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c 12 Vital Statistics Amendment Act, 1990

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CHAPTER 12

An Act to amend the Vital Statistics Act*Assented to June 28th, 1990*

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

1.—(1) Clause 1 (r) of the *Vital Statistics Act* is repealed and the following substituted: R.S.O. 1960,
c. 524

(r) “prescribed”, except in subsection 22 (2), means prescribed by the regulations.

(2) Section 1 of the Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 1, is further amended by adding the following clause:

(sa) “regulations” means the regulations made under this Act.

2. Subsections 2 (2) and (3) of the Act are repealed and the following substituted:

(2) The Registrar General shall, upon receipt, cause the registrations of births, marriages, deaths, still-births, adoptions, divorces and changes of name occurring in Ontario and all other documents required or permitted to be given to the Registrar General to be numbered in separate series according to calendar year. Registrations
to be
numbered

(3) The Registrar General shall cause the registrations and other documents to be indexed separately according to calendar year. Indexed

(4) The Registrar General shall cause the registrations and other documents to be systematically filed. Filed

(5) Subject to section 3b, the Registrar General shall cause the registrations and other documents to be kept safely by administrative, physical and technological safeguards that are reasonable and are consistent with this Act. Safekeeping
of
registrations

3. Subsections 3 (2) and (3) of the Act are repealed and the following substituted:

Registration
not signed

(2) If a registration received from a division registrar is incomplete as to a required signature, the Registrar General shall cause the registration to be returned, in order that the signature may be obtained, to,

(a) the proper division registrar; or

(b) the person required to make the registration.

Classification
by causes of
death

(3) The Registrar General shall cause all deaths registered under this Act to be classified according to the classification of diseases adopted by reference in the regulations.

4. The Act is amended by adding the following sections:

Registrations
to be
recorded

3a.—(1) The Registrar General may cause the registrations and other documents referred to in subsection 2 (2), whether received before or after this section comes into force, to be accurately recorded by any technology, if an accurate and easily readable paper copy of the registration or other document can be made from the record.

Documents
to be
recorded

(2) The Registrar General may cause any other documents related to the registrations to be recorded as provided in subsection (1).

Notation
added
directly to
record

(3) The Registrar General may use the technology referred to in subsection (1) to add a notation or any other information directly to a record.

Application

(4) This Act applies with the necessary modifications that are consistent with this Act to the records made under this section.

Definitions
R.S.O. 1980,
c. 27

3b.—(1) In this section, “Archives” and “Archivist” have the same meaning as in the *Archives Act*.

Registrations
transferred to
Archives

(2) The Registrar General may cause those registrations and records that are prescribed, and related indexes and documents, to be transferred to the Archives.

Authority of
Archivist

(3) The Archivist is authorized and directed to receive and maintain the registrations, records, indexes and documents transferred under subsection (2) as if they were transferred under the *Archives Act*.

(4) Despite subsection (3), the Registrar General shall, for the purpose of administering this Act, have access to any registration, record, index or document that was transferred to the Archives. Access by Registrar General

(5) The Registrar General and the Archivist are authorized to enter into agreements respecting any matter related to the registrations, records, indexes and documents transferred under this section. Agreements

5. Subsection 4 (2) of the Act is repealed and the following substituted:

(2) The Registrar General may appoint inspectors of vital statistics who shall perform the duties that are prescribed. Inspectors

6. The Act is further amended by adding the following section:

4a.—(1) The Registrar General shall have a seal of office. Seal of office

(2) The seal of office may be reproduced in any manner and has the same effect whether it is manually applied or otherwise reproduced. Idem

7. Clause 11 (2) (a) of the Act is amended by striking out “subsection 6 (1)” in the last line and substituting “section 6”.

8. Subsection 14 (1) of the Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 4, is repealed and the following substituted:

(1) In the case of a still-birth in Ontario, the person who is required to certify a death under subsection 17 (2) shall complete, certify and deliver a statement in the prescribed form respecting the still-birth to the funeral director in charge of the body. Statement re still-births

9. Subsections 17 (3) and (4) of the Act are repealed and the following substituted:

(3) Subject to subsection (4), any legally qualified medical practitioner who has been in attendance during the last illness of a deceased person or who has sufficient knowledge of the last illness shall forthwith after the death complete and sign a medical certificate of death in the prescribed form, stating the cause of death according to the classification of diseases adopted by reference in the regulations, and shall deliver the medical certificate to the funeral director or other person in charge of the body. Medical certificate of death

Coroner's
case
R.S.O. 1980,
c. 93

(4) In the case of a death of which the coroner is required to be notified under section 10 of the *Coroners Act*, the coroner notified shall, as soon as the cause of death is known, complete and sign a medical certificate of death in the prescribed form, stating the cause of death according to the classification of diseases adopted by reference in the regulations, and shall deliver the medical certificate to the funeral director or other person in charge of the body.

