

## Vital Statistics Act

R.S.O. 1990, CHAPTER V.4

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## DEFINITIONS

### **Definitions**

**1.** In this Act,

“adopted person” means a person in respect of whom an order, judgment or decree of adoption is registered under subsection 28 (1) or a predecessor of that subsection; (“personne adoptée”)

“birth” means the complete expulsion or extraction from its mother of a fetus that did at any time after being completely expelled or extracted from the mother breathe or show any other sign of life, whether or not the umbilical cord was cut or the placenta attached; (“naissance”)

“birth parent”, in relation to an adopted person, means a person whose name appears as a parent on the original registration, if any, of the adopted person’s birth and such other persons as may be prescribed; (“père ou mère de sang”)

“cemetery” includes a vault, a mausoleum and any land that is set apart or used for the interment of the dead or in which bodies are buried; (“cimetière”)

“cemetery owner” includes the person who is in charge of a cemetery or crematorium under the authority of the owner thereof; (“propriétaire d’un cimetière”)

“certificate” means a certified extract of the prescribed particulars of a registration in the records of the Registrar General; (“certificat”)

“cremation” means the disposal of a dead body by incineration under the *Funeral, Burial and Cremation Services Act, 2002*; (“crémation”)

“Deputy Registrar General” means the Deputy Registrar General appointed under this Act; (“registraire général adjoint de l’état civil”)

“division registrar” means a division registrar as provided for in the regulations; (“registraire de division de l’état civil”)

“divorce” means dissolution and annulment of marriage and includes nullity of marriage; (“divorce”)

“error” means any incorrect information and includes omission of information; (“erreur”)

“funeral director” means a person who takes charge of the body of a still-born child or a deceased person for the purpose of burial, cremation or other disposition; (“directeur de services funéraires”)

“Indian” means an Indian within the meaning of the *Indian Act* (Canada) but does not include an enfranchised Indian; (“Indien”)

“inspector” means an inspector of vital statistics appointed for the purposes of this Act; (“inspecteur”)

“municipality” means a local municipality; (“municipalité”)

“notation” means any addition to, or alteration of, a registration in the records of the Registrar General or a division registrar; (“note”)

“original registration” means an original registration made under this Act or a predecessor of this Act; (“enregistrement initial”)

“prescribed”, except in subsection 26 (2), means prescribed by the regulations; (“prescrit”)

“registered adoption order” means an order, judgment or decree of adoption registered under subsection 28 (1) or a predecessor of that subsection; (“ordonnance d’adoption enregistrée”)

“Registrar General” means the Minister of Consumer and Business Services or such other member of the Executive Council to whom the administration of this Act is assigned; (“registraire général de l’état civil”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “Registrar General” is repealed and the following substituted:**

“Registrar General” means the minister responsible for the administration of this Act; (“registraire général de l’état civil”)

See: 2012, c. 8, Sched. 58, ss. 1, 17.

“regulations” means the regulations made under this Act; (“règlements”)

“religious body” means a church or any religious denomination, sect, congregation or society; (“organisme religieux”)

“state” means any state or territory of the United States of America, or the District of Columbia; (“État”)

“still-birth” means the complete expulsion or extraction from its mother of a product of conception either after the twentieth week of pregnancy or after the product of conception has attained the weight of 500 grams or more, and where after such expulsion or extraction there is no breathing, beating of the heart, pulsation of the umbilical cord or movement of voluntary muscle. (“mortinaissance”) R.S.O. 1990, c. V.4, s. 1; 1994, c. 27, s. 102 (1); 1998, c. 18, Sched. E, s. 290; 2001, c. 9, Sched. D, s. 13; 2001, c. 21, s. 1; 2002, c. 17, Sched. F, Table; 2002, c. 33, s. 153; 2005, c. 25, s. 1; 2008, c. 5, s. 1.

## ADMINISTRATION

### Uniform system of registration

2. (1) Subject to the regulations, the Registrar General shall direct a uniform system of registration of births, marriages, deaths, still-births, adoptions and changes of name in Ontario, and is charged with the enforcement of the provisions of this Act. 2001, c. 21, s. 2.

### Registrations to be numbered

(2) The Registrar General shall, upon receipt, cause the registrations of births, marriages, deaths, still-births, adoptions 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. R.S.O. 1990, c. V.4, s. 2 (2); 2002, c. 18, Sched. E, s. 9 (1).

### Indexed

(3) The Registrar General shall cause the registrations and other documents to be indexed separately according to calendar year. R.S.O. 1990, c. V.4, s. 2 (3).

