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**VITAL STATISTICS AMENDMENT ACT, 2002****CHAPTER 74***Assented to November 21, 2002*

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

**1 Section 1 of the Vital Statistics Act, R.S.B.C. 1996, c. 479, is amended**

- (a) by repealing the definitions of “director”, “district registrar” and “registration district”;**
- (b) in the definition of “certificate” by striking out “director;” and substituting “chief executive officer;”, and**
- (c) by adding the following definitions:**

“**chief executive officer**” means the chief executive officer of vital statistics referred to in section 31 (2);

“**vital statistics registrar**” means a vital statistics registrar appointed under section 33.

**2 Section 2 is repealed and the following substituted:**

**Duty to give notices of births**

- 2 (1) Each medical practitioner who attends at a birth must give notice of the birth.**
- (2) If no medical practitioner attends at a birth, the nurse or other person who attends must give notice of the birth.**
- (3) If a birth takes place at a hospital as defined in section 1 or 5 of the *Hospital Act* and the persons having control or management of the hospital are satisfied that notice of the birth will not be given in a timely manner as required under subsections (1) and (2), notice of the birth must be given by or on behalf of the persons having control or management of the hospital.**
- (4) If notice of a birth is given under subsection (3), subsections (1) and (2) do not apply to the birth.**
- (5) A notice under this section, in the form required by the chief executive officer, must be delivered to the chief executive officer within 48 hours after the date of the birth.**

**3 Section 3 is amended**

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- (a) *in subsections (1), (2), (6) and (6.1) by striking out "director" and substituting "chief executive officer", and*
    - (b) *in subsections (1) and (2) by striking out "district registrar" and substituting "chief executive officer".*
  - 4 *Section 5 is amended by striking out "director or district registrar" and substituting "chief executive officer".*
  - 5 *Sections 6 and 7 are amended by striking out "director" wherever it appears and substituting "chief executive officer".*
  - 6 *Section 8 is amended*
    - (a) *in subsection (1) by striking out "give to the district registrar of the registration district in which the child is found," and substituting "provide to the chief executive officer,"*
    - (b) *in subsection (2) by striking out "district registrar" and substituting "chief executive officer" and by repealing paragraph (c),*
    - (c) *in subsection (4) by striking out "director, on receipt of the report and evidence mentioned in subsection (2)," and substituting "chief executive officer, on receipt of the affidavits and statement mentioned in subsection (2),"*
    - (d) *in subsections (6) and (9) by striking out "The director" and substituting "The chief executive officer",*
    - (e) *in subsection (7) by striking out "director" wherever it appears and substituting "chief executive officer", and*
    - (f) *by repealing subsection (10) and substituting the following:*
      - (10) *If the registration is cancelled under subsection (7), a person who has received a certificate issued in respect of the registration of the birth of a child made under subsection (4) must deliver the certificate to the chief executive officer for cancellation if the chief executive officer requires it.*
  - 7 *Section 9 is amended*
    - (a) *in subsections (1) to (3) by striking out "director" wherever it appears and substituting "chief executive officer", and*
    - (b) *in subsections (3) and (5) by striking out "director's" and substituting "chief executive officer's".*
  - 8 *Section 10 (2), (3), (7) and (8) is amended by striking out "director" wherever it appears and substituting "chief executive officer".*
  - 9 *Section 11 is amended*
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- (a) in subsections (2) and (3) by striking out "the director" and substituting "the chief executive officer",*
  - (b) in subsection (4) (b) by striking out "to the district registrar of the registration district in which the stillbirth occurred." and substituting "to a vital statistics registrar.",*
  - (c) in subsection (5) by striking out "district registrar" and substituting "vital statistics registrar", and*
  - (d) by repealing subsection (6) and substituting the following:*
    - (6) On the registration of a stillbirth, a vital statistics registrar must promptly prepare a burial permit and deliver it to the person requiring it for the purpose of the burial, cremation or other disposition of the body of the stillborn child.*
- 10 Section 12 is amended**
- (a) by striking out "director" wherever it appears and substituting "chief executive officer", and*
  - (b) in subsection (3) by striking out "director's" and substituting "chief executive officer's".*
- 11 Sections 13 and 14 (1) are amended by striking out "director" wherever it appears and substituting "chief executive officer".**
- 12 Section 15 is amended**
- (a) in subsections (2) and (4) by striking out "director" and substituting "chief executive officer", and*
  - (b) by repealing subsection (3) and substituting the following:*
    - (3) The person who solemnized the marriage must provide the chief executive officer with the statement completed under subsection (2) within 2 days after the date of the marriage.*
- 13 Section 16 is amended by striking out "director" wherever it appears and substituting "chief executive officer".**
- 14 Section 17 (2) is amended.**
- (a) by striking out "the director" and substituting "the chief executive officer", and*
  - (b) in paragraph (b) by striking out "residing or being in the registration district".*
- 15 Section 18 is amended**
- (a) in subsections (2) (a) and (5) by striking out "director" and substituting "chief executive officer", and*
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- (b) *in subsection (4) by striking out “the director” and substituting “the chief executive officer.”*

