



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **VITAL STATISTICS ACT**

## PLEASE NOTE

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This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## VITAL STATISTICS ACT

### CHAPTER V-4.1

#### 1. Interpretation

In this Act

- (a) **“birth”** means the expulsion or extraction from its mother of a fetus which, after complete separation from its mother, shows any sign of life;
- (b) **“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;
- (c) **“cemetery owner”** includes the manager, superintendent, caretaker or other person in charge of a cemetery;
- (d) **“certificate”** means a certified extract of the prescribed particulars of a registration filed in the office of the Director;
- (e) **“cremation”** means disposal of a dead body by incineration in a crematorium;
- (f) **“Director”** means the Director of Vital Statistics;
- (g) **“division registrar”** means a division registrar appointed for the purposes of this Act;
- (h) **“error”** means incorrect information, and includes omission of information;
- (i) **“funeral director”** means a Funeral Director as defined in the *Funeral Services and Professions Act* R.S.P.E.I. 1988, Cap. F-17 who takes charge of a dead body for the purpose of burial, cremation or other disposition;
- (j) **“incapable”** means unable because of death, illness, mental disorder or incapacity, absence from the province, or otherwise;
- (k) **“international classification”** means the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization;
- (l) **“medical practitioner”**, except in clause 12(1)(a), means a medical practitioner registered under the *Medical Act* R.S.P.E.I. 1988, Cap. M-5;
- (m) **“Minister”** means the Minister of Justice and Public Safety and Attorney General;
- (m.1) **“nurse practitioner”** means a nurse practitioner as defined in the Registered Nurses Regulations (EC350/18) made under the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1;
- (n) **“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;
- (n.1) **“parent”** in respect of a child means a person presumed or declared to be a parent of the child under the *Children’s Law Act* R.S.P.E.I. 1988, Cap. C-6.1;

- (o) “**prescribed**” means prescribed by regulations;
- (p) “**registration division**” means a registration division established under subsection 38(3);
- (q) “**stillbirth**” means the complete expulsion or extraction from its mother after at least twenty weeks pregnancy, or after attaining a weight of at least 500 grams, of a product of conception in which, after the expulsion or extraction, there is no breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle. *1996,c.48,s.1; 2005,c.40,s.34; 2008,c.8,s.28(2); 2010,c.31,s.3; 2012(2nd),c.10,s.70; 2015,c.28,s.3; 2019,c.37,s.1.*

## BIRTH

### 2. Notice of birth

Except in the case of a birth in a hospital, the medical practitioner, nurse practitioner or other person who assumes responsibility for the delivery of a child at birth shall, within seventy-two hours after the birth, provide to the division registrar a notice of the birth in the form approved by the Director. *1996,c.48,s.2; 2019,c.37,s.2.*

### 3. Reporting birth

- (1) Within 30 days after the birth of a child in the province, at least one parent of the child or another prescribed person shall, in accordance with the regulations, complete and provide a statement respecting the birth and the parents to the division registrar.

#### Statement, multiple birth

- (2) If a pregnancy results in the birth of more than one child, a separate statement for each child shall be completed and provided in accordance with subsection (1), and each statement shall state the number of children born and their order of birth.

#### Amendment of statement by Director

- (3) Where a registered statement is completed by only one parent of the child or by a person who is not the child’s parent, the Director shall amend the statement on application of any of the following persons:
  - (a) the child’s parents together;
  - (b) one of the child’s parents, if the other parent is incapable;
  - (c) the child’s mother, if the other parent is unacknowledged by or unknown to the mother.

#### Statutory declaration in support of application

- (4) If only one parent of the child applies to amend the statement, a statutory declaration of the facts justifying the application shall be attached to the application.

#### Notation of parentage

- (5) Where parentage is established under the *Children’s Law Act*, the Director shall, on receipt of a copy of the order, make a notation on the statement of the child to reflect the determination of parentage. *1996,c.48,s.3; 2008,c.8,s.28(3); 2020,c.59,s.102.*

**4. Name of child**

- (1) The surname of a child shall be registered as follows:
- (a) if only one parent completes the form under section 3, the surname shall be the one chosen by that parent;
  - (b) if both parents complete the form under section 3, the surname shall be a surname chosen by both of them;
  - (c) if both parents complete the form under section 3, but do not agree on the child's surname, the surname shall be
    - (i) the parents' surname, if they use the same surname, or
    - (ii) a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they use different surnames;
  - (d) if a person who is not the child's parent completes the form under section 3, the surname shall be
    - (i) the parents' surname, if they use the same surname,
    - (ii) a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they use different surnames, or
    - (iii) if only one parent is known, that parent's surname.

**Multiple surnames**

- (2) Notwithstanding subsection (1), no surname shall contain more than two surnames hyphenated or combined, and if one parent or both parents use a hyphenated surname, only one of the names in that surname shall be used.