### Filed

(4) The Registrar General shall cause the registrations and other documents to be systematically filed. R.S.O. 1990, c. V.4, s. 2 (4).

#### **Safekeeping of registrations**

(5) Subject to section 5, 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. R.S.O. 1990, c. V.4, s. 2 (5).

#### **Examination of registrations**

**3.** (1) The Registrar General shall examine the registrations received from the persons required to make registrations and, if the registrations are incomplete or unsatisfactory, the Registrar General shall require such information to be supplied as may be necessary to complete the registration. 2001, c. 21, s. 3 (1).

#### **Registration not signed**

(2) If a registration received from a person required to make the registration 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. 2001, c. 21, s. 3 (1).

#### **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. R.S.O. 1990, c. V.4, s. 3 (3).

#### **Publication by Registrar General**

(4) The Registrar General may collate, publish and distribute such statistical information regarding the births, marriages, deaths, still-births, adoptions, divorces and changes of name registered during any period as he or she may consider to be necessary and in the public interest. R.S.O. 1990, c. V.4, s. 3 (4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (4) is amended by striking out “adoptions, divorces” and substituting “adoptions”. See: 2012, c. 8, Sched. 58, ss. 2 (1), 17.**

#### **Annual report**

(5) The Registrar General shall, after the close of each calendar year, submit to the Lieutenant Governor in Council a report as to the number of births, marriages, deaths, still-births, adoptions and changes of name registered during the preceding calendar year and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. V.4, s. 3 (5); 2002, c. 18, Sched. E, s. 9 (2).

#### **Instructions by Registrar General**

(6) The Registrar General shall prepare and issue to such persons as may be prescribed such detailed instructions as may be required to procure the uniform observance of the provisions of this Act. 2001, c. 21, s. 3 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6) is repealed and the following substituted:**

#### **Instructions by Registrar General**

(6) The Registrar General may prepare and issue to any persons such detailed instructions as, in the opinion of the Registrar General, may be necessary to procure the uniform observance of the provisions of this Act. 2012, c. 8, Sched. 58, s. 2 (2).

**See: 2012, c. 8, Sched. 58, ss. 2 (2), 17.**

#### **Recording registrations and documents**

**4.** (1) The Registrar General may cause the registrations and other documents referred to in subsection 2 (2), whether received before or after the 17th day of December, 1990, 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. R.S.O. 1990, c. V.4, s. 4.

#### **Archives**

5. (1) In this section,

“Archives” means the Archives of Ontario continued under the *Archives and Recordkeeping Act, 2006*; (“Archives publiques”)

“Archivist” means the Archivist of Ontario appointed under the *Archives and Recordkeeping Act, 2006*. (“archiviste”) 2006, c. 34, Sched. A, s. 28 (1).

#### **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. R.S.O. 1990, c. V.4, s. 5 (2); 2006, c. 34, Sched. A, s. 28 (2).

#### **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 and Recordkeeping Act, 2006*. 2006, c. 34, Sched. A, s. 28 (3).

#### **Access by Registrar General**

(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. R.S.O. 1990, c. V.4, s. 5 (4); 2006, c. 34, Sched. A, s. 28 (4).

#### **Agreements**

(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. R.S.O. 1990, c. V.4, s. 5 (5); 2006, c. 34, Sched. A, s. 28 (4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following sections:**

#### **Delegation by Registrar General**

5.1 The Registrar General may delegate in writing any or all of his or her powers and duties under this or any other Act to any person, subject to any restrictions set out in the delegation. 2012, c. 8, Sched. 58, s. 3.

#### **Deputy Registrar General**

5.2 (1) The Registrar General shall appoint a Deputy Registrar General. 2012, c. 8, Sched. 58, s. 3.

#### **Duties**

(2) The Deputy Registrar General shall perform the duties delegated to him or her in writing by the Registrar General. 2012, c. 8, Sched. 58, s. 3.

#### **Delegation of powers and duties**

(3) The Deputy Registrar General may delegate in writing any or all of his or her powers and duties under this or any other Act to any person, subject to any restrictions set out in the delegation. 2012, c. 8, Sched. 58, s. 3.

#### **Subdelegation**

(4) The Deputy Registrar General’s power to delegate under subsection (3) includes the power to delegate in writing any or all of the powers and duties that have been delegated to the Deputy Registrar General under this or any other Act. 2012, c. 8, Sched. 58, s. 3.

See: 2012, c. 8, Sched. 58, ss. 3, 17.

