

Vital Statistics Act

CHAPTER 494 OF THE REVISED STATUTES, 1989

as amended by

1998, c. 8, ss. 60-71; 2000, c. 29, ss. 32-45; 2001, c. 5, ss. 40-49;
2001, c. 31, s. 46; 2001, c. 45; 2003 (2nd Sess.), c. 4, s. 3; 2004, c. 10, s. 5;
2004, c. 48; 2005, c. 9, s. 19; 2005, c. 42, s. 91; 2006, c. 15, ss. 16-19;
2008, c. 8, s. 43; 2010, c. 27; 2011, c. 48; 2015, c. 13, ss. 3-5;
2015, c. 44, ss. 57, 58; 2018, c. 44; 2019, c. 8, s. 188



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CHAPTER 494 OF THE REVISED STATUTES, 1989
amended 1998, c. 8, ss. 60-71; 2000, c. 29, ss. 32-45; 2001, c. 5, ss. 40-49;
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2004, c. 48; 2005, c. 9, s. 19; 2005, c. 42, s. 91; 2006, c. 15, ss. 16-19;
2008, c. 8, s. 43; 2010, c. 27; 2011, c. 48; 2015, c. 13, ss. 3-5;
2015, c. 44, ss. 57, 58; 2018, c. 44; 2019, c. 8, s. 188

An Act Respecting the Registration of Births, Marriages, Deaths and Other Vital Events

Table of Contents

(The table of contents is not part of the statute)

	Section
Short title	1
Interpretation	
Interpretation	2
PART I	
Registration of Births and Stillbirths	
Notice of birth or stillbirth	3
Births	
Registration of birth	4
Delayed registration	5
Where legitimation after registration of birth	6
Information on deserted new-born	7
Application to court for finding as to birth	8
Restriction on court	9
Where change of name after registration of birth	10
Where change of name of birthplace	11
Paternity order	11A
Genetic testing	11B
Refusal to make order	11C
Stillbirths	
Registration of stillbirth	12
Registration of Adoptions	
Registration of adoption order	13
Where adoption of person born outside Province	14
Registration of Marriages	
Registration of marriage required	15
Delayed registration	16
Registration of Deaths	
Registration of death required	17
Burial permit upon receipt of statement	18

Burial permit from Registrar	19
Requirement for burial permit	20
Cemetery owners	21
Registration of Births and Deaths Occurring on the High Seas	
Registration of birth or death occurring on ship	22
Church Records	
Church records	23
Change of Name	
Name change under statute after registration	24
Change of Gender Identity	
Application to change gender identity	25
Change to be made by Registrar	25A
Fraudulent Registrations and Certificates	
Fraudulent registration	26
Statement error corrected by notation on statement	27
Administration	
Registrar General and administration of Act	28
Deputy Registrar General and other officers	29
Division registrars	31
Duties of division registrar	32
Oath may be taken before division registrar	33
Remuneration of Division Registrars	
Duties of Registrar and others	35
Searches	
Right to have records searched	36
Issuance of Certificates and Copies	
Certificates	37
Manner in which documents issued	38
Certificate or copy as prima facie evidence	39
Court application where refused registration	40
General	
Publication of statistical information	41
Registrar as division registrar	42
Annual statistical report	43
Records and books	44
Protection of information	45
Records transferred to Public Archives of Nova Scotia	45A
Manner of effecting notation	46
Minister may prescribe forms	46A
Penalties	
Penalty if notice or statement or certificate not given	47
Penalty to deface public notice	48
Penalty on common carrier	49

Penalty for obtaining certificate for improper purpose 49A
 Penalty for contravention of Act 50

Regulations

Regulations 51

PART II

Domestic Partners

Interpretation of Part 52
 Domestic-partner declaration 53
 Registration and rights and obligations 54
 Termination of domestic partnership 55
 Validity of domestic-partner declaration 56
 Registrar to note termination 57
Partnership Act does not apply 58
 Regulations 59
 Schedule

Short title

1 This Act may be cited as the *Vital Statistics Act*. R.S., c. 494, s. 1.

INTERPRETATION

Interpretation

2 In this Act,

- (a) “birth” means the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy, of a fetus in which, after such 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;
- (b) “burial permit” means a permit to bury, cremate, remove or otherwise dispose of a dead body;
- (c) “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;
- (d) “cemetery owner” includes the manager, superintendent, caretaker or other person in charge of a cemetery;
- (e) “certificate” means a certified extract of the prescribed particulars of a registration filed in the office of the Registrar;
- (f) *repealed 2001, c. 31, s. 46.*
- (g) “cremation” means disposal of a dead body by incineration in a crematorium;
- (h) “division registrar” means a division registrar appointed under this Act;

- (ha) “domestic partnership” means a relationship between two persons who have filed a domestic-partner declaration in accordance with Part II;
- (i) “error” means incorrect information, and includes omission of information;
- (j) “funeral director” means any person who takes charge of a dead body for the purpose of burial, cremation, removal or other disposition;
- (k) “incapable” means unable because of death, illness, absence from the Province or otherwise;
- (l) *repealed 2018, c. 44, s. 1.*
- (m) “married woman” includes a woman who, within the period of three hundred days prior to the birth of the child in respect of whose birth an application for registration is made under this Act, was lawfully married;
- (n) “medical practitioner” means a medical practitioner registered under the *Medical Act*;
- (o) “Minister” means the Minister of Service Nova Scotia and Internal Services;
- (oa) “nurse practitioner” means a nurse practitioner as defined in the *Nursing Act*;
- (p) “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 an hotel, inn, apartment, lodging-house or other dwelling or accommodation;
- (q) “prescribed” means prescribed by or under this Act or the regulations;
- (r) “registered” means registered by the Registrar;
- (s) “Registrar” means the Registrar General and includes the Deputy Registrar General and any person appointed to perform the functions of the Deputy Registrar General during his absence or incapacity;
- (t) “sex indicator” means a notation on a registration made under this Act showing
- (i) a person’s sex as identified at birth, or
 - (ii) a person’s gender identity, if it does not correspond with the person’s sex as identified at birth;
- (u) “stillbirth” means the complete expulsion or extraction from its mother after at least twenty weeks pregnancy, or after attaining a weight of five hundred grams or more, of a fetus in which, after such expulsion or extraction, there is no breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle. R.S., c. 494, s. 2; 1998, c. 8, s. 60; revision corrected 1999; 2000, c. 29, s. 32; 2001, c. 31, s. 46; 2011, c. 48, s. 2; 2018, c. 44, s. 1; 2019, c. 8, s. 188; O.I.C. 2019-149.

PART I

REGISTRATION OF BIRTHS AND STILLBIRTHS

Notice of birth or stillbirth

3 Every person who assists at the birth of a child or at a stillbirth in the Province shall, within twenty-four hours thereafter, deliver or mail to the division registrar a notice of the birth or stillbirth in the prescribed form. R.S., c. 494, s. 3; 1998, c. 8, s. 61.

BIRTHS

Registration of birth

4 (1) The birth of every child born in the Province shall be registered as provided herein.

(2) Within thirty days after the date of birth of a child in the Province,

(a) if the parents of the child are

(i) married to each other, or

(ii) not married to each other but have filed a statutory declaration in accordance with subsection (5) or (7) or have filed a declaratory order made under Section 11A,

the mother or the father of the child;

(b) if the parents of the child are not married to each other and the father of the child is

(i) incapable,

(ii) not acknowledged by the mother in accordance with subsection (5) or (7) or not identified in a declaratory order made under Section 11A, or

(iii) not known to the mother,

the mother of the child;

(c) if the mother and father referred to in clause (a) are incapable or the mother referred to in clause (b) is incapable, the person who stands in the place of the parents of the child;

(d) if there is no person to whom clause (a), (b) or (c) applies, the person required to give notice of the birth under Section 3; or

(e) if there is no person to whom clause (a), (b), (c) or (d) applies, the occupier of the premises in which the child is born, if he has knowledge of the birth,

shall complete and deliver or mail a statement in the prescribed form respecting the birth to the division registrar.