**Alphabetical arrangement**

- (3) For the purpose of subclauses (1)(c)(ii) and (1)(d)(ii), if subsection (2) applies, the one name to be used is the name that alphabetically precedes the other. *1996, c.48, s.4; 2008, c.8, s.28(4).*

**5. Additional evidence required by Director**

If the division registrar is not satisfied as to the truth and sufficiency of the statement required under subsection 3(1), the division registrar shall refer the matter to the Director who, in order to obtain additional evidence as may be necessary, may

- (a) require the attendance of the person who signed the statement, or of any other person; and
- (b) examine that person respecting any matter pertaining to the registration of the birth. *1996, c.48, s.5.*

**6. Birth registration**

On the receipt, within one year after the birth, of a statement in the form approved by the Director respecting the birth, the division registrar, if satisfied as to the truth and sufficiency of the statement, shall register the birth. *1996, c.48, s.6; 2019, c.37, s.3(a).*

**7. Birth registration by Director**

Where a birth is not registered within one year after the birth or the division registrar has referred the matter to the Director under section 5, if application for the registration is

- (a) made by any person to the Director in the form approved by the Director;
- (b) verified by statutory declaration; and

- (c) accompanied by a statement in the form approved by the Director respecting the birth and other evidence as may be prescribed,

the Director shall register the birth if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith. *1996,c.48,s.7; 2019,c.37,s.3(b).*

## **8. Foundlings**

- (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 division registrar within seven days after the finding or taking charge of the child, information possessed as to the particulars required to be registered concerning the birth of the child.

### **Transmittal of information to Director**

- (2) The division registrar, on receipt of the information regarding the birth of the child and on being satisfied that every reasonable effort has been made to identify the child, shall
- (a) require the person who found or has charge of the child
- (i) to complete a statutory declaration concerning the facts of the finding of the child, and
- (ii) to complete, so far as the person is able, the statement required under subsection (3)(1);
- (b) cause the child to be examined by a medical practitioner or nurse practitioner with a view to determining as nearly as possible the date of the birth of the child;
- (c) require the examiner to make a statutory declaration setting forth the facts as determined by the examination; and
- (d) make a detailed report of the case and transmit it, together with the evidence regarding the birth of the child, to the Director.

### **Duties of Director**

- (3) The Director, on receipt of the report and the evidence under subsection (2), shall review the case and, if satisfied as to the correctness and sufficiency of the matters stated, shall determine a date and place of birth, a surname and a given name and shall register the birth with that information.

### **Idem**

- (4) The Director, on registering a birth under this section, shall transmit forthwith to the Director of Child Protection a copy of all documents respecting the child received under this section.

### **Identity of child learned after registration**

- (5) If, subsequent to the registration of a birth under this section, the identity of the child is established to the satisfaction of the Director or further relevant information is received, the Director shall
- (a) add to or correct the registration of the birth made under this section; or
- (b) cancel the registration of birth made under this section and cause a new registration in accordance with the actual facts of the birth to be made and filed in substitution for the registration first made under this section.

### **New registration of birth, date**

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



**Notice to Director of Child Protection**

- (7) The Director shall notify the Director of Child Protection forthwith of any action taken under subsection (5).

**Return of cancelled certificate**

- (8) Where a person has received a certificate issued in respect of the registration of the birth of a child made under subsection (3), if the registration is cancelled under subsection (5), that person shall provide the certificate to the Director for cancellation if the Director so requires. *1996, c.48, s.8; 2010, c.28, s.44; 2019, c.37, s.4.*

## CHANGE OF NAME

**9. Alteration or addition of given name by Director**

- (1) Except in a case to which section 10 or section 13 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 person procuring the name to be changed or given, or the child after attaining the age of majority, may apply to the Director setting forth the particulars of the change 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) such other documentary evidence as may be prescribed or is satisfactory to the Director,

and the Director, on being satisfied that the application is made in good faith and on payment of the prescribed fee, shall record the change.

**Time limit**

- (2) No alteration of or addition to a given name shall be made in any registration of a birth under this section unless the name of the child was changed or the name was given to the child within ten years after the birth.

**Certificates, contents after changes**

- (3) Any birth certificate issued after the making of an alteration or addition pursuant to this section shall be prepared as if the registration had been made containing the changed or new given name.

**Return of cancelled certificate**

- (4) A person who has a certificate in respect of the registration of the birth of the child that was issued before the making of an alteration or addition pursuant to this section shall, if required by the Director, provide the certificate to the Director for cancellation. *1996, c.48, s.9.*

**10. Certificates, contents after change**

Every birth or marriage certificate issued after recording a change of name under the *Change of Name Act* shall be issued as if the registration had been made in the name as changed. *1996, c.48, s.10; 2021, c.5, s.15.*

## STILLBIRTH

### 11. Stillbirth registration

- (1) Where a stillbirth occurs, the person who would have been responsible for the reporting of it under section 3, if it had been a birth, shall complete and provide to the funeral director a statement in the form approved by the Director respecting the stillbirth.