#### **Deputy Registrar General and staff**

6. (1) There shall be a Deputy Registrar General appointed by the Registrar General who shall have direct supervision of the office of the Registrar General and be responsible to the Registrar General for the conduct of his or her office and who shall perform such other duties as may be prescribed by the regulations or delegated to him or her by the Registrar General. R.S.O. 1990, c. V.4, s. 6 (1); 1994, c. 27, s. 102 (2).

#### **Delegation of powers and duties**

(1.1) The Deputy Registrar General may delegate to any person the powers and duties that the Deputy Registrar General has under this Act, whether they are set out in this Act or the regulations or delegated to him or her under this Act. 2009, c. 33, Sched. 17, s. 13 (1).

#### **Inspectors**

(2) The Registrar General may appoint inspectors of vital statistics who shall perform the duties that are prescribed. R.S.O. 1990, c. V.4, s. 6 (2).

#### **Affidavits**

(3) The Registrar General may appoint any person to take affidavits and statutory declarations necessary or incidental to the functions of the Office and to the administration of this Act, the *Marriage Act* and the *Change of Name Act*. 1994, c. 27, s. 102 (3); 1999, c. 12, Sched. F, s. 43.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 6 is repealed and the following substituted:**

#### **Other administrators**

#### **Inspectors**

**6.** (1) The Registrar General may appoint inspectors of vital statistics who shall perform the duties assigned to them by the Registrar General. 2012, c. 8, Sched. 58, s. 4.

#### **Affidavits**

(2) The Registrar General may appoint any person to take affidavits and statutory declarations that are necessary or incidental to,

(a) the functions of the Registrar General under this or any other Act; or

(b) the administration of this Act, the *Marriage Act* or the *Change of Name Act*. 2012, c. 8, Sched. 58, s. 4.

See: 2012, c. 8, Sched. 58, ss. 4, 17.

#### **Designation re ss. 48.1 to 48.5**

**6.1** (1) The Lieutenant Governor in Council may, by regulation, designate a person to exercise the powers and perform the duties of the Registrar General under sections 48.1 to 48.5. 2005, c. 25, s. 2; 2008, c. 5, s. 2.

#### **Same**

(2) The designation may be made subject to such conditions and restrictions as the Lieutenant Governor in Council considers appropriate, including a requirement that the designated person enter into and comply with an agreement between the Registrar General and the designated person. 2005, c. 25, s. 2.

#### **Same**

(3) For the purposes of this section, the Registrar General shall disclose to the designated person such information and documents under the custody or control of the Registrar General as the Registrar General considers necessary. 2005, c. 25, s. 2.

#### **Seal of office**

**7.** (1) The Registrar General shall have a seal of office.

#### **Idem**

(2) The seal of office may be reproduced in any manner and has the same effect whether it is manually applied or otherwise reproduced. R.S.O. 1990, c. V.4, s. 7.

#### **Health insurance information**

**7.1** (1) For the purposes of the administration of the *Health Insurance Act*, the Registrar General, in collecting information under this Act or the *Change of Name Act*, may collect personal information and disclose it to persons employed in the Ministry of Health and Long-Term Care. 1994, c. 27, s. 102 (4); 2006, c. 19, Sched. G, s. 12 (1).

#### **Same**

(2) For the purposes of the administration of this Act, the *Change of Name Act* and the *Health Insurance Act*, the Minister of Health and Long-Term Care may disclose to persons employed in the Office of the Registrar General personal information recorded under the *Health Insurance Act*. 1994, c. 27, s. 102 (4); 2006, c. 19, Sched. G, s. 12 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 7.1 is repealed and the following substituted:**

#### **Health insurance information**

**7.1** (1) For the purposes of administering the *Health Insurance Act*, the Registrar General, in collecting information under this Act or the *Change of Name Act*, is authorized to collect personal information and disclose it to persons employed in the Ministry of Health and Long-Term Care, or to persons or entities providing services on behalf of the Ministry of Health and Long-Term Care. 2012, c. 8, Sched. 58, s. 5.

#### **Same**

(2) For the purposes of administering this Act, the *Change of Name Act* and the *Health Insurance Act*, the Minister of Health and Long-Term Care is authorized to disclose to the Registrar General or to persons or entities providing services on behalf of the Registrar General, personal information recorded under the *Health Insurance Act*. 2012, c. 8, Sched. 58, s. 5.

See: 2012, c. 8, Sched. 58, ss. 5, 17.

### REGISTRATION OF BIRTHS

#### **Notice of birth**

**8.** If required by the regulations, a person who attends at the birth of a child in Ontario shall give notice of the birth in the manner, within the time and to the person prescribed by the regulations. 1994, c. 27, s. 102 (5).