(3) If more than one child is delivered during a single confinement, a separate statement for each child shall be completed and delivered or mailed as provided in subsection (2), and in each statement the number of children born during the confinement and the number of the child in the order of birth shall be given.

(4) Except as provided in subsections (5) and (13), the birth of a child of a married woman shall be registered showing the particulars of the husband as those of the father of the child.

(5) Where a child is born to a married woman, if she files with the Registrar or the division registrar a statutory declaration that at the time of the conception she was living separate and apart from her husband, and that her husband is not the father of the child, no particulars as to the father shall be given in the statement required under subsection (2) unless the mother files with the Registrar or division registrar a statutory declaration in which the mother declares that a named person is the father of the child and the person so named by the mother declares that he is the father of the child and both request in writing that the particulars of the person declaring that he is the father of the child, be given as the particulars of the father, in which case the particulars of the person so declaring that he is the father may be given as the particulars of the father, and if the request is made after the registration of the birth, the Registrar may amend the registration in accordance with the request by making the necessary notation thereon.

(6) Except as provided in subsections (7) and (8), the registration of the birth of a child of an unmarried woman shall show as the surname of the child the surname chosen by the mother, and no particulars as to the father shall be given.

(7) Where an unmarried woman who is the mother of a child and a person acknowledging himself to be the father file with the Registrar or the division registrar a statutory declaration to that effect, the particulars of the person so acknowledging may be given as the particulars of the father, and, if the request is made after the registration of the birth, the Registrar may amend the registration in accordance with the request by making the necessary notation thereon.

(8) The birth of a child shall be registered showing as the surname of the child the surname chosen by both the mother of the child and the person shown on the registration, in accordance with subsections (4) to (7), of the birth of the child as the father of the child, and where the mother and such person cannot agree on the surname of the child, the surname shall be the hyphenated combination of the surnames of the mother and that person, in alphabetical order.

(9) Notwithstanding subsection (8), where, in accordance with subsection (5) or (7), the birth of a child is registered without giving particulars as to the father of the child, the birth of the child shall be registered showing as the surname of the child the surname chosen by the mother.

(10) If the statement is not completed and delivered or mailed in the manner and within the time herein provided, every person upon whom the duty of completing and delivering or mailing the statement is imposed shall remain liable

to perform that duty notwithstanding the expiration of the time provided, and shall, in respect of each successive period of thirty days thereafter during which he neglects or fails to complete and deliver or mail the statement, be guilty of a violation of this Act.

(11) Upon the receipt, within one year from the day of the birth, of a statement in the prescribed form respecting the birth, the division registrar, if he is satisfied of the truth and sufficiency thereof, shall sign the statement and transmit it to the Registrar for registration.

(12) Upon receipt by the Registrar of a statement delivered or mailed to a division registrar within one year of the date of birth, the Registrar, if he is satisfied of the truth and sufficiency thereof, shall register the birth.

(13) Notwithstanding subsection (12), where the statement received by the Registrar is incomplete and the Registrar is satisfied that sufficient effort has been made to obtain the missing information, the Registrar shall register the birth with the information received. R.S., c. 494, s. 4; 1998, c. 8, s. 62; 2004, c. 48, s. 1; 2018, c. 44, s. 2.

Delayed registration

5 When a birth is not registered within one year from the day of the birth, or the division registrar has referred the matter to the Registrar, if application for the registration thereof is made by any person to the Registrar in the prescribed form, verified by statutory declaration and accompanied by the prescribed fee and by a statement in the prescribed form respecting the birth and such other evidence as may be prescribed, the Registrar, if he is satisfied of the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the birth. R.S., c. 494, s. 5.

Where legitimation after registration of birth

6 (1) Where a child is legitimated by the intermarriage of his parents subsequent to his birth, then upon the parents

(a) completing and signing the statement required under subsection (2) of Section 4;

(b) delivering to the Registrar the statement, together with such evidence as to the legitimation as is required by him; and

(c) paying the prescribed fee,

the Registrar shall,

(d) register the birth as if the parents had been married to each other at the time of the birth; and

(e) make a notation on the statement that the registration was made under this Section.

(2) Upon proof that one of the parents is incapable, the statement may be made and the evidence submitted by the other parent.

(3) Where the birth has been registered under subsection (7) of Section 4 or where both parents are incapable, the statement and evidence may be submitted by the child.

(4) Where the birth has been previously registered, the date of a registration made under this Section shall be deemed to be the date of the original registration, and the original registration shall be withdrawn from the registration files and shall be kept in a separate file and sealed, and shall not be opened except upon the order of a judge of the Supreme Court or county court or the written order of the Minister. R.S., c. 494, s. 6.

Information on deserted new-born

7 (1) Where a new-born child is found deserted, the person who finds the child, and any person in whose charge the child is, shall give to the division registrar, within seven days after the finding or taking charge of the child, such information as he possesses respecting the particulars required to be registered concerning the birth of the child.

(2) The division registrar, upon receipt of such information regarding the birth of the child and upon 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) of Section 4;

(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 forth the facts as determined by the examination; and

(c) make a detailed report of the case and transmit to the Registrar the evidence regarding the birth of the child.

(3) A medical practitioner shall be paid out of the Consolidated Fund of the Province the prescribed fee for an examination made by him under subsection (2).

(4) The Registrar, upon receipt of the report and the evidence mentioned in subsection (2), shall review the case and, if he is satisfied of the correctness and sufficiency of the matters stated, shall register the birth, and the registration shall, subject as herein provided, establish for the child a date of birth, a place of birth and a surname and given name.

(5) The Registrar, upon registering a birth under this Section, shall transmit forthwith to the Minister of Community Services a copy of all documents respecting the child filed pursuant to this Section.

(6) If subsequent to the registration of a birth under this Section the identity of the child is established to the satisfaction of the Registrar or further information with respect thereto is received by him, and he is satisfied of the accuracy of the information, he shall cancel, add to or correct the registration of the birth made under this Section.

(7) The Registrar shall notify the Minister of Community Services forthwith of any action taken under subsection (6).

(8) Where a person has received a certificate issued in respect of the registration of the birth of a child made under subsection (4), if the registration is cancelled, added to or corrected under subsection (6), he shall deliver the certificate to the Registrar for cancellation if the Registrar so requires.

(9) Where a person delivers a certificate to the Registrar under subsection (8), he shall be entitled to receive without fee a certificate respecting the registration of the birth of the child if there is a registration. R.S., c. 494, s. 7; 1998, c. 8, s. 63.

Application to court for finding as to birth

8 (1) Any person whose birth has not been registered in accordance with Section 4, 5, 6 or 7 may, notwithstanding Section 40, apply to a judge of the county court for a finding that the said person was born in the Province on a certain date or before a certain date, and as to his parentage.

(2) Such application shall be on at least twenty days notice to the Registrar in Form A in the Schedule to this Act.

(3) Upon the hearing of such application,

(a) the applicant and the Registrar may appear in person or by counsel;

(b) the judge may hear or receive such evidence whether *viva voce*, documentary, by affidavit or otherwise, as he may consider admissible and relevant under the law of evidence;

(c) the burden of proof to be discharged by the applicant shall be that resting upon a plaintiff in an ordinary civil action; and

(d) if the applicant discharges the said burden of proof then the judge shall make a finding that the applicant was born in the Province on a certain day or before a certain day as the case may be and as to his parentage and such finding shall be in Form B in the Schedule to this Act.

(4) The clerk of the county court shall forthwith forward a certified copy of such finding to the Registrar who shall forthwith, upon receipt thereof and upon receipt of an application of registration from the applicant in the prescribed form verified by statutory declaration and accompanied by the prescribed fee, register the birth of the applicant according to the tenor thereof.

(5) No costs of such application shall be awarded against the applicant or the Registrar.

(6) The clerk shall be entitled to a fee of one dollar for performing all the duties to be performed by him in pursuance of this Section in respect of each application.

(7) Any certificate respecting the registration of a birth made under this Section may bear a notation that the birth was registered under this Section. R.S., c. 494, s. 8.

Restriction on court

9 Nothing in Section 8 authorizes a judge of the county court to change the name or make a ruling as to a change of name of a person applying to him under subsection (1) of Section 8. R.S., c. 494, s. 9.