#### Medical certificate

- (2) A medical certificate in the form approved by the Director shall be completed in respect of a stillbirth and provided to the funeral director by a medical practitioner, nurse practitioner or coroner.

#### Statement by funeral director *re* burial

- (3) On 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 provide the statement to the division registrar.

#### Registration

- (4) On receipt of the statement the division registrar shall register the stillbirth.

#### Burial permit

- (5) On the registration of a stillbirth, the division registrar shall forthwith 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 an acknowledgment that the stillbirth is registered and a burial permit. *1996, c.48, s.11; 1999, c.48, s.1 {eff.} July 29/00; 2019, c.37, s.5.*

## CHANGE OF SEX

### 12. Application to amend sex

- (1) A person may apply to the Director to record a change of sex to male (M), female (F) or non-binary (X) on the person's registration of birth by submitting the following to the Director:
- (a) a written declaration of the person stating that the person has assumed, identifies with, and intends to maintain, the gender identity that corresponds with the requested amendment;
  - (b) a written statement from a medical practitioner or nurse practitioner who is authorized by law to practise in their jurisdiction of practice, confirming that the sex recorded on the person's registration of birth does not correspond with the person's gender identity;
  - (c) evidence satisfactory to the Director of the person's identity.

#### Duty of Director

- (2) Upon receiving an application made in accordance with subsection (1), the Director shall
- (a) where the person's birth is registered in the province, record the change of sex on the person's registration of birth; or
  - (b) where the person's birth is registered outside the province, transmit the documents received by the Director to the officer in charge of the registration of births in the jurisdiction where the person's birth is registered.



**Sex on certificate of birth**

- (3) After the Director records a change of sex on a person's registration of birth in accordance with clause (2)(a), a certificate of birth or death issued in the province in respect of the person shall be issued as if the birth had been registered with the changed sex. *1996,c.48,s.12; 1999,c.48,s.2 {eff.} July 29/00; 2016,c.29,s.1; 2019,c.37,s.6.*

**ADOPTION****13. Adoption**

- (1) On receipt of a certified copy of an order of adoption transmitted under the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, the Director shall register the adoption.

**Birth registration substituted after adoption**

- (2) Where, at the time of the registration of the adoption or at any time afterward, there is in the office of the Director a registration of the birth of the person adopted, the Director, on production of satisfactory evidence of the identity of the person, shall
- (a) withdraw the original registration from the registration files;
  - (b) substitute a registration of birth in accordance with the facts contained in the order of adoption; and
  - (c) mark the new registration with an indicator which will be recognizable to the Director without revealing the adoption status to external viewers of copies of the registration, so as to permit the Director to locate the original registration if necessary.

**Maintenance of original registration**

- (3) Notwithstanding subsection (2), the Director may, at the request of an adopting parent or parents and with the agreement of the registered birth parent or parents, maintain the original registration with the notation thereon required by subsection 46(2) of the *Adoption Act*.

**Adoption in another jurisdiction**

- (4) Where a person is adopted pursuant to an order, judgment or decree of adoption made by a court in another jurisdiction, the Director
- (a) (i) on receipt of a certified copy of the order, judgment or decree;  
(ii) on production of satisfactory evidence of the identity of the person, shall, if at the time of the registration of the adoption or at any time afterward, there is in the Director's office a registration of the birth of that person, register the adoption and substitute the registration of birth in the manner referred to in subsection (2); and
  - (b) shall mark the new registration with an indicator which will be recognizable to the Director without revealing the adoption status to external viewers of copies of the registration, so as to permit the Director to locate the original registration if necessary.

**Transmission of adoption order to extra-provincial authority**

- (5) Where a person born outside the province is adopted pursuant to the *Adoption Act*, the Director shall transmit a certified copy of the order of adoption to the person having charge of the registration of births in the jurisdiction in which the person was born. *1996,c.48,s.13.*

**14. Special register of adoptions**

- (1) The Director shall maintain a special register in which shall be kept
- (a) the original registrations of birth withdrawn from the registration files pursuant to section 13; and
  - (b) the copies of all orders, judgments and decrees received by the Director for the purposes of section 13, other than the copy required for the purposes of subsection 13(5).

**Register confidential**

- (2) The special register and any entry, information or documents contained in it shall not be made public or disclosed to any person except in accordance with the *Adoption Act* or such other provisions as may be prescribed. *1996, c.48, s.14.*

**15. Birth certificate after adoption**

If a child born in the province is adopted pursuant to the laws of the province or of another jurisdiction and a registration of adoption has been made pursuant to section 13, any certificate of birth of that child subsequently issued by the Director

- (a) shall be in accordance with the registration of the adoption; and
- (b) in any case where parentage is shown, shall indicate the legal parents in accordance with the *Adoption Act*,

and nothing shall appear on any certificate issued by the Director that would disclose that the child is an adopted child. *1996, c.48, s.15.*

## MARRIAGE

**16. Marriage statement**

- (1) Immediately after a person authorized by law solemnizes a marriage in the province he or she shall prepare a statement in the form approved by the Director respecting the marriage, and the 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 solemnized the marriage.