**16 Section 19 is repealed and the following substituted:**

**Statement and certificate to vital statistics registrar**

- 19** On receipt of the statement referred to in section 17 (2) and of the medical certificate or the interim medical certificate, the funeral director must promptly deliver the statement and certificate to a vital statistics registrar.

**17 Sections 20 and 21 are repealed and the following substituted:**

**Registration of death**

- 20**
- (1) A vital statistics registrar or the chief executive officer must register a death if the statement and certificate under section 19 are received within one year from the date of the death and the vital statistics registrar or chief executive officer is satisfied as to the truth and sufficiency of the statement.
  - (2) If a death is not registered within one year from the date of the death, and if application for registration of it is made by any person to the chief executive officer accompanied by the statement and certificate under section 19 and other evidence as may be prescribed, the chief executive officer must register the death if satisfied as to the truth and sufficiency of the matters stated in the application and that the application is made in good faith.
  - (3) On receiving a court order that declares a person to be presumed dead, the chief executive officer must register the death.
  - (4) Each month, the chief executive officer must provide to the chief electoral officer a list of the names and addresses of persons whose deaths were registered with a vital statistics registrar or the chief executive officer since the last list was provided.
  - (5) If requested by the chief electoral officer for the purpose of resolving an objection to the registration of a voter or an elector, the chief executive officer must conduct a search of the register of deaths and report the results to the chief electoral officer.

**18 Section 22 is amended**

- (a) *by repealing subsections (1) and (2) and substituting the following:*

- (1) On receipt of the statement and certificate under section 19, a vital statistics registrar must prepare a burial permit and issue it to the funeral director. ,

- (b) *in subsection (3) (b) by striking out “registration district in which” and substituting “community where”,*

- (c) *in subsection (3) by striking out “district registrar” and substituting “vital statistics registrar”,*
  - (d) *in subsection (5) (c) by striking out “director” and substituting “chief executive officer”, and*
  - (e) *in subsection (6) by striking out “the district registrar” and substituting “a vital statistics registrar”.*
- 19 *Section 24 is amended by striking out “director” and substituting “chief executive officer”.*
- 20 *Section 25 is repealed.*
- 21 *Sections 26 (1), 27 (1) and (2) and 28 are amended by striking out “director” wherever it appears and substituting “chief executive officer”.*
- 22 *Section 29 is amended*
- (a) *by repealing subsections (1) and (2),*
  - (b) *in subsections (3) and (4) by striking out “director” wherever it appears and substituting “chief executive officer”, and*
  - (c) *in subsection (5) by striking out “(1), (2).”.*
- 23 *Section 30 is amended by striking out “director” wherever it appears and substituting “chief executive officer”.*
- 24 *Section 31 is repealed and the following substituted:*

#### **The Vital Statistics Agency**

- 31 (1) There must be a Vital Statistics Agency in the minister's ministry.
- (2) The chief executive officer of vital statistics must be appointed under the *Public Service Act* to supervise the work of the Vital Statistics Agency.
- 25 *Section 32 is repealed.*
- 26 *Section 33 is amended by striking out “district registrars and deputy district registrars” in both places and substituting “vital statistics registrars”.*
- 27 *Sections 34 and 35 are repealed and the following substituted:*

#### **Enforcement duties of vital statistics registrars**

- 34 A vital statistics registrar must
- (a) under the supervision and direction of the chief executive officer and in accordance with the regulations, enforce this Act, and

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- (b) immediately report any violation of this Act to the chief executive officer.