Where change of name after registration of birth

10 (1) Except in a case to which Section 24 applies, where the birth of a child has been registered, and,

- (a) the given name under which the child was registered is changed; or
- (b) the child was registered without a given name,

both parents, the surviving parent, the guardian of the child, the persons procuring the name to be changed or given or the child after he has attained the age of nineteen years, may deliver to the Registrar an application setting forth the particulars of the change or of the name given, accompanied by a statutory declaration completed by the applicant, and

- (c) a baptismal certificate, showing the given name under which the child was baptized; or
- (d) if a baptismal certificate is not procurable, such other documentary evidence as is satisfactory to the Registrar,

and the Registrar, upon being satisfied that the application is made in good faith and upon payment of the prescribed fee, shall make a notation of the change in the registration of the birth.

(2) No alteration of or addition to a given name shall be made under this Section in any registration of a birth unless the name of the child was changed or the name was given to the child within sixteen years next after the day of the birth. R.S., c. 494, s. 10.

Where change of name of birthplace

11 Where the birth of a child has been registered and the name of the place of birth has been changed, both parents, the surviving parent, the guardian of the child or the child after he has attained the age of majority, may deliver to the Registrar an application setting forth the particulars of the change, accompanied by a statutory declaration completed by the applicant and such other evidence as the Registrar may require, and the Registrar, upon being satisfied that the application is made in good faith and upon payment of the prescribed fee, shall make a notation of the change in the registration of the birth. R.S., c. 494, s. 11.

Paternity order

11A (1) In this Section and Sections 11B and 11C, “court” means the Supreme Court of Nova Scotia (Family Division) or the Family Court of Nova Scotia as the case may be.

(2) The court may, on application by any person having an interest in the paternity of a child, make a declaratory order with respect to the paternity of the child.

(3) Where the court makes an order pursuant to subsection (2), the court may order that

(a) the name and particulars of the father of the child be registered or removed from the register, as the case may be; and

(b) the surname of the child be registered in accordance with subsection (8) of Section 4.

(4) An order made pursuant to subsection (3) must contain

(a) the full name of the father of the child;

(b) the date and place of birth of the father of the child; and

(c) sufficient particulars of the birth of the child to identify the birth record that is to be changed.

(5) Upon receipt of an order made pursuant to subsection (3), the Registrar shall take whatever action is required under that subsection. 2004, c. 48, s. 2.

Genetic testing

11B (1) Where an application has been made for an order with respect to the paternity of a child, the court may order genetic testing by a duly qualified medical practitioner or other person designated in the order to determine the biological father of the child.

(2) Unless the court otherwise orders, the cost of genetic testing carried out pursuant to subsection (1) shall be paid by the party bringing the application. 2004, c. 48, s. 2.

Refusal to make order

11C Notwithstanding any proof of the paternity of a child, the court may decline to make an order pursuant to subsection (2) or (3) of Section 11A where the court considers it in the best interest of the child. 2004, c. 48, s. 2.

STILLBIRTHS

Registration of stillbirth

12 (1) Every stillbirth in the Province shall be registered as provided herein.

(2) Where a stillbirth occurs, the person who would have been responsible for the registration thereof under Section 4, if it had been a birth, shall complete and deliver to the funeral director a statement in the prescribed form respecting the stillbirth.

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

(4) Upon receipt of the statement, the funeral director shall complete the statement setting forth the proposed date and place of burial, cremation or other disposition of the body and shall deliver the statement to the division registrar of the registration division in which the stillbirth occurred.

(5) Upon receipt of the statement the division registrar, if he is satisfied of the truth and sufficiency thereof, shall sign the statement and transmit it to the Registrar for registration.

(6) When he signs the statement, the division registrar shall prepare a burial permit and deliver it to the person requiring it.

(7) Upon receipt within one year from the day of a stillbirth of a statement in the prescribed form respecting the stillbirth the Registrar, if he is satisfied of the truth and sufficiency thereof, shall register the stillbirth.

(8) Subject to this Section, Sections 3 to 5 and 17 to 22 shall apply *mutatis mutandis* to stillbirths. R.S., c. 494, s.12; 2001, c. 31, s. 46.

REGISTRATION OF ADOPTIONS

Registration of adoption order

13 (1) Upon receipt of a certified copy of an adoption order transmitted under subsection (1) of Section 28 of the *Children's Services Act*, or any predecessor thereof or a certified copy of an order, judgment or decree of adoption made by a court of competent jurisdiction of another province of Canada or of a foreign

state, issued under the seal of the proper certifying authority, the Registrar General shall register the order, judgment or decree.

- (2) If the birth of the person adopted,
 - (a) was registered in the Province before the adoption; or
 - (b) is registered in the Province after the adoption in accordance with this Act,

the Registrar General, upon production of evidence satisfactory to him of the identity of the person together with an application for the registration of the birth in the prescribed form, may set aside any registration made pursuant to Section 4, 5, 6, 7 or 8 or this Section and cause the substitution of a new registration of the birth in accordance with the facts contained in the adoption order, judgment or decree as if the adopted person had on the date and in the place of birth recorded in the original registration been born in lawful wedlock to the adopting parent, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed, but in every such case, whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree.

(3) Where a new registration is made pursuant to subsection (2), the date of the new registration shall be the date of the original registration.

(4) Where a new registration has been made pursuant to subsection (2) and application is made for a birth certificate the certificate shall be issued in accordance with the new registration.

(5) Where a new registration has not been made pursuant to subsection (2) and where a notation of adoption and of a change of name consequent thereon has been made on a registration of birth, any certificate respecting the registration of the birth issued thereafter shall be issued as if the registration had been made in the name as changed.

(6) The original registration withdrawn from the registration files and sealed pursuant to subsection (2) shall not be opened except upon the order of a judge of the Supreme Court or county court or the written order of the Minister. R.S., c. 494, s. 13.

Where adoption of person born outside Province

14 Where a person born outside the Province is adopted under the *Children's Services Act*, the Registrar, upon receipt of a certified copy of the order of adoption, shall transmit a certified copy of the order to the person having charge of the registration of births in the province, state or country in which the person was born. R.S., c. 494, s. 14.

REGISTRATION OF MARRIAGES

Registration of marriage required

15 (1) Every marriage solemnized in the Province shall be registered as provided herein.

(2) Every person authorized by law to solemnize marriage in the Province shall, immediately after he solemnizes a marriage, 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 witnesses to the marriage; and
- (c) the person by whom the marriage was solemnized.

(3) The person by whom the marriage was solemnized shall, within two days after the day of the marriage, deliver or mail the completed statement to the deputy issuer of marriage licenses who issued the marriage license or permit under which the marriage was solemnized.

(4) Upon receipt of the statement, the deputy issuer, if he is satisfied of the truth and sufficiency thereof, shall sign the statement and shall transmit it to the Registrar for registration.

(5) Upon the receipt within one year from the day of a marriage of a completed statement in the prescribed form respecting the marriage, the Registrar, if he is satisfied of the truth and sufficiency thereof, shall register the marriage. R.S., c. 494, s. 15.

Delayed registration

16 When a marriage is not registered within one year from the day of the marriage, if application for registration thereof is made by any person to the Registrar in the prescribed form, verified by statutory declaration and accompanied by the prescribed fee and by a statement in the prescribed form respecting the marriage and such other evidence as may be prescribed, the Registrar, if he is satisfied of the truth and sufficiency of the matters stated in the application and that the application is made in good faith, shall register the marriage. R.S., c. 494, s. 16.

16A and 16B *repealed 2001, c. 5, s. 40.*

REGISTRATION OF DEATHS

Registration of death required

17 (1) The death of every person who dies in the Province shall be registered as provided herein.

(2) The funeral director shall forthwith after the death of any person obtain the personal particulars of that person from

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

and the funeral director shall, from the particulars so obtained, complete a statement in the prescribed form of the personal particulars of the deceased person.

