

#### Subregistrar

**50.** A district registrar may appoint in writing one or more subregistrars who may exercise the powers and perform the duties of the district registrar within an area in the registration district.

#### Duties of district registrar

**51.** Every district registrar shall

- (a) during the first week of each month prepare and transmit to the Registrar General, as the mails permit, a report in the prescribed form showing all births, marriages and deaths recorded by the district registrar during the previous month;



- (b) keep a register in the form prescribed of all births, marriages and deaths recorded by the district registrar;
- (c) retain all duplicate schedules, forms and documents received by the district registrar in a place of safety; and
- (d) under the supervision and direction of the Registrar General and in accordance with the regulations, enforce this Act in the registration district of the district registrar and make an immediate report to the Registrar General of any contravention of this Act of which the district registrar has knowledge.

#### Interpretation

**51.1.** (1) In this section and section 51.2, "record" includes a statement, statutory declaration, registration, record of information or other document referred to in this Act.

#### Electronic version of records

(2) The Registrar General and district registrars may copy, create and maintain an electronic version of any original record.

#### Disposal of original record

(3) The Registrar General and district registrars may dispose of an original record in accordance with the regulations if he or she maintains an electronic version of the original record as a permanent record of that original in accordance with the regulations.

#### Conflict or inconsistency

(4) If there is a conflict or inconsistency between an original record and an electronic version of that record that is not maintained as a permanent record under subsection (3), the information set out in the original record prevails.

#### Reference to record

(5) Any reference in this Act to a record other than an original record includes an electronic version of that record that is copied, created or maintained in accordance with this section.

#### Reference to original record

(6) Any reference in this Act to an original record includes a permanent record maintained electronically under subsection (3). S.Nu. 2015,c.8,s.11.

#### Electronic database

**51.2.** (1) The Registrar General may establish and maintain an electronic database of

- (a) the particulars of registered births, stillbirths, adoptions, deaths, and marriages;
- (b) the particulars of amendments and corrections to registrations of births, stillbirths, adoptions, deaths, and marriages;
- (c) information respecting the cancellation of registrations; and
- (d) information respecting the issuance of certificates and certified copies of registered statements.

### Exclusion

(2) Electronic versions of records maintained under subsection 51.1(3) as permanent records of the originals do not constitute an electronic database.

### Reliance on electronic database

(3) Subject to subsection (4), the Registrar General and district registrars may rely on the information recorded in the electronic database for any purpose related to the administration of this Act.

### Conflict or inconsistency

(4) If there is a conflict or inconsistency between any information recorded in the electronic database and information set out in an original or electronic version of a record, the information set out in the original or the electronic version of the record prevails.

### Clerical or typographical error

(5) The Registrar General may at any time and on his or her initiative, correct a clerical or typographical error or omission in the electronic database, provided that any such correction is not inconsistent with information set out in an original record.

S.Nu. 2015,c.8,s.11.

### Duties of subregistrar

**52.** Every subregistrar shall

- (a) on the first day of each month prepare and transmit to the district registrar, as the mails permit, a report in the prescribed form showing each registration of birth, marriage or death reported to the subregistrar, together with all documents received relevant to those registrations; and
- (b) make an immediate report to the district registrar of any contravention of this Act of which the subregistrar has knowledge.

### Fees

**53.** (1) Subject to this Act, the fees to be paid under this Act shall be the fees that are prescribed.

### Where no fee

(2) No fee shall be charged for the registration of a birth, marriage or death except in the case of a delayed registration.

### Offence

(3) Except in the case of a delayed registration and as provided in subsection (4), every person who claims, charges or collects a fee for registration of a birth, marriage or death is guilty of an offence.

## Fees payable to subregistrar or district registrar

(4) A fee of \$2 for each registration of birth, stillbirth, marriage or death shall be paid from the Consolidated Revenue Fund

- (a) to a subregistrar receiving such a registration and returning it complete to the district registrar;
- (b) to a district registrar receiving such a registration, except where the registration is received from a subregistrar, and returning it complete to the Registrar General; or
- (c) to a member of the clergy for the provision of baptismal certificates and other church records at the request of the Registrar General.