**Searches of registration records**

- 35 (1) If a person applies in the form required by the chief executive officer and pays the prescribed fee, and if the chief executive officer is satisfied that the information is not to be used for an unlawful or improper purpose, the chief executive officer must make a search for the registration of any birth, stillbirth, marriage, death, change of name or adoption.
- (2) The chief executive officer must make a written report on the search to the person who applied under subsection (1) stating whether or not the birth, stillbirth, marriage, death, change of name or adoption is registered or recorded and the report must not contain further information.
- 28 *Sections 36 (1) and (4) and 37 are amended by striking out "director" wherever it appears and substituting "chief executive officer".*
- 29 *Section 38 is amended*
- (a) *in subsections (1), (3) and (4) by striking out "director" wherever it appears and substituting "chief executive officer",*
- (b) *in subsection (4) by striking out "director's" and substituting "chief executive officer's", and*
- (c) *in subsections (4) and (5) by striking out "district registrar" and substituting "vital statistics registrar".*
- 30 *Section 39 is amended*
- (a) *by repealing subsection (1),*
- (b) *in subsections (2), (4) and (5) by striking out "director" wherever it appears and substituting "chief executive officer",*
- (c) *in subsection (3) by striking out "district registrar" in both places and substituting "vital statistics registrar", and*
- (d) *in subsection (4) (a) by striking out "subsection (1) or".*
- 31 *Section 40 is amended*
- (a) *by striking out "director" wherever it appears and substituting "chief executive officer", and*
- (b) *in subsection (3) (b) by striking out "district registrar" and substituting "vital statistics registrar".*
- 32 *Section 42 is repealed and the following substituted:*
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**Power to take affidavits**

- 42 The chief executive officer, inspector and every vital statistics registrar has, for the purposes of this Act only, the powers of a commissioner for taking affidavits for British Columbia.
- 33 *Sections 43, 44 and 45 (2) are amended*
- (a) *by striking out "director" wherever it appears and substituting "chief executive officer", and*
  - (b) *by striking out "adoptions, changes of name and dissolution and annulments of marriage" and substituting "adoptions and changes of name".*
- 34 *Section 46 (1) is amended by striking out "district registrar, deputy district registrar" and substituting "vital statistics registrar".*
- 35 *Section 48 is amended by striking out "director" and substituting "chief executive officer".*
- 36 *Section 54 (2) is amended*
- (a) *in paragraph (a) by striking out "district registrars;" and substituting "vital statistics registrars;"*,
  - (b) *in paragraphs (b), (g) and (h) by striking out "director" wherever it appears and substituting "chief executive officer",*
  - (c) *in paragraph (b) by striking out "district registrar" and substituting "vital statistics registrar", and*
  - (d) *by repealing paragraph (i).*

**Consequential Amendments*****Adoption Act***

- 37 *Section 1 of the Adoption Act, R.S.B.C. 1996, c. 5, is amended by adding the following definition:*
- "chief executive officer" means the chief executive officer under the Vital Statistics Act; .*
- 38 *Sections 45 and 63 to 67 are amended by striking out "Director of Vital Statistics" wherever it appears and substituting "chief executive officer".*

***Cemetery and Funeral Services Act***

- 39 ***Section 50 of the Cemetery and Funeral Services Act, R.S.B.C. 1996, c. 45, is amended by striking out “district registrar of vital statistics” and substituting “vital statistics registrar”.***

***Coroners Act***

- 40 ***Section 17 (1) (b) of the Coroners Act, R.S.B.C. 1996, c. 72, is repealed and the following substituted:***

- (b) to the chief executive officer under the *Vital Statistics Act*, a notice in the prescribed form.

***Deregulation Statutes Amendment Act, 2002***

- 41 ***Sections 27 and 28 of the Deregulation Statutes Amendment Act, 2002, S.B.C. 2002, c. 12, are amended in the re-enactment of sections 12 and 13 (5) of the Name Act, R.S.B.C. 1996, c. 328, by striking out “director” wherever it appears and substituting “chief executive officer”.***

***Health Planning Statutes Amendment Act, 2002***

- 42 ***Sections 18 and 19 of the Health Planning Statutes Amendment Act, 2002, S.B.C. 2002, c. 15, are amended in the enactment of sections 6.1 and 7 (1.1), (1.2) and (1.3) of the Name Act, R.S.B.C. 1996, c. 328, by striking out “director” wherever it appears and substituting “chief executive officer”.***
- 43 ***Section 22 is amended in the enactment of section 3 (5) of the Survivorship and Presumption of Death Act, R.S.B.C. 1996, c. 444, by striking out “Director of Vital Statistics” and substituting “chief executive officer under the Vital Statistics Act”.***

***Marriage Act***

- 44 ***Section 1 of the Marriage Act, R.S.B.C. 1996, c. 282, is amended by repealing the definitions of “director” and “registration district” and substituting the following:***

“chief executive officer” means the chief executive officer under the *Vital Statistics Act*;

“vital statistics registrar” means a vital statistics registrar under the *Vital Statistics Act*.