- (3) The funeral director shall forthwith after the death obtain from
- (a) the medical practitioner who was last in attendance during the last illness of the deceased;
 - (b) a nurse practitioner in the circumstances prescribed by the regulations;
 - (c) a qualified person authorized by the regulations and in the circumstances prescribed by the regulations; or
 - (d) where the Chief Medical Examiner has conducted an inquest on the body or an inquiry into the circumstances of the death, the Chief Medical Examiner,

a medical certificate in the prescribed form stating the cause of death according to the International List of Causes of Death, as last revised by the International Commission assembled for that purpose.

(4) Upon the request of the funeral director, the person who has been asked to provide the medical certificate pursuant to subsection (3) shall complete the medical certificate in the prescribed form and cause it to be delivered to the funeral director.

(5) Where a death occurs without medical attendance, or where the medical practitioner, a nurse practitioner or a qualified person mentioned in subsection (3) is not available to complete the medical certificate, and where there is no reason to believe that the death was the result of any of the circumstances set forth in subsection (6), the funeral director shall forthwith notify the Chief Medical Examiner, or the local medical health officer or a medical practitioner designated by the Chief Medical Examiner or by a medical health officer, who shall thereupon inquire into the facts and shall complete the medical certificate in accordance with subsection (4).

(6) Subject to subsection (7), where there is reason to believe that a person has died in any of the circumstances referred to in Sections 9 to 12 of the *Fatality Investigations Act*,

(a) to (d) *repealed 2001, c. 31, s. 46.*

no burial permit shall be issued by the division registrar unless

(e) the body has been examined by the Chief Medical Examiner and inquiry is being made by the Chief Medical Examiner into the circumstances of the death;

(f) the Chief Medical Examiner where the Chief Medical Examiner has signed the medical certificate of the cause of death in accordance with subsection (4); and

(g) the other provisions of this Act respecting the registration of the death have been complied with.

(7) When a person dies under any of the circumstances referred to in subsection (6), if it is impossible for the Chief Medical Examiner to complete a medical certificate, the division registrar, upon the Chief Medical Examiner releasing the body for burial, shall issue a burial permit and the Chief Medical Examiner shall, within two days of his determining the cause of death, or of the completion of his investigation, deliver or mail to the division registrar a medical certificate.

(8) Upon obtaining the personal particulars respecting the deceased and the medical certificate, the funeral director shall complete the statement in the prescribed form, and shall forthwith deliver the completed statement to the division registrar for the area in which the death occurred, or if the place of death is not known, to the division registrar for the area in which the body was found. R.S., c. 494, s. 17; 1998, c. 8, s. 64; 2001, c. 31, s. 46; 2011, c. 48, s. 3.

Burial permit upon receipt of statement

18 (1) Upon the receipt of a statement in the prescribed form respecting the death, the division registrar, if he is satisfied of the truth and sufficiency thereof, shall sign the statement and issue a burial permit.

(2) *repealed 1998, c. 8, s. 65.*

R.S., c. 494, s. 18; 1998, c. 8, s. 65.

Burial permit from Registrar

19 When a death is not registered within one year from the day of the death, or where the division registrar refuses to accept a statement respecting the death and to issue a burial permit, if application for registration thereof is made by any person to the Registrar in the prescribed form verified by statutory declaration, and accompanied by a statement in the prescribed form respecting the death and such other evidence as may be prescribed, the Registrar, if he is satisfied of the truth and sufficiency of the matters stated in the application and that the application is

made in good faith, shall register the death and may issue a burial permit. R.S., c. 494, s. 19.

Requirement for burial permit

20 (1) No person shall bury or otherwise dispose of the body of a person who dies in the Province unless a burial permit respecting the body has been obtained.

(2) Unless a statement in the prescribed form respecting the death of the person has been completed,

(a) no person shall remove the body of the person from the area in which the death occurred or the body was found, except for the purpose of preparing the body for burial;

(b) no person shall remove or permit the removal from a public or municipal hospital or institution of the body of a person who has died therein.

(3) No person shall conduct a funeral or religious service in connection with the burial or other disposition of a body unless he has satisfied himself that a burial permit has been issued.

(4) A common carrier shall not remove the body of any person to the place of burial or other disposition unless the burial permit is affixed to the outside of the casket.

(5) The funeral director at the place of burial or other disposition shall remove the burial permit affixed to the outside of the casket, exhibit the burial permit to the person conducting the funeral or religious service and deliver it to the cemetery owner.

(6) Where a death occurs outside the Province and the burial or other disposition of the body is to take place in the Province, a burial permit or such other document as is prescribed under the law of the province or country in which the death occurs, signed by the division registrar or other proper officer, shall be sufficient authority for the burial or other disposition of the body. R.S., c. 494, s. 20; 1998, c. 8, s. 66.

Cemetery owners

21 (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 burial has delivered to him the burial permit.

(2) Every cemetery owner shall file in chronological order and carefully preserve all burial permits delivered to him.

(3) Where there is no manager, superintendent, caretaker or other person in charge of a cemetery, a funeral director who buries a body in the cemetery

shall write across the face of the burial permit the words “no person in charge” and shall file in chronological order and carefully preserve all such burial permits.

(4) The Registrar or any person designated by him for the purpose may at all reasonable times examine the files of burial permits kept under this Section and any burial permit in those files. R.S., c. 494, s. 21.

REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON THE HIGH SEAS

Registration of birth or death occurring on ship

22 Upon receipt from the Minister of Transport of information transmitted under the *Canada Shipping Act* respecting the birth of a child or the death of a person on board a ship whose port of registry is within the Province, the Registrar, if he is satisfied of the truth and sufficiency of the particulars received, shall register the birth or death. R.S., c. 494, s. 22.

CHURCH RECORDS

Church records

23 Where registers or records of baptisms, marriages or burials kept by any church or religious body in the Province were on file on the tenth day of April, 1952, or are after that date with the approval of the Registrar placed on file in the office of the Registrar, the registers or records shall be preserved and shall remain in the custody of the Registrar as part of the records of his office. R.S., c. 494, s. 23.

CHANGE OF NAME

Name change under statute after registration

24 (1) Where the name of a person is changed by or under a statute of the Province or of another province, the Registrar, on production to him of proof of the change and evidence satisfactory to him as to the identity of the person,

(a) if the birth, marriage or domestic partnership of the person is registered in the Province, shall cause a notation of the change to be made on the registration thereof; and

(b) if the change was made by or under a statute of the Province, and the person was born or married outside the Province, shall transmit to the officer in charge of the registration of births and marriages in the province in which the person was born or married a copy of the proof of the change of name produced to the Registrar.

(2) Every birth, marriage or domestic partnership certificate issued after the making of a notation under this Section shall be issued as if the registration had been made in the name as changed. R.S., c. 494, s. 24; 2001, c. 5, s. 41.

CHANGE OF GENDER IDENTITY

Application to change gender identity

25 (1) A person whose birth is registered in the Province may apply to the Registrar to change the sex indicator on the person's birth registration to correspond with the person's gender identity.

(2) A person whose birth is not registered in the Province and who has been ordinarily resident in the Province for at least three months may apply to the Registrar to register a change of the person's gender identity.

(3) An application may be made under subsection (1) or (2) by providing to the Registrar

- (a) an application in the prescribed form;
- (b) a statutory declaration by the applicant that the applicant identifies with
 - (i) in the case of an application under subsection (1), the gender identity that corresponds with the sex indicator requested, or
 - (ii) in the case of an application under subsection (2), the gender identity to be registered; and
- (c) in the case of an applicant under the age of sixteen years,
 - (i) a written statement from a person who is a member of a prescribed profession and practises the profession
 - (A) in the Province, or
 - (B) where the applicant is habitually resident outside the Province, in or outside the Province,that the person has treated or evaluated the applicant and that, in the person's opinion,
 - (C) the sex indicator on the applicant's birth registration, whether the birth was registered in the Province or elsewhere, does not correspond with the applicant's gender identity, and
 - (D) the applicant has the capacity to make an informed decision about whether to make an application under this Section, and
 - (ii) the written consent of every person who has care and custody of the applicant.