**Delivery of statement to registrar**

- (2) The person who solemnized the marriage shall, within seven days after the marriage, provide the completed statement to the division registrar.

**Registration within one year of marriage**

- (3) Notwithstanding subsection (2), on receipt of a completed statement within one year after the marriage, the division registrar shall register the marriage if the division registrar is satisfied as to the truth and sufficiency of the statement. *1996, c.48, s.16; 2019, c.37, s.7.*

**17. Application to register marriage**

- (1) Where a marriage has not been registered within one year after the marriage, a person may apply to the Director to register the marriage by submitting
- (a) an application in the form approved by the Director;

- (b) a statutory declaration in the form approved by the Director;
- (c) the statement referred to in section 16; and
- (d) any other evidence required by the regulations.

**Marriage registration by Director**

- (2) On receipt of the documents and any other evidence required under subsection (1), the Director shall register the marriage if the Director is satisfied as to the truth and sufficiency of the documents and evidence and that the application was made in good faith. *1996,c.48,s.17; 2019,c.37,s.8.*

**18. Registration of annulment, etc.**

- (1) Where a marriage is annulled or dissolved by a court in the province, the Registrar of the Court of Appeal and the Supreme Court shall provide to the Director a statement in the form approved by the Director respecting the annulment or dissolution of a marriage and the Director shall register the annulment or dissolution and cause a notation of the annulment or dissolution to be made on the registration of the marriage.

**Transmission of copy to extra- provincial authority**

- (2) Where a marriage solemnized in another jurisdiction is annulled or dissolved in the province, the Director, on receipt of the statement respecting the annulment or dissolution, shall transmit a certified copy of the order, judgment or decree to the person having charge of registration of marriages in the jurisdiction in which the marriage was solemnized.

**Dissolution or annulment in another province**

- (3) Where a marriage that is registered in the province is annulled or dissolved by order made by a court of competent jurisdiction in another jurisdiction, the Director, on receipt of a certified copy of the order and on production of satisfactory evidence of the identity of the persons, shall register the annulment or dissolution and cause a notation of the annulment or dissolution to be made on the registration of the marriage.

**Reissue of marriage certificate**

- (4) Every marriage certificate issued after the making of a notation pursuant to this section shall contain a copy of the notation. *1996,c.48,s.18; 2008,c.20,s.72(93)2019,c.37,s.3(c).*

## DEATH

**19. Reporting of death**

Where a person dies in the province, the personal particulars of the deceased person shall be set forth in the form approved by the Director and provided 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 in the registration division;
- (c) if no relative is available, by any adult person present at the death;
- (d) by any other adult person having knowledge of the facts;
- (e) by the occupier of the premises in which the death occurred; or

- (f) by the coroner who has been notified of the death and has made an investigation or held an inquest regarding the death. *1996, c.48, s.19; 2019, c.37, s.3(d).*

**20. Death certificate, normal circumstances**

- (1) Where a medical practitioner or nurse practitioner
  - (a) attended the deceased during his or her last illness;
  - (b) is able to certify the cause of death with reasonable accuracy and confidence; and
  - (c) has no reason to believe that the deceased died in circumstances which require an investigation or inquest under the *Coroners Act* R.S.P.E.I. 1988, Cap. C-25.1,

the medical practitioner or nurse practitioner, as the case may be, shall without delay complete and sign a medical certificate in the form approved by the Director stating the cause of death according to the international classification and supply the certificate to the funeral director.

**Reference to coroner where circumstances require**

- (2) Where
  - (a) there was no medical practitioner or nurse practitioner in attendance during the last illness of the deceased;
  - (b) the cause of death cannot be determined with reasonable accuracy and confidence; or
  - (c) there is reason to believe that the deceased died in circumstances which require a post-mortem examination or an investigation or inquest under the *Coroners Act*,

the funeral director or the medical practitioner, nurse practitioner or official assuming responsibility for the deceased shall immediately notify the coroner who shall determine if an investigation, inquest or post-mortem examination is required.

**Determination of cause of death by coroner**

- (3) Where the coroner is notified pursuant to subsection (2) and, within forty-eight hours of notification,
  - (a) the coroner is able to certify the cause of death with reasonable accuracy and confidence and determines that the circumstances do not require a post-mortem examination or an investigation or inquest under the *Coroners Act*; or
  - (b) as a result of a post-mortem examination or an investigation or inquest the coroner is able to certify the cause of death,

the coroner or a medical practitioner or nurse practitioner authorized by the coroner shall without delay complete and sign a medical certificate in the form approved by the Director stating the cause of death and supply the certificate to the funeral director.