10. Section 29 of the Act is repealed.

11. Section 30 of the Act is amended by adding the following subsection:

Old
certificates to
be returned

(4a) Any person in possession or control of a certificate or certified copy of a registration issued before the registration was corrected shall return the certificate or certified copy to the Registrar General forthwith upon demand.

12. Section 31 of the Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 7, is further amended by adding the following subsection:

Old
certificates to
be returned

(3a) Any person in possession or control of a certificate or certified copy of a birth registration issued before the registration was cancelled under subsection (1) shall return the certificate or certified copy to the Registrar General forthwith upon demand.

13. Section 32 of the Act, as amended by the Statutes of Ontario, 1983, chapter 34, section 2, is further amended by adding the following subsection:

Old
certificates to
be returned

(4a) Any person in possession or control of a certificate or certified copy of a birth registration issued before the making of a notation under subsection (4) shall return the certificate or certified copy to the Registrar General forthwith upon demand.

14. Clause 35 (i) of the Act is repealed and the following substituted:

- (i) call attention to any errors in a statement of personal particulars or medical certificate of death that is incomplete or unsatisfactory, and withhold the issuance of the acknowledgment of registration of death and the burial permit until the errors have been corrected.

15. Section 42 of the Act is repealed and the following substituted:

42.—(1) A certificate purporting to be issued under section 40 or a certified copy of a registration purporting to be issued under section 41 signed by the Registrar General or Deputy Registrar General or on which the signature of either of them is reproduced by any method is admissible in any court in Ontario as proof, in the absence of evidence to the contrary, of the facts so certified, and it is not necessary to prove the signature or official position of the person by whom the certificate or certified copy purports to be signed.

Admissibility of certificates, etc.

(2) Subsection (1) applies to a certificate or certified copy of a registration produced from a record of the registration made under section 3a.

Idem, made from record

(3) The paper copy made from the record of a document, other than a registration, that is made under section 3a is admissible in evidence to the same extent as an original document.

Admissibility of paper copy of a record

16. Subsection 44 (2) of the Act is repealed.

17. Subsection 44 (3) of the Act, as re-enacted by the Statutes of Ontario, 1986, chapter 9, section 11, is amended by striking out “or (2)” in the second line.

18. Section 48 of the Act is repealed and the following substituted:

48.—(1) The Registrar General, if satisfied that a registration was fraudulently or improperly obtained, may order that the registration be cancelled and may order the return of any certificate or certified copy of a registration that was issued before the registration was cancelled.

Registration unlawfully obtained

(2) The Registrar General shall cause the order to be affixed to the cancelled registration and, if satisfied as to the correctness and sufficiency of new evidence presented to him or her, may cause a new registration to be made.

New registration

(3) The Registrar General, if satisfied that a certificate or certified copy of a registration was obtained or used for fraudulent or improper purposes, may order the return of the certificate or certified copy.

Certificate or certified copy used improperly

(4) Any person in possession or control of a certificate or certified copy of a registration that is the subject of an order

Certificates or certified copies to be returned

under subsection (1) or (3) shall return it to the Registrar General forthwith.

Requirement
re hearing

(5) Before making an order under subsection (1) or (3), the Registrar General shall give to such interested parties as the Registrar General considers proper an opportunity to be heard on the matter.

19. Section 55 of the Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 17 and 1987, chapter 4, section 13, is further amended by adding the following clauses:

- (w) adopting by reference, in whole or in part, and with changes that the Lieutenant Governor in Council considers necessary, any classification of diseases for the purposes of this Act;
- (x) prescribing registrations and records to be transferred under section 3b (transfer to the Archives of Ontario).

Commence-
ment

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

21. The short title of this Act is the *Vital Statistics Amendment Act, 1990*.