(4) The Registrar, on payment of the prescribed fee, shall grant an application made under subsection (1) or (2) if the Registrar is satisfied that

- (a) the requirements of subsection (3) have been satisfied;
- and
- (b) the application was made in good faith.

(5) Where a judge of the Supreme Court of Nova Scotia is satisfied that a person whose consent is required under subclause (ii) of clause (c) of subsection (3)

- (a) is dead;
- (b) is of unsound mind;
- (c) is missing or cannot be found;
- (d) has deserted or neglected to provide proper care and maintenance for the applicant; or
- (e) is a person whose consent in all the circumstances of the case ought to be dispensed with,

the judge may order that the person's consent be dispensed with, if it is in the interest of the applicant to do so. 2018, c. 44, s. 3.

Change to be made by Registrar

25A (1) Where an application made under subsection (1) of Section 25 is granted, the Registrar shall cause a notation of the change of sex indicator to be made on the birth registration of the applicant.

(2) Where an application made under subsection (2) of Section 25 is granted, the Registrar shall register the change of the applicant's gender identity.

(3) Where the Registrar has made a notation of the change of sex indicator on the birth registration of a person or registered a change of a person's gender identity, the Registrar shall cause a notation of the change to be made on every other registration in the Registrar's office pertaining to the person.

(4) Where

- (a) a person's birth is registered under the laws of another jurisdiction and the sex indicator on the person's birth registration is changed under those laws; or
- (b) a person's birth is registered in the Province and a change of the person's gender identity is registered under the laws of another jurisdiction,

the Registrar, on production to the Registrar of proof of the change and evidence satisfactory to the Registrar as to the identity of the person, shall cause a notation of the change to be made on every registration in the Registrar's office pertaining to the person.

(5) Every birth, marriage, gender identity or domestic partnership certificate issued after the making of a notation or the registration of a change of gender identity under this Section shall be issued as if the registration had been made of the sex indicator that corresponds with the person's gender identity. 2018, c. 44, s. 3.

FRAUDULENT REGISTRATIONS AND CERTIFICATES

Fraudulent registration

26 (1) Where, on the written application of any person and after notice to and hearing of all persons interested, or, where the holding of a hearing is not possible upon receipt of evidence satisfactory to the Registrar, the Registrar is satisfied that a registration was fraudulently or improperly made he may order that a notation be made on the registration to the effect that the registration is cancelled and order that every certificate issued in respect of that registration be delivered to him for cancellation.

(2) Where a notation has been made under subsection (1), no certificate shall be issued thereafter in respect of the registration.

(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 evidence satisfactory to the Registrar as may be adduced by any person interested, the Registrar, if he is satisfied that a certificate was obtained or is being used for fraudulent or improper purposes, may make an order requiring the delivery to him of that certificate.

(4) A person who has in his possession or under his control a certificate in respect of which an order has been made under subsection (1) or (3) shall forthwith upon receipt of the order deliver the certificate to the Registrar, who shall preserve it in a permanent file together with the order and all documents relating thereto.

(5) When pursuant to subsection (1) the Registrar has ordered that a notation be made on a registration, the registration and the documents relating to it shall not be removed but a new registration of the birth, stillbirth, marriage, domestic partnership or death may be made in accordance with the relevant provisions of this Act. R.S., c. 494, s. 26; 2000, c. 29, s. 35.

Statement error corrected by notation on statement

27 (1) If, while the statement respecting a birth, stillbirth or death is in the possession of a division registrar, he is satisfied that an error exists in the statement, he may correct the error according to the facts by making a notation of the correction on the statement without altering the original entry.

(2) If the person who furnished the information contained in the statement so requests, a division registrar may correct or permit correction by altering the original entry.

(3) If after a registration of a birth, stillbirth, marriage, domestic partnership or death has been made by the Registrar he is satisfied that an error exists in the registration, he may correct the error by making a notation of the correction on the registration without altering the original entry.

(4) After the correction of an error, every certificate in respect to the registration so corrected shall be prepared as if the registration had been made containing correct particulars at the time of the registration. R.S., c. 494, s. 27; 2000, c. 29, s. 36.

ADMINISTRATION

Registrar General and administration of Act

28 The Minister shall be the Registrar General for the Province and, as such Registrar General, shall have general supervision over the administration of this Act. R.S., c. 494, s. 28.

Deputy Registrar General and other officers

29 (1) The Governor in Council may appoint a person to be Deputy Registrar General and may determine his salary.

(2) The Governor in Council may appoint a person in the public service to be Assistant Deputy Registrar General who shall, when the Deputy Registrar General is absent from his office or unable to act or when the office of Deputy Registrar General is vacant, perform the functions of and have all the power and authority of the Deputy Registrar General.

(3) The Deputy Registrar General may delegate any of the Deputy Registrar General's powers, duties or functions to the Assistant Deputy Registrar General and the Assistant Deputy Registrar General has authority to the same extent as if the power, duty or function was being exercised by the Deputy Registrar General. R.S., c. 494, s. 29; 2010, c. 27.

30 *repealed 1998, c. 8, s. 67.*

Division registrars

31 The Registrar may appoint persons to be division registrars for the purpose of this Act. 1998, c. 8, s. 68; 2006, c. 15, s. 16.

Duties of division registrar

32 (1) Every division registrar shall, under the supervision and direction of the Registrar, perform the duties prescribed by this Act and the regulations,

and in accordance therewith shall enforce this Act in his registration division and shall make an immediate report to the Registrar of any violation of this Act of which he has knowledge.

(2) Every division registrar shall transmit to the Registrar on Saturday of each week all statements respecting births, stillbirths and deaths signed by the division registrar during that week. R.S., c. 494, s. 32.

Oath may be taken before division registrar

33 An oath, affirmation, affidavit or statutory declaration, authorized or required to be made under this Act, may be taken before the division registrar. R.S., c. 494, s. 33.

REMUNERATION OF DIVISION REGISTRARS

34 *repealed 1998, c. 8, s. 69.*

Duties of Registrar and others

35 (1) The Registrar shall

(a) prepare and issue such detailed instructions as may be required to procure the uniform observance of the provisions of this Act and the maintenance of a system of complete and accurate registration and that no forms shall be used other than those supplied by the Registrar;

(b) carefully examine the statements received from the division registrars and deputy issuers of marriage licenses, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory;

(c) arrange, bind and permanently preserve the registrations in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of births, stillbirths, marriages, domestic partnerships and deaths;

(d) inform all division registrars what diseases are infectious, contagious or communicable and dangerous to the public health, in order that when deaths occur from such diseases, proper precautions may be taken to prevent the spread of disease; and

(e) evaluate requests for access to information from the Office of the Registrar and, where the Registrar is satisfied that the request is not for an unlawful purpose, may authorize the release in accordance with any conditions the Registrar may prescribe.

(2) A clergyman, physician, nurse, undertaker, or other person having knowledge of the particulars of any birth, stillbirth, marriage or death shall, if the Registrar so requests, either personally, by mail or through a division registrar,

furnish to the Registrar on a form provided by the Registrar, or on the original statement, such information as the Registrar requests and the person possesses respecting the particulars of the birth, stillbirth, marriage or death.

(3) No statement respecting a birth, stillbirth, marriage, domestic partnership or death, after its acceptance by a division registrar or a deputy issuer of marriage licenses, and no other record made in pursuance of this Act shall be altered or changed in any respect otherwise than in accordance with this Act. R.S., c. 494, s. 35; 2000, c. 29, s. 37; 2006, c. 15, s. 17.

SEARCHES

Right to have records searched

36 (1) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that the information is not to be used for an unlawful or improper purpose, have a search made by the Registrar

(a) for the registration in his office of any birth, stillbirth, marriage, domestic partnership, death, adoption, change of name, termination of domestic partnership 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 under Section 23.

(2) The Registrar shall make a report on the search which shall state whether or not the birth, stillbirth, marriage, domestic partnership, death, adoption, change of name, termination of domestic partnership or dissolution or annulment of marriage, baptism or burial is registered or recorded, and if registered, shall state the registration number thereof, and shall contain no further information. R.S., c. 494, s. 36; 2000, c. 29, s. 38; revision corrected 2018.

