c 81 The Vital Statistics Amendment Act, 1978
An Act to amend The Vital Statistics Act

Assented to December 15th, 1978

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

1.—(1) Clause a of subsection 11 of section 6 of The Vital Statistics Act, being chapter 483 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1976, chapter 40, section 1, is amended by striking out "but followed by" in the third line.

(2) Clause b of subsection 11 of the said section 6 is amended by striking out "but followed by" in the fifth line.

(3) The said section 6, as amended by the Statutes of Ontario, 1973, chapter 114, section 3, 1976, chapter 40, section 1 and 1977, chapter 41, section 23, is further amended by adding thereto the following subsections:

(12) Where a joint request is made under subsection 11 and a registration is made showing the surname of the husband or father, as the case may be, hyphenated or combined with the surname of the mother, the births of all children born to the persons making the joint application subsequent to the registration shall be registered in the surname given to the child whose birth was registered pursuant to the request under subsection 11.

(13) Where a joint request is made under subsection 11 in respect of a registration of birth made before this Act comes into force, the Registrar General shall amend the registration in accordance with the joint request.

2. The said Act is amended by adding thereto the following section:

CHANGES RESULTING FROM TRANSSEXUAL SURGERY

31a.—(1) Where a person has had his anatomical sex structure changed to a sex other than that which appears
on his registration of birth, he may apply to the Registrar General to have the designation of sex on his registration of birth changed so that the designation will be consistent with the results of the transsexual surgery.

(2) An application made under subsection 1 shall be accompanied by,

(a) a certificate signed by a medical practitioner legally qualified to practise medicine in the jurisdiction in which the transsexual surgery was performed upon the applicant, certifying that,

(i) he performed transsexual surgery on the applicant, and

(ii) as a result of the transsexual surgery, the designation of sex of the applicant should be changed on the registration of his birth;

(b) a certificate of a medical practitioner who did not perform the transsexual surgery but who is qualified and licensed to practise medicine in Ontario certifying that,

(i) he has examined the applicant,

(ii) the results of the examination substantiate that transsexual surgery was performed upon the applicant, and

(iii) as a result of the transsexual surgery, the description of the sex of the applicant should be changed on the registration of birth of the applicant; and

(c) evidence satisfactory to the Registrar General as to the identity of the applicant.

(3) Where it is not possible to obtain the medical certificate referred to in clause (a) of subsection 2, the applicant shall submit such medical evidence of the transsexual surgery as the Registrar General considers necessary.

(4) The Registrar General shall, upon application made to him in accordance with this section, cause a notation to be made on the birth registration of the applicant so that the registration is consistent with the results of the surgery.
(5) Every birth certificate issued after the making of a notation under this section shall be issued as if the original registration of birth had been made showing the designation of sex as changed under this section.

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