**Release for burial, cause of death non ascertained**

- (4) Where the coroner is notified pursuant to subsection (2) and the coroner is not able to certify the cause of death with reasonable accuracy and confidence within forty-eight hours of notification, if the body is no longer required for the purposes of a post-mortem examination, investigation or inquest, the coroner shall sign an interim medical certificate in the form approved by the Director, supply it to the funeral director and release the body into the care of the funeral director.

**Final certificate re cause of death**

- (5) When the cause of death has been determined pursuant to a post-mortem examination or investigation or inquest under the *Coroners Act*, the coroner shall sign a medical certificate in

the form approved by the Director stating the cause of death and provide it to the Director who shall substitute it in the register of deaths for the interim certificate issued under subsection (4). 1996,c.48,s.20; 2006,c.29,s.61; 2019,c.37,s.9.

**21. Form and certificate to division registrar**

- (1) On receipt of the form referred to in section 19 and of the medical certificate or the interim medical certificate, the funeral director shall forthwith provide the form and certificate to the division registrar of the registration division in which the death occurred or, if the place of death is not known, to the division registrar of the registration division in which the body was found.

***Idem***

- (2) Where it is impractical to provide the form and certificate to the proper division registrar, they may be provided to the nearest division registrar. 1996,c.48,s.21.

**22. Death registration**

On receipt, within one year after a death, of the form and certificate under section 21, the division registrar, if satisfied as to the truth and sufficiency of the form, shall register the death. 1996,c.48,s.22.

**23. Death not registered within one year**

Where a death is not registered within one year after the death or where the division registrar refuses to register a death, if application for registration of it is made by any person to the Director, accompanied by

- (a) the form and certificate under section 21; and
- (b) other evidence as may be prescribed,

the Director, 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. 1996,c.48,s.23.

**24. Burial permit**

- (1) On receipt of the form and certificate under subsection 21(1), the division registrar shall prepare and issue to the funeral director a burial permit.

***Idem***

- (2) On receipt of the form and certificate under subsection 21(2), the division registrar shall prepare and issue to the funeral director a burial permit and forward the statement and certificate to the proper division registrar.

**Prohibitions**

- (3) Unless a burial permit in respect of the deceased has been obtained from a division registrar, no person shall
- (a) bury, cremate or otherwise dispose of the body of a person who dies in the province; or
  - (b) remove the body from the registration division in which the death occurred or the body was found, except temporarily for the purpose of preparing it for burial, cremation or other disposition.

**Procedures for removal of body**

- (4) Where the body of any person is to be removed by a common carrier to the place of burial, cremation 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.

**Funeral director, duties**

- (5) The funeral director shall
- (a) at the place of burial, cremation or other disposition, remove any copies of the burial permit affixed to the outside of the casket;
  - (b) deliver the prescribed copy of the burial permit to the person conducting the funeral or religious service; and
  - (c) deliver the prescribed copy of the burial permit to the cemetery owner or, where no person is in charge of the cemetery at the time of the burial or other disposition of the body, write across the face of the burial permit the words “No person in charge”, append his or her signature to the permit, and provide it to the Director.

**Death outside province, supporting documents**

- (6) Unless a coroner otherwise orders, where a death occurs outside the province and the burial, cremation or other disposition of the body is to take place in the province, a burial permit or other document authorized under the law of the place in which the death occurs, signed by the division registrar or other proper officer, is sufficient authority for the burial or other disposition of the body.

**Issue of documents for burial etc., out of province**

- (7) For the purpose of burial, cremation or other disposition of a body outside the province, the Director or a division registrar, upon the request of a funeral director, may issue certified copies of a registration of death, medical certificate or other document to be provided as necessary to the authorities of a jurisdiction in or into which the body is to be transported.  
*1996, c.48, s.24; 2006, c.29, s.61; 2019, c.37, s.10.*

**25. Duties of cemetery owner**

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 provided to the cemetery owner the prescribed copy of the burial permit. *1996, c.48, s.25.*

**26. Notification to other province of registration of death**

- (1) Where the death of a person known to be born in another province is registered in this province, the Director shall send a certified copy or other such official notification of the registration to the official responsible for registrations in the relevant jurisdiction.

**Notation of death occurring outside province**

- (2) Where the Director receives from the official responsible for registrations in another jurisdiction a certified copy or other such official notification of the registration of the death of a person known to be born in this province, the Director shall make a notation to record the death on the person's registration of birth. *1996, c.48, s.26.*

## BIRTH OR DEATH ON AIRCRAFT OR VESSEL

### 27. Births and deaths at sea or on aircraft

- (1) Where a birth or death occurs on a vessel underway or on an aircraft in flight, and the vessel's first port of call or the aircraft's first place of landing after the birth or death is in the province, the birth or death shall, for the purposes of this Act, be deemed to have occurred in the province.