## OFFENCES AND PUNISHMENT

## Failure to carry out duties

**54.** (1) Every person who fails to give a notice, or to provide a statement, certificate or particulars required under or pursuant to this Act, within the time limited by this Act, is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

## Compliance by one person

(2) Where two or more persons are under a duty to give a notice, or to register, or to provide a statement, certificate or particulars required under or pursuant to this Act and the duty is carried out by any of them, the other or others are, upon that, discharged from carrying out that duty.

## Interference with public notice

**55.** Every person who wilfully removes, defaces or destroys a public notice relating to the registration of births, stillbirths, marriages or deaths is guilty of an offence and liable on summary conviction to a fine not exceeding \$10.

## Failure to obtain permit for transportation of body

**56.** (1) Subject to subsection (2) and any other Act, every common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of a deceased person without the prescribed burial permit issued under this Act, is guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

## Exception

(2) If the death occurred outside Nunavut and the body is accompanied by a burial permit issued in accordance with the law in force where the death occurred, the burial permit is sufficient to authorize the transportation or carriage of the body into or through Nunavut. S.Nu. 2012,c.17,s.29(10).

## Secrecy

**57.** Every person who fails to comply with section 46 is guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

## General offence and punishment

**58.** Every person who fails to comply with or contravenes a provision of this Act or the regulations for which no specific punishment is provided is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

## Consent to prosecution

**59.** No prosecution for an offence under this Act shall be commenced under this Act without the consent of the Registrar General.

## REGULATIONS

## Regulations

**60.** (1) The Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing the duties of the Registrar General;
- (b) prescribing the duties of and records to be kept by district registrars and subregistrars;
- (c) prescribing the information and returns to be provided to the Registrar General, and fixing the times when information and returns are to be transmitted;
- (d) fixing the times when district registrars shall forward registrations to the Registrar General;
- (e) prescribing for the guidance of the Registrar General standards respecting delayed registration referred to in subsection 39(1);
- (f) prescribing forms to be used in carrying out the provisions and purposes of this Act;
- (g) prescribing information that is to appear on the forms of certificates respecting the registration of a birth, marriage or death;
- (h) designating the persons who may have access to or may be given copies of, or information from, the records in the office of the Registrar General or of a district registrar, and prescribing an oath of secrecy to be taken by those persons;
- (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;
- (j) prescribing the fees to be paid and providing for the waiver of payment of any fees by any person or any class of persons;
- (k) designating the persons who may sign registrations and notations;
- (l) prescribing the evidence on which the Registrar General may register a birth, stillbirth, marriage or death more than one year after from the date of that event;
- (l.1) respecting the disposal of original records when electronic versions are kept as permanent records of the originals;
- (l.2) respecting the maintenance of electronic versions of original records as permanent records of those originals; and

- (m) **repealed, S.Nu. 2015,c.8,s.12(a);**
- (n) **repealed, S.Nu. 2012,c.17,s.29(9)(c);**
- (o) **repealed, S.Nu. 2012,c.17,s.29(9)(c);**
- (p) for the purpose of effectively securing the due observance of this Act, and generally for the better carrying out of the provisions of this Act and obtaining the information required by this Act.

Personal information protection, use and disclosure

(2) The regulations authorized by subsection (1) respecting the collection, protection, use, disclosure, transfer, storage or destruction of personal information prevail despite any conflict or inconsistency with the *Access to Information and Protection of Privacy Act*. S.Nu. 2007,c.8,s.13(3); S.Nu. 2012,c.17,s.29(9); S.Nu. 2015,c.8,s.12.

**Note: On a day to be fixed by order of the Commissioner, subsection 60(1) is amended:**

- (a) **by striking out "and" in paragraph (1.2); and**
- (b) **by adding the following after paragraph (1.2):**
  - (1.3) prescribing the health care professions included in the definition of "health care professional" under section 11.1;
  - (1.4) prescribing additional information required for an application under subsection 11.1(3);
  - (1.5) prescribing additional information required for a supporting letter under subsection 11.1(5);
  - (1.6) respecting the documentation that the Registrar General may accept instead of the supporting letters referred to in paragraph 11.1(3)(b); and

*See* S.Nu. 2015,c.8,s.13.