#### **Certification of birth**

**9.** (1) The mother and father, or either of them, in such circumstances as may be prescribed, or such other person as may be prescribed, shall certify the birth in Ontario of a child in the manner, within the time and to the person prescribed by the regulations. 1994, c. 27, s. 102 (5).

#### **Same**

(2) A person who finds a new-born deserted child or who has received custody or care and control of an abandoned child and any other person as may be prescribed shall provide such information and documentation as may be prescribed in respect of the child and the child's birth in the manner, within the time and to the person prescribed by the regulations. 1994, c. 27, s. 102 (5).

#### **Registration**

(3) The Registrar General, acting on a certification under subsection (1) or information under subsection (2) or on such information as may be prescribed or as he or she considers appropriate, may register the birth of a child in Ontario of which he or she becomes aware. 1994, c. 27, s. 102 (5).

#### **Additional evidence**

(4) Despite the receipt of any documentation or information related to a birth, the Registrar General may refuse to register the birth until he or she is satisfied that the documentation or information correctly states the facts and, for such purposes, he or she may require such supplementary evidence as he or she considers appropriate. 1994, c. 27, s. 102 (5).

#### **Division registrars**

(5) Division registrars shall perform such duties as may be prescribed in respect of the notification, certification and registration of births. 1994, c. 27, s. 102 (5).

#### **Amendment of registration**

(6) The Registrar General may amend a birth registration in the circumstances and upon application by the person or persons prescribed by the regulations. 1994, c. 27, s. 102 (5).

#### **Same**

(7) On receiving a certified copy of an order under section 4, 5 or 6 of the *Children's Law Reform Act* respecting a child whose birth is registered in Ontario, the Registrar General shall amend the particulars of the child's parents shown on the registration, in accordance with the order. 1994, c. 27, s. 102 (5).

#### **Same**

(8) On receiving a certified copy of an order under section 6.1 of the *Children's Law Reform Act* respecting a child whose birth is registered in Ontario, the Registrar General shall amend the particulars of the child's surname shown on the registration, in accordance with the order. 2009, c. 11, s. 51.

#### **Still-births**

**9.1** Every still-birth that takes place in Ontario shall be registered in accordance with the regulations. 2002, c. 18, Sched. E, s. 9 (3).



**Child's name**

**10.** (1) A child whose birth is certified under section 9 shall be given at least one forename, subject to subsection (2), and a surname. R.S.O. 1990, c. V.4, s. 10 (1).

**Exception**

- (2) A child whose birth is certified under section 9 need not be given a forename if the Registrar General is satisfied that,
- (a) the child's sex is undetermined;
  - (b) every consent required by the *Child and Family Services Act* for the child's adoption has been given or dispensed with; or
  - (c) the child has died. R.S.O. 1990, c. V.4, s. 10 (2).

**How child's surname determined**

(3) A child's surname shall be determined as follows:

1. If both parents certify the child's birth, they may agree to give the child either parent's surname or former surname or a surname consisting of one surname or former surname of each parent, hyphenated or combined.
2. If both parents certify the child's birth but do not agree on the child's surname, the child shall be given,
  - i. the parents' surname, if they have the same surname, or
  - ii. a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they have different surnames.
3. If one parent certifies the child's birth and the other parent is incapable by reason of illness or death, the parent who certifies the birth may give the child either parent's surname or former surname or a surname consisting of one surname or former surname of each parent, hyphenated or combined.
4. If the mother certifies the child's birth and the father is unknown to or unacknowledged by her, she may give the child her surname or former surname.
5. If a person who is not the child's parent certifies the child's birth, the child shall be given,
  - i. the parents' surname, if they have the same surname,
  - ii. a surname consisting of both parents' surnames hyphenated or combined in alphabetical order, if they have different surnames, or
  - iii. if only one parent is known, that parent's surname. R.S.O. 1990, c. V.4, s. 10 (3); 1994, c. 27, s. 102 (6).

**Idem**

(4) A child's surname determined under paragraph 1, 3 or 4 of subsection (3) may be in a masculine or feminine form. R.S.O. 1990, c. V.4, s. 10 (4).

**Idem**

(5) Where the person who certifies a child's birth indicates in the prescribed manner that he or she wishes to give the child a surname that is determined, not under subsection (3) but in accordance with the child's cultural, ethnic or religious heritage, the child may be given that surname if the Registrar General approves. R.S.O. 1990, c. V.4, s. 10 (5); 1994, c. 27, s. 102 (7).