*Idem*

- (2) Where a vessel recovers a body at sea and the vessel's first port of call after the recovery is in the province, the death shall, for the purposes of this Act, be deemed to have occurred in the province. 1996,c.48,s.27.

## ADMINISTRATION

### 28. Church records

Repealed by 2008,c.35,s.1. 1996,c.48,s.28; 2008,c.35,s.1.

### 29. Fraudulent or improper registrations and certificates

- (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 Director that may be adduced by any person interested, the Director, if satisfied that an event registered under this Act did not in fact occur, may
- (a) order cancellation of the registration; and
  - (b) order that every certificate issued in respect of that registration be delivered to the Director for cancellation.

*Idem*

- (2) 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 Director that may be adduced by any person interested, the Director, if satisfied that a certificate was obtained or is being used for unlawful or improper purposes, may order the delivery to the Director of that certificate.

#### Cancelled certificate to Director

- (3) A person who possesses or controls a certificate in respect of which an order has been made under subsection (1) or (2) shall forthwith, on receipt of the order, deliver the certificate to the Director for cancellation.

#### Director, retention of documents

- (4) The Director shall retain all registrations and certificates cancelled under this section, together with the Director's order and all related documents. 1996,c.48,s.29.

### 30. Corrections

- (1) If, while registration documents are in the possession of a division registrar, it is reported that an error exists in the registration, other than an error of the kind referred to in

subsection 29(1), the division registrar shall inquire into the matter and, if satisfied that an error has been made, may correct the error.

**Corrections after registration**

- (2) If, after registration documents have been received by the Director, or registration has been made by the Director, it is reported that an error exists in the registration, other than an error of the kind referred to in subsection 29(1), the Director shall inquire into the matter and, on the production of satisfactory evidence verified by statutory declaration, may correct the error.

**Idem**

- (3) If, after the correction of an error, application is made for a certificate, the certificate shall be prepared as if the registration had been made containing correct particulars at the time of registration. *1996,c.48,s.30.*

**31. Search of records**

- (1) Any person, on applying, furnishing information satisfactory to the Director and paying the prescribed fee, may, if the Director is satisfied that the search information is not to be used for an unlawful or improper purpose, have a search made by the Director
- (a) for the registration of any birth, stillbirth, marriage, death, change of name, annulment or dissolution of marriage; or
  - (b) for the record of any baptism, marriage or burial placed on file in the office of the Director under section 28.

**Report on search**

- (2) The Director shall make a report on the search which shall only state whether or not the birth, stillbirth, marriage, death, change of name, annulment or dissolution of marriage, baptism or burial is registered or recorded. *1996,c.48,s.31; 2019,c.37,s.11.*

**32. Persons entitled to receive birth certificate**

- (1) A certificate of birth may be issued by the Director, on application in the form approved by the Director and on payment of the prescribed fee, only to
- (a) the person to whom the certificate applies;
  - (b) a person who is shown on the registration of birth from which the certificate is issued as a parent of the person to whom the certificate applies;
  - (c) an adult person who has the written consent of a person referred to in clause (a) or (b) and has known that person for at least one year;
  - (d) where the person to whom the certificate applies is deceased, a person who requires the certificate for the administration of the deceased person's estate or to establish eligibility to administer the deceased person's estate;
  - (e) a lawyer acting for the person to whom the certificate applies;
  - (f) a public officer who requires the certificate for the purpose of discharging his or her official duties;
  - (g) a person on the authority of a court order;
  - (h) a person on the authority in writing of the Minister.

**spouse**

- (1.1) Repealed by *2016,c.29,s.2.*



**Form and contents of birth certificate**

- (2) A birth certificate shall be in a form approved by the Director and contain
- (a) the name, date of birth and place of birth of the person; and
  - (b) the date and registration number of the registration of birth.

**Additional information**

- (2.1) A birth certificate may contain additional information, including
- (a) the sex of the person; and
  - (b) the names of the person's parents.

**Persons entitled to receive birth registration particulars**

- (3) A copy or certified copy of the registration of a birth may be issued by the Director on application in the form approved by the Director and on payment of the prescribed fee, only to
- (a) the person to whom the registration applies, if that person is an adult;
  - (b) a person who is shown on the registration as the parent of the person in respect of whom the registration applies;
  - (c) a person who requires it to comply with the *Adoption Act* or is authorized to receive it under that Act;
  - (d) a public officer who requires it for use in the discharge of official duties;
  - (e) a person on the order of a court; or
  - (f) a person on the authority in writing of the Minister.

**Persons entitled to receive copy of marriage registration**

- (4) A certificate of marriage or a copy or certified copy of the registration of a marriage may be issued by the Director, on application in the form approved by the Director and on payment of the prescribed fee, only to
- (a) a party to the marriage;
  - (b) an adult person who has the written consent of a party to the marriage and has known that party for at least one year;
  - (c) a lawyer acting for a party to the marriage;
  - (d) the executor or administrator of the estate of a party to the marriage;
  - (d.1) if both parties to the marriage are deceased, a parent, sibling or adult child of a party to the marriage;
  - (e) a public officer who requires it for use in the discharge of official duties;
  - (f) a person on the order of a court; or
  - (g) a person on the authority in writing of the Minister.