ISSUANCE OF CERTIFICATES AND COPIES

Certificates

37 (1) No certificate of birth or certified copy, photostatic copy or photographic print of a registration of birth shall be issued by the Registrar except as provided in this Act.

(2) Subject to the regulations, a certificate of birth may be issued by the Registrar, on application in the prescribed form and on payment of the prescribed fee, to

(a) a person named in the certificate;

(b) a parent whose name appears on the registration from which the certificate is to be issued;

(c) a person on the authorization in writing of the person named in the certificate or of a parent of the person named in the certificate;

- (d) an agent of the person named in the certificate or of a parent of the person named in the certificate;
- (e) a person by order of a court;
- (f) a person who requires the certificate in connection with a petition for adoption;
- (g) an executor, administrator or trustee of an estate who requires the certificate for the administration of an estate;
- (h) a person on the authority in writing of the Minister.

(2A) A birth certificate must contain

- (a) the name of the person;
- (b) the date of birth;
- (c) the place of birth;
- (d) *repealed 2018, c. 44, s. 4.*
- (e) the date of registration; and
- (f) the serial number of the registration.

(2B) A birth certificate may contain any of the following:

- (a) the names and places of birth of the parents;
- (b) the sex indicator for the person.

(2C) A certificate of birth or certified copy, photostatic copy or photographic copy of a registration of birth may be issued by the Registrar for use in connection with the administration of justice upon the written request of the Minister of Justice.

(2D) Subject to the regulations, a certified copy, photostatic copy or photographic print of the registration of a birth, may be issued, on application in the prescribed form and on payment of the prescribed fee, by the Registrar to

- (a) a person to whom the registration applies, or a parent shown on the birth registration of the person in respect of whom the registration applies;
- (b) a person by order of a court;
- (c) a person who requires it for a petition for adoption;
- (d) a person on the authority in writing of the Minister.

(3) No order shall be made by a judge or a court under clause (e) of subsection (2) or clause (b) of subsection (2D) unless an application is made for the order and the Registrar is given at least four days' notice of the application.

(4) Where a notation of adoption has been made on a registration of birth, pursuant to subsection (2) of Section 13, no certified copy, photographic print or certificate of the full particulars of the registration of the birth shall be issued if it shows the name or names of either or both the parents before adoption except

- (a) upon the authority in writing of the Minister; or
- (b) upon the order of a judge or a court.

(5) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that it is not to be used for an unlawful or improper purpose, obtain a certificate in respect of the registration of a marriage, which certificate shall contain the following particulars only of the registration:

- (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 ages of the parties; and
- (f) the serial number of the registration.

(6) A certified copy, photographic print or certificate of the full particulars of the registration of a marriage shall not be issued except to

- (a) a party to the marriage;
 - (b) a person upon the authority in writing of the Minister;
- or
- (c) a person upon the order of a judge or a court,

and upon application in the prescribed form and upon payment of the prescribed fee.

(6A) Subject to the regulations, a certificate of gender identity for a person in respect of whom the Registrar has made a notation of the change of sex indicator on the birth registration of the person or registered a change of the person's gender identity may be issued by the Registrar, on application in the prescribed form and on payment of the prescribed fee, to

- (a) the person;
- (b) where the person is under sixteen years of age, any other person who has care and custody of the person; and
- (c) any other person who has been given written authorization by a person referred to in clause (a) or (b) to be issued the certificate of gender identity.

(7) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that it is not to be used for an

unlawful or improper purpose and subject to subsection (8), obtain a certificate in the prescribed form in respect of the registration of a death or stillbirth.

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

- (a) upon the authority in writing of the Minister; or
- (b) upon the order of a judge or a court.

(9) A certified copy, photographic print or certificate of the full particulars of a death or stillbirth shall not be issued except

- (a) to a person upon the authority in writing of the Minister; or
- (b) to a person upon the order of a judge or a court,

and upon application in the prescribed form and upon payment of the prescribed fee.

(10) Any person, upon applying in the prescribed form and paying the prescribed fee, may, with the approval of the Registrar and subject to the same limitations as those respecting certified copies, photographic prints and certificates of full particulars of registrations, set out in subsections (2D), (6), (8) and (9), obtain a certificate in the prescribed form in respect of the record of a baptism, marriage or burial placed on file under Section 23.

(11) No certificate, certified copy or photographic print shall be issued under this Act in respect of the registration of an adoption, change of name or dissolution or annulment of marriage.

(12) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that it is not to be used for an unlawful or improper purpose, obtain a certificate in respect of the registration of a domestic partnership, which certificate shall contain the following particulars only of the registration:

- (a) the names of the parties to the domestic partnership;
- (b) the date of registration of the domestic partnership; and
- (c) the serial number of the registration.

(13) A certified copy, photographic print or certificate of the full particulars of the registration of a domestic partnership shall not be issued except to

- (a) a party to the domestic partnership;
 - (b) a person upon the authority in writing of the Minister;
- or

(c) a person upon the order of a judge or court. R.S., c. 494, s. 37; 2000, c. 29, s. 39; 2001, c. 5, s. 43; 2001, c. 45, s. 1; 2018, c. 44, s. 4.

Manner in which documents issued

38 (1) Every certificate, certified copy or photographic print issued under Section 37 shall be issued by the Registrar, and no person other than a person herein authorized to do so shall issue any document that purports to be issued under this Act.

(2) Where the signature of the Registrar is required for any purposes of this Act, the signature may be written, engraved, lithographed or reproduced by any other mode of reproducing words in visible form.

(3) Every document issued under this Act under the signature of the Registrar shall be and remain valid, notwithstanding that the Registrar has ceased to hold office before the issue of the document. R.S., c. 494, s. 38.

Certificate or copy as prima facie evidence

39 (1) Every certificate purporting to be issued under Section 37 shall be admissible in any court in the Province as *prima facie* evidence of the facts certified to be recorded, and every certified copy or photographic print purporting to be issued under Section 37 shall be so admissible as *prima facie* evidence of the facts recorded therein, and it shall not be necessary to prove the signature or official position of the person by whom the certificate or certified copy purports to be signed.

(2) Notwithstanding subsection (1) or any other Act, no registration of a birth or stillbirth and no document filed or registered with the Registrar in relation to such a registration, no certificate respecting the registration of a birth or stillbirth and no certified copy or photographic print of a registration of birth or stillbirth, purporting to be issued under Section 37, shall be admissible in evidence to affect a presumption of legitimacy. R.S., c. 494, s. 39.

Court application where refused registration

40 (1) Where an application for the registration of a birth, stillbirth, marriage, domestic partnership or death is refused by the Registrar, if, within one year of the refusal, an application is made to a judge of the county court, the judge, upon being satisfied that the application is made in good faith and of the truth and sufficiency of the evidence adduced on the application, and having regard to the standards respecting delayed registration set forth in the regulations, may make an order requiring the Registrar to accept the application, and register the birth, stillbirth, marriage, domestic partnership or death.

(2) The clerk of the court shall forthwith send a copy of the order to the Registrar who shall comply with the order and attach the copy to the registration.

(3) Where an application for a certificate or a search in respect of the registration of a birth, stillbirth, marriage, domestic partnership, termination of domestic partnership or death is refused by the Registrar, if, within one year of the refusal, application is made to a judge of the county court, the judge upon being sat-

ified that the application is made in good faith and that the applicant has good reason for requiring the certificate or search, may make an order requiring the Registrar to issue the certificate or make the search, and the clerk of the court shall forthwith forward a copy of the order to the Registrar, who shall comply therewith.

(4) Where the Registrar has made an order under Section 26, any person interested may, within six years thereafter, appeal therefrom to a judge of the county court, and the judge may make an order confirming or setting aside the order of the Registrar, and the order of the judge shall be final and shall be binding on the Registrar.

(5) At least thirty days notice of the application or appeal shall be served on the Registrar. R.S., c. 494, s. 40; 2000, c. 29, s. 40; 2001, c. 5, s. 44.