- 45 ***Sections 2 to 5, 7 (2) and 11 (1) are amended by striking out “director” wherever it appears and substituting “chief executive officer”.***



**46 Section 13 is amended**

- (a) in subsection (1) by striking out “within the registration district” and substituting “within the area of the Province.”, and**
- (b) by repealing subsections (4) and (5) and substituting the following:**
  - (4) At least 7 days before the date on which the marriage is to be solemnized, a person who has proclaimed an intended marriage under this section, or a person on their behalf, must provide the chief executive officer with a declaration, in a form acceptable to the chief executive officer, of the proclamation of the intended marriage.**
  - (5) Immediately after the solemnization of the marriage, one of the spouses must make a written record of the solemnization and send the record to the chief executive officer.**

**47 Section 14 is amended**

- (a) in subsection (3) by striking out “Director of Vital Statistics.” and substituting “chief executive officer.”,**
- (b) in subsection (4) by striking out “Director of Vital Statistics” and substituting “chief executive officer” and by striking out “district registrar” and substituting “chief executive officer”, and**
- (c) in subsection (6) by striking out “marriage commissioner under this Act and by the district registrar of vital statistics” and substituting “chief executive officer”.**

**48 Sections 16 (1), 19 (2) and (3), 22 (2) and 24 are amended by striking out “director” wherever it appears and substituting “chief executive officer”.****49 Section 25 is amended**

- (a) in subsections (3) and (4) by striking out “director” wherever it appears and substituting “chief executive officer”,**
- (b) in subsection (3) by striking out “director’s” and substituting “chief executive officer’s”, and**
- (c) in subsection (5) (b) by striking out “district registrar of the district in which the pastoral charge is located.” and substituting “chief executive officer.”**

**50 Section 34 is amended by striking out “director” and substituting “chief executive officer”.****Name Act****51 Section 1 of the Name Act, R.S.B.C. 1996, c. 328, is amended by repealing the definitions of “director” and “district registrar” and substituting the following:**

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**“chief executive officer”** means the chief executive officer under the *Vital Statistics Act*;

**“vital statistics registrar”** means a vital statistics registrar under the *Vital Statistics Act*;

52 *Sections 4 (5) and (6) and 5 (5) are amended by striking out “director” wherever it appears and substituting “chief executive officer”.*

53 *Section 6 is amended*

(a) *in subsection (1) by striking out “director” and substituting “chief executive officer” and by striking out “district” and substituting “community”, and*

(b) *in subsection (3) by striking out “director” and substituting “chief executive officer”.*

54 *Section 7 is amended by striking out “director” wherever it appears and substituting “chief executive officer”.*

55 *Section 8 is repealed and the following substituted:*

**Power to take affidavits**

8 The chief executive officer, an inspector of vital statistics or a vital statistics registrar has the powers of a commissioner for taking affidavits for British Columbia for the purposes of this Act.

56 *Section 9 is amended by striking out “director” wherever it appears and substituting “chief executive officer”.*

57 *Section 11 is amended*

(a) *by striking out “director” wherever it appears and substituting “chief executive officer”, and*

(b) *by striking out “director’s” wherever it appears and substituting “chief executive officer’s”.*

58 *Sections 12 (1), 13 (1) and (5), 14 (1) and (3), 15 (1) and (3), 17 (3) and 18 are amended by striking out “director” wherever it appears and substituting “chief executive officer”.*

**Wills Act**

59 *Section 1 of the Wills Act, R.S.B.C. 1996, c. 489, is repealed and the following substituted:*

**Definitions**

1 In this Act:

**“chief executive officer”** means the chief executive officer under the *Vital Statistics Act*;

**“will”** includes a testament, a codicil, an appointment by will or by writing in the nature of a will in exercise of a power and any other testamentary disposition.

**60** *Sections 32 to 36 are amended by striking out “Director of Vital Statistics” wherever it appears and substituting “chief executive officer”.*

**Commencement**

**61** This Act comes into force by regulation of the Lieutenant Governor in Council.