**Persons entitled to receive death certificate**

- (5) Any person, on applying, furnishing information satisfactory to the Director and paying the prescribed fee, may, subject to subsection (6), obtain a certificate in the form approved by the Director in respect of the registration of a death.

***Idem***

- (6) No certificate issued in respect of the registration of a death shall be issued in a manner that discloses the cause of death as certified on the medical certificate, except

- (a) to the parents, brother, sister or spouse of the deceased or to the adult child of the deceased;
- (b) on the authority in writing of the Minister;
- (c) a public officer who requires it for use in the discharge of official duties; or
- (d) on the order of a court.

**Persons entitled to death certificate**

- (7) A copy or certified copy of the registration of a death or stillbirth may only be issued on application in the form approved by the Director and on payment of the prescribed fee to a person
- (a) who is the parent, brother, sister or spouse of the deceased or the adult child of the deceased;
  - (b) on the authority in writing of the Minister;
  - (c) on the order of a court; or
  - (d) who satisfies the Director that it is required to accompany an application to disinter a body.

**Director, refusal to issue certificate**

- (8) The Director may refuse to issue a certificate, copy or certified copy under this section if the Director has reason to believe that the document is to be used for an unlawful or improper purpose.

**Persons entitled to baptism, marriage, or burial certificate**

- (9) Repealed by 2008, c.35, s.2.

**Authority dispensed with**

- (10) The authority of the Minister required pursuant to any provision of this section may be dispensed with in such circumstances as may be prescribed.

**Exceptions**

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

**Receipt of copies**

- (12) Notwithstanding subsections (1), (3), (4), (6) and (7), any person, on application in the form approved by the Director and on payment of the prescribed fee, may obtain a copy or certified copy of a registration of
- (a) a birth after one hundred and twenty years have elapsed since the date of the birth;
  - (b) a stillbirth or a death after fifty years have elapsed since the date of the stillbirth or death; or
  - (c) a marriage after seventy-five years have elapsed since the date of the marriage,
- where the registration has not been transferred to the care, custody and control of the Provincial RIM Officer under section 37.1.

**Prohibition**

- (12.1) No copy or certified copy of a registration of a stillbirth or death issued under clause (12)(b) shall be issued in a manner that discloses the cause of death as certified on the medical certificate.

**Exception, genealogical research**

- (13) Notwithstanding any other provision of this section the Director may, on payment of the prescribed fee, disclose information from, or issue a copy of, any certificate, registration or other document to a person whom the Director considers is engaged in good faith in genealogical research. *1996,c.48,s.32; 2008,c.35,s.2; 2008,c.8,s.28(5); 2016,c.29,s.2; 2019,c.37,s.12; 2024,c.60,s.5.*

**33. Certificates issued by Director**

- (1) Every certificate, copy or certified copy issued under section 32 shall be issued by the Director, and no person other than a person authorized by this Act to do so shall issue any document that purports to be issued under this Act.

**Validity of signature**

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

**Validity of document**

- (3) Every document issued under this Act under the signature of the Director or other official is and remains valid, notwithstanding that the Director or the official ceased to hold office before the issue of the certificate. *1996,c.48,s.33.*

**34. Appeals**

- (1) Where
- (a) an application for the registration of a birth, stillbirth, marriage or death or recording of a change of sex is refused by the Director; and
  - (b) within one year after the refusal, an application is made to the Supreme Court, the court, on being satisfied
  - (c) as to the truth and sufficiency of the evidence adduced on the application referred to in clause (a); and
  - (d) that the application referred to in clause (a) is made in good faith,
- and having regard to the requirements respecting delayed registration set forth in the regulations for the guidance of the Director, may make an order requiring the Director to accept the application and register the birth, stillbirth, marriage or death or record the change of sex.

**Copy of order to Director**

- (2) The clerk of the court shall forthwith send a copy of the order to the Director, who shall comply with the order.

**Idem**

- (3) Where
- (a) an application for a certificate, or a copy or certified copy of a registration, or a search in respect of a birth, baptism, stillbirth, marriage, death or burial is refused by the Director, or where an application for a search in respect of a change of name or annulment is refused by the Director; and
  - (b) within one year after the refusal, application is made to the Supreme Court,

the court, on being satisfied that the applicant has good reason for requiring the certificate or copy or search and that the application referred to in clause (a) is made in good faith, may make an order requiring the Director to issue the certificate or copy or make the search, and the clerk of the court shall forthwith send a copy of the order to the Director, who shall comply with the order.