GENERAL

Publication of statistical information

41 The Registrar may compile, publish and distribute such statistical information respecting the births, stillbirths, marriages, domestic partnerships, deaths, adoptions, changes of name, terminations of domestic partnerships and dissolutions and annulments of marriages registered during any period as he may deem necessary and in the public interest. R.S., c. 494, s. 41; 2000, c. 29, s. 41.

Registrar as division registrar

42 The Registrar may exercise the functions of a division registrar. R.S., c. 494, s. 42; 1998, c. 8, s. 70.

Annual statistical report

43 As soon as convenient after the first day of January in each year, the Registrar shall make for the use of the Legislative Assembly and for public information a statistical report of the births, stillbirths, marriages, domestic partnerships, deaths, adoptions, changes of name, terminations of domestic partnerships and dissolutions and annulments of marriage during the preceding calendar year. R.S., c. 494, s. 43; 2000, c. 29, s. 42.

Records and books

44 (1) All records, books and other documents pertaining to any office under this Act are the property of the Crown.

(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 Registrar or to any person appointed by the Registrar to demand and receive them, and any person who fails to comply with this subsection is guilty of an offence. R.S., c. 494, s. 44.

Protection of information

45 (1) No division registrar and no person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not entitled thereto any information acquired by him in the performance of his duties under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act.

(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. R.S., c. 494, s. 45.

Records transferred to Public Archives of Nova Scotia

45A Where records made pursuant to this Act have been transferred to the Public Archives of Nova Scotia, the Provincial Archivist may, notwithstanding any other enactment, upon being satisfied that access to the records is being requested for the purpose of valid historical or genealogical research, authorize access to records that are, at the time of the access,

(a) birth registrations for births that occurred more than one hundred years before that time;

(b) marriage registrations for marriages that occurred more than seventy-five years before that time; or

(c) death registrations for deaths that occurred more than fifty years before that time. 2006, c. 15, s. 18.

Manner of effecting notation

46 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. R.S., c. 494, s. 46.

Minister may prescribe forms

46A The Minister may prescribe the forms to be used for the purpose of this Act. 2018, c. 44, s. 5.

PENALTIES**Penalty if notice or statement or certificate not given**

47 (1) Every person who fails to give any notice, or to furnish any statement, certificate or particulars required under or pursuant to this Act, within the time limited by this Act, is liable on summary conviction to a penalty not exceeding fifty dollars, and in default of payment thereof to imprisonment for not more than one month.

(2) Where more than one person is required to give any notice, or to register or to furnish any statement, certificate or particulars required under or

pursuant to this Act and the duty is carried out by any of such persons, the other or others shall not be liable. R.S., c. 494, s. 47.

Penalty to deface public notice

48 Every person who wilfully removes, defaces or destroys a public notice relating to the registration of births, stillbirths, marriages, domestic partnerships, terminations of domestic partnerships or deaths is liable on summary conviction to a penalty not exceeding ten dollars, and in default of payment thereof to imprisonment for not more than ten days. R.S., c. 494, s. 48; 2000, c. 29, s. 43; 2001, c. 5, s. 45.

Penalty on common carrier

49 (1) Subject to subsection (2) and any other Act, a common carrier transporting, 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 liable on summary conviction to a penalty not exceeding two hundred dollars.

(2) If the death occurred outside the Province and the body is accompanied by a burial permit issued in accordance with the law in force where the death occurred, the burial permit shall be sufficient to authorize the transportation or carriage of the body into or through the Province. R.S., c. 494, s. 49.

Penalty for obtaining certificate for improper purpose

49A Every person who obtains or attempts to obtain a birth certificate or a certified copy, photostatic copy or photographic copy of the registration of a birth for a fraudulent or other improper purpose is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty thousand dollars or to imprisonment for not more than two years or to both. 2001, c. 45, s. 2.

Penalty for contravention of Act

50 Every person who fails to comply with or violates any provisions of this Act or the regulations, for which failure or violation no penalty is otherwise provided, is liable on summary conviction to a penalty not exceeding two hundred dollars and in default of payment thereof to imprisonment for not more than three months. R.S., c. 494, s. 50.

REGULATIONS

Regulations

- 51 (1)** The Governor in Council may make regulations
- (a) *repealed 2018, c. 44, s. 6.*
 - (b) prescribing the duties of the Registrar;
 - (c) prescribing the duties of and records to be kept by division registrars;

(d) prescribing the information and returns to be furnished to the Registrar;

(e) *repealed 2006, c. 15, s. 19.*

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

(fa) specifying qualified persons for the purpose of Section 17;

(fb) prescribing the circumstances under which, including when and where, a nurse practitioner or a qualified person is authorized to complete and sign a medical certificate of death;

(fc) requiring a person applying for a change of the sex indicator on the person's birth registration to provide additional information to the Registrar and prescribing the additional information to be provided;

(fd) *repealed 2018, c. 44, s. 6.*

(fe) prescribing professions whose members may provide a written statement for the purpose of subclause (i) of clause (c) of subsection (3) of Section 25;

(g) prescribing the fees to be paid for searches, certificates and anything done or permitted to be done under this Act and providing for the waiver of payment of any such fees or part thereof in favour of any person or class of persons;

(h) prescribing the requirements for obtaining a birth certificate or a certified copy, photostatic copy or photographic print of the registration of a birth, including security measures the Governor in Council considers necessary or advisable to safeguard against the fraudulent obtaining or use of a birth certificate or a certified copy, photostatic copy or photographic copy of the registration of a birth;

(i) *repealed 1998, c. 8, s. 71.*

(j) prescribing the evidence on which the Registrar may register a birth, stillbirth, marriage, domestic partnership or death after one year from the date thereof;

(k) prescribing the evidence on which the Registrar may make a registration of birth in the case of a child legitimated by the intermarriage of his parents, subsequent to his birth;

(l) prescribing the evidence on which the Registrar may correct an error in a registration;

(m) requiring persons in charge of hospitals to make returns of the births of all children born in the hospitals, and of all stillbirths and deaths occurring in the hospitals;

(n) exempting persons or classes of persons from the application of all or part of this Act;

(o) *repealed 2018, c. 44, s. 6.*

(p) for the purpose of effectively securing the due observance of this Act, and generally for the better carrying out of this Act and obtaining the information required thereby;

(q) defining any word or expression used but not defined in this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. R.S., c. 494, s. 51; 1998, c. 8, s. 71; 2000, c. 29, s. 44; 2001, c. 5, s. 46; 2001, c. 45, s. 3; 2006, c. 15, s. 19; 2011, c. 48, s. 4; 2015, c. 13, s. 4; 2018, c. 44, s. 6.

PART II

DOMESTIC PARTNERS

Interpretation of Part

52 In this Part,

(a) “domestic partner” means an individual who is a party to a registered domestic-partner declaration made in accordance with Section 53 and does not include a former domestic partner;

(b) “former domestic partner” means an individual who becomes a former domestic partner pursuant to subsection 55(1);

(c) “register” means the register maintained by the Registrar. 2000, c. 29, s. 45.

Domestic-partner declaration

53 (1) Subject to this Section, two individuals who are cohabiting or intend to cohabit in a conjugal relationship may make a domestic-partner declaration in the prescribed form.

(2) The domestic-partner declaration shall be signed by both parties and witnessed by one or more people.

(3) A person may not make a domestic-partner declaration if the person is a minor.

(4) A person may not make a domestic-partner declaration if the person is not ordinarily resident in the Province or the owner of real property in the Province at the time of the registration of the declaration.

(5) A person may not make a domestic-partner declaration if the person is married.

(6) A person may not make a domestic-partner declaration if the person is a party to another subsisting declaration while the other party to that declaration is still alive.

(7) A domestic-partner declaration executed by two persons who intend to revoke it is invalid. 2000, c. 29, s. 45.

Registration and rights and obligations

54 (1) In accordance with this Act, either of two individuals who are cohabiting in a conjugal relationship may submit a domestic-partner declaration made under Section 53 to the Registrar for registration together with

- (a) prescribed registration fees; and
- (b) such proof as the Registrar may require that the parties are eligible to make a domestic-partner declaration,

and the Registrar shall, if satisfied of its truth and sufficiency, register the domestic-partner declaration.

(2) Upon registration of a domestic-partner declaration, domestic partners, as between themselves and with respect to any person, have as of the date of the registration the same rights and obligations as

- (a) a spouse under Section 45A of the *Assessment Act*;
- (aa) a spouse under the *Fatal Injuries Act*;
- (ab) a spouse under the *Fatality Investigations Act*;
- (ac) a spouse under Section 14A of the *Assessment Act*;
- (b) a spouse under the *Health Act*;
- (c) a spouse under the *Hospitals Act*;
- (d) a spouse under the *Insurance Act*;
- (e) a spouse under the *Intestate Succession Act*;
- (ea) an employee with respect to a spouse under Sections 60A, 60E and 60F of the *Labour Standards Code*;
- (f) a spouse under the *Maintenance and Custody Act*;
- (g) a spouse under the *Matrimonial Property Act*;
- (h) a spouse under the *Members' Retiring Allowances Act*;
- (ha) a spouse under the *Involuntary Psychiatric Treatment Act*;
- (i) a spouse or a person who is married under the *Municipal Government Act*;
- (j) a spouse under the *Pension Benefits Act*;
- (ja) a spouse under the *Personal Directives Act*;

- (k) a spouse under the *Probate Act*;
- (l) a spouse under the *Provincial Court Act*;
- (m) a spouse under the *Public Service Superannuation Act*;
- (n) a spouse under the *Teachers' Pension Act*;
- (o) a widow or widower under the *Testators' Family Maintenance Act*;
- (p) a wife or husband under the *Wills Act*;
- (q) a spouse under the *Workers' Compensation Act*,

and the domestic partners, the registration of their domestic-partner declaration and their domestic partnership are subject to and give rise to the same operations of law that relate to those classes of persons under those Acts and those Acts apply *mutatis mutandis* with respect to the domestic partners, the registration of their domestic-partner declaration and their domestic partnership.

(3) The Governor in Council may make regulations adding to the list in subsection (2) of classes of persons under Provincial statutes to which domestic partners have rights and obligations upon registration of a domestic-partner declaration and specifying those rights and obligations. 2000, c. 29, s. 45; 2001, c. 5, s. 47; 2001, c. 31, s. 46; 2003 (2nd Sess.), c. 4, s. 3; 2004, c. 10, s. 5; 2005, c. 9, s. 19; 2005, c. 42, s. 91; 2008, c. 8, s. 43; 2015, c. 13, s. 5.

Termination of domestic partnership

55 (1) A domestic partner becomes the former domestic partner of another person after the earliest of the following events occur:

- (a) the parties file with the Registrar an executed statement of termination in the prescribed form;
 - (b) the parties live separate and apart for more than one year and one or both parties has the intention that the relationship not continue;
 - (c) one of the domestic partners marries another person;
- and
- (d) the parties have an agreement registered with the court pursuant to Section 52 of the *Parenting and Support Act*.

(2) For the purpose of clause (1)(b) and subsection 53(4), a period during which parties have lived separate and apart is not considered to have been interrupted or terminated

- (a) by reason only that either party has become incapable of forming or having an intention that the relationship not continue if it appears to the court that the separation would probably have continued if the party had not become so incapable; or

(b) by reason only that the parties have resumed cohabitation during a period of, or periods totalling, not more than ninety days with reconciliation as its primary purpose.

(3) Where a circumstance listed in subsection (1) occurs terminating the domestic partnership, subject to the provisions of any other statute expressly addressing the rights of domestic partners, each of the former domestic partners has the same rights and obligations under the statutes referred to in subsection 54(2) that accrue to spouses by separation, separation agreement, court order or death, as the case may be. 2000, c. 29, s. 45; 2001, c. 5, s. 48; 2015, c. 44, s. 57.

Validity of domestic-partner declaration

56 (1) A domestic-partner declaration made in accordance with Section 53 is binding until terminated in the circumstances listed in Section 55 whether or not

(a) there is valuable consideration for the domestic-partner declaration; or

(b) one or both parties had independent legal advice.

(2) Registration of an invalid domestic-partner declaration does not validate the declaration.

(3) A person who makes a domestic-partner declaration intending to revoke it is liable in damages to compensate

(a) a person who is not a party to the domestic-partner declaration for pecuniary loss incurred in reliance on the declaration; and

(b) an innocent person with whom the domestic partnership is claimed for pecuniary and non-pecuniary loss incurred as a consequence of the domestic-partner declaration.

(4) A domestic-partner declaration is invalid if it was obtained by fraud, duress or undue influence or in circumstances under which a marriage could be annulled.

(5) Where a person

(a) purports to make a domestic-partner declaration in circumstances under which the person is not permitted to do so by Section 53; or

(b) uses a domestic-partner declaration to claim a domestic partnership with another person who has not signed the declaration, or whose signature has been obtained in the circumstances referred to in subsection (4),

the invalid domestic-partner declaration is, where relevant, evidence of a marriage-like relationship with the other party to the declaration, and the person is liable in damages to compensate

(c) a person who is not a party to the domestic-partner declaration who suffers pecuniary loss incurred in reliance of the invalid domestic-partner declaration; and

(d) an innocent party with whom the domestic partnership is claimed for pecuniary and non-pecuniary loss incurred as a consequence of the invalid domestic-partner declaration. 2000, c. 29, s. 45.

Registrar to note termination

57 The Registrar shall note on the register the termination of a registered domestic-partner declaration upon the payment of the prescribed filing fees and upon receipt of

(a) a statement of termination in the prescribed form signed by both domestic partners;

(b) an affidavit in the prescribed form swearing or affirming to the fact that the domestic partnership has ended under clause 55(1)(a) by reason of the parties having been separated for more than one year and one or both parties has the intention that the relationship not continue;

(c) a true copy of the certificate of marriage of the domestic partners or of one of the domestic partners to another person; or

(d) a copy of an agreement showing proof of registration with the court pursuant to Section 52 of the *Parenting and Support Act*. 2000, c. 29, s. 45; 2001, c. 5, s. 49; 2015, c. 44, s. 58.

Partnership Act does not apply

58 For greater certainty, the *Partnership Act* does not apply to the relationship created by the making of a domestic-partner declaration. 2000, c. 29, s. 45.

Regulations

59 (1) The Governor in Council may make regulations

(a) providing for the registration of domestic partnerships or registration of the termination of domestic partnerships, in cases not otherwise provided for in this Part;

(b) *repealed 2018, c. 44, s. 7.*

(c) prescribing the registration fees to be paid under this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2000, c. 29, s. 45; 2018, c. 44, s. 7.

SCHEDULE

Form A

IN THE MATTER OF THE VITAL STATISTICS ACT
AND
IN THE MATTER OF THE APPLICATION OF

TAKE NOTICE that I, of in the County of
(occupation) do intend to apply to the Judge of The County Court for District
Number on the day of, 19..... at o'clock
in the forenoon or so soon thereafter as I or counsel for me can be heard at the court-house at
..... in the County of for a finding that I was born in the Province of Nova
Scotia on the day of, 19..... (or before the day of ...
....., 19.....) and as to my parentage.

- 2 This application is made pursuant to Section 8 of the Vital Statistics Act.
3 On the hearing of this application will be
(a) read the affidavits of and, true copies of
which are served herewith;
(b) offered the viva voce evidence of
(c) tendered the following documents
4 My address is

Dated at Nova Scotia, this day of, 19.....

.....
Applicant

To: The Registrar General
Halifax, Nova Scotia

Form B

IN THE MATTER OF THE VITAL STATISTICS ACT
AND
IN THE MATTER OF THE APPLICATION OF

Before His Honour Judge of The County Court for District Number ...
.....

This application having been heard by me at on the day of ...
....., 19.....;

And having considered the evidence on behalf of the applicant and what was alleged
by or on behalf of the applicant and the Registrar (or the Registrar not appearing);

I do now hereby find and make a finding that the applicant (*here insert full name of applicant*) was born at on the day of, 19..... (*or if applicable* before the day of, 19.....) and that the parents of the applicant were

Dated at, Nova Scotia this day of, 19.....

.....
Judge of The County Court
for District Number

R.S., c. 494, Sch.