**Appeal from order under section 28**

- (4) Where the Director has made an order under section 29,
- (a) any person interested may, within one year afterward, appeal to the Supreme Court; and
  - (b) the court may make an order confirming or setting aside the order of the Director.
- 1996, c.48, s.34.*

**35. Power to take affidavits**

The Director and every official acting under this Act may take the affidavit or statutory declaration of any person for the purposes of this Act. *1996, c.48, s.35.*

**36. Publication of statistical information**

The Director may compile, publish and distribute statistical information respecting the births, stillbirths, sex changes, marriages, deaths, adoptions, changes of name and annulments of marriage registered or recorded. *1996, c.48, s.36.*

**37. Persons entitled to information**

- (1) No person employed in the administration of this Act shall
- (a) communicate or allow to be communicated to any person any information obtained under this Act; or
  - (b) allow any person to inspect or have access to any records containing information obtained under this Act,

except as prescribed or authorized by this Act.

**Statistical data compilation**

- (2) This section does not prohibit the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person. *1996, c.48, s.37.*

**37.1 Transfer of records**

- (1) Subject to sections 13 and 14, the Director may transfer to the care, custody and control of the Provincial RIM Officer, in accordance with the *Archives and Records Act* R.S.P.E.I. 1988, Cap. A-19.1, the registration of
- (a) a birth after one hundred and twenty years have elapsed since the date of the birth;
  - (b) a stillbirth or a death after fifty years have elapsed since the date of the stillbirth or death; or
  - (c) a marriage after seventy-five years have elapsed since the date of the marriage.

**Prohibition**

- (2) No registration of a stillbirth or a death transferred to the care, custody and control of the Provincial RIM Officer under clause (1)(b) shall disclose the cause of death as certified on the medical certificate. *2008,c.35,s.3; 2024,c.60,s.5.*

**OFFICE OF VITAL STATISTICS****38. Office**

- (1) There shall be an office of Vital Statistics.

**Director and Deputy Directors**

- (2) The Minister shall appoint an employee of the Department of Justice and Public Safety as the Director of Vital Statistics and may appoint one or more employees of that department as a Deputy Director of Vital Statistics who shall carry out the duties and exercise the powers of the Director under this Act.

**Delegation**

- (2.1) The Director may delegate to an employee of the Department of Justice and Public Safety any of the powers, responsibilities and functions of the Director under this Act as the Director considers advisable.

**Registration divisions**

- (3) The regulations or the Director may designate registration divisions of the province.

**Division registrars**

- (4) The Director may designate division registrars to carry out registration functions in accordance with the Act and regulations.

**Forwarding of registrations**

- (5) Division registrars shall provide the Director with registrations and other documents and associated information in such manner as may be prescribed or as the Director requires.

**Artificial identity**

- (6) The Director may, on the request of the Minister, create an artificial identity for any person and issue a certificate of birth and such other documents as may be necessary. *1996,c.48,s.38; 2000,c.5,s.3; 2005,c.40,s.34; 2010,c.31,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3; 2019,c.37,s.13.*

**OFFENCES****39. Offence**

- (1) A person who contravenes this Act or the regulations commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.

**Liability**

- (2) Where more than one person is required to give notice, or to register, or to furnish a statement, certificate or particulars required under or pursuant to this Act and the duty is carried out by any of those persons, the other or others are not liable. *1996,c.48,s.39.*

## REGULATIONS

### 40. Regulations

The Lieutenant Governor in Council may make regulations

- (a) establishing and varying the boundaries of registration divisions in the province;
  - (b) respecting the statements and forms to be filed or registered under this Act ;
  - (c) prescribing the duties of the Director;
  - (d) prescribing the duties of and records to be kept by the division registrars;
  - (e) prescribing the information and returns to be furnished to the Director and fixing the times when the information and returns are to be transmitted;
  - (f) fixing the times when division registrars shall forward registrations to the Director;
  - (g) for the registration of births, marriages, deaths, stillbirths, annulments of marriage and adoptions, and for the recording of changes of name, in cases not otherwise provided for in this Act;
  - (h) prescribing the fees to be paid for searches, certificates, copies and certified copies of registrations, and anything done or permitted to be done under this Act and providing for the waiver of payment of any fee in favour of any person or class of person;
  - (i) designating the persons who may sign registrations;
  - (j) prescribing the evidence on which the Director may register a birth, stillbirth, marriage or death after one year has elapsed;
  - (k) requiring persons in charge of hospitals to make returns of the births of all children born in the hospitals;
  - (l) prescribing persons authorized to receive or have access to information obtained under this Act;
  - (m) for the purpose of effectively securing observance of this Act, and generally for the better carrying out of its provisions and obtaining the information required under it.
- 1996, c.48, s.40; 2008, c.8, s.28(6).*

### 41. Repeal

Repeal. *1996, c.48, s.41.*

### 42. Consequential amendments

Consequential amendments. *1996, c.48, s.41; 1999, c.48, s.3.*