**Continuing obligation and offence**

**11.** Where a duty has been established by regulations made for the purposes of section 8, 9 or 9.1, and a person fails to perform that duty as provided for in the regulations,

- (a) the person remains liable to perform the duty despite the expiry of any time limit and despite any action taken by another person in giving a notice or in certifying or registering a birth or stillbirth; and
- (b) the person is guilty of an offence for the initial failure to perform the duty and of a separate offence for each successive period of prescribed time during which the failure to perform continues. 2002, c. 18, Sched. E, s. 10 (2).

**12.** REPEALED: O. Reg. 214/07, s. 23.

**Repeal**

**13.** The Lieutenant Governor in Council may by regulation repeal section 12. 1994, c. 27, s. 102 (10).

**Election to change name of child under 12**

**14.** (1) A person with lawful custody of a child under the age of twelve years whose birth was registered in Ontario may elect in the prescribed manner,

- (a) to change the child's forename;
- (b) to change the child's surname to any surname that the child could have been given at birth under subsection 10 (3), (4) or (5); or
- (c) to change the child's forename and to change the child's surname as described in clause (b),

unless a court order or separation agreement prohibits the change. R.S.O. 1990, c. V.4, s. 14 (1).

**Prohibition**

(1.1) Despite subsection (1), no election shall be made under clause (1) (b) or (c) to change a child's surname if a court has made an order under section 6.1 of the *Children's Law Reform Act* changing the child's surname. 2009, c. 11, s. 52.

**More than one custodian**

(2) If two persons have lawful custody of a child, the election may only be made by both persons. R.S.O. 1990, c. V.4, s. 14 (2).

**Notice to persons with access**

(3) A person who elects under subsection (1) shall give notice of the election to every person who is lawfully entitled to access to the child. R.S.O. 1990, c. V.4, s. 14 (3).

**Declaration re notice**

(4) The election shall state, by way of statutory declaration, that all persons entitled to notice of the election have received notice. R.S.O. 1990, c. V.4, s. 14 (4).

**Notice of election**

- (5) If anyone is entitled to notice of an election, the person making the election shall,
  - (a) at least 30 days before making the election, send notice and a copy of the election by registered or certified mail to the last known address of the person entitled to notice; or
  - (b) obtain an acknowledgment of notice, signed by the person entitled to notice, and provide it with the election to the Registrar General. 1994, c. 27, s. 102 (11).

**Old certificates to be surrendered**

(6) The election shall be accompanied by all birth certificates of the child that are in the possession of the person making the election. R.S.O. 1990, c. V.4, s. 14 (6).

**Certificate**

(7) Where a person elects under subsection (1), the Registrar General shall note the change of name on the birth registration and issue a new birth certificate to the person on payment of the required fee. R.S.O. 1990, c. V.4, s. 14 (7); 1998, c. 18, Sched. E, s. 292.

**Adding forename to birth registration**

- 15.** (1) If a child's birth was registered under this Act or a predecessor of it and the child was not given a forename,
- (a) the person with lawful custody of the child; or
  - (b) the child, if he or she has attained the age of eighteen years,

may elect in the prescribed manner to add a forename to the birth registration. R.S.O. 1990, c. V.4, s. 15 (1).

**Certificate**

(2) Where a person elects under subsection (1), the Registrar General shall note the addition of the forename on the birth registration and issue a birth certificate to the person on payment of the required fee. R.S.O. 1990, c. V.4, s. 15 (2); 1998, c. 18, Sched. E, s. 293.

**Abandoned child**

- 16.** (1)-(3) REPEALED: 1994, c. 27, s. 102 (12).

**Subsequent registration if child identified**

(4) If, subsequent to a registration under subsection (3) as it read before its repeal or under subsection 9 (2), the identity of the child is established to the satisfaction of the Registrar General, he or she may by order set aside the registration made pursuant to this section and cause the substitution of a new registration of the birth in accordance with the actual facts of the birth, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed. R.S.O. 1990, c. V.4, s. 16 (4); 1994, c. 27, s. 102 (13); 2002, c. 18, Sched. E, s. 10 (3).

#### **Date of registration**

(5) Where the identity of the child is established and a new registration is made pursuant to subsection (4), the date of the new registration shall be the date of the original registration. R.S.O. 1990, c. V.4, s. 16 (5).

#### **Cancellation of certificates**

(6) The holder of a certificate issued in respect of a registration of a birth made pursuant to subsection (3) as it read before its repeal, or subsection 9 (2), which registration has been withdrawn pursuant to subsection (4), shall deliver it forthwith upon demand to the Registrar General for cancellation. R.S.O. 1990, c. V.4, s. 16 (6); 1994, c. 27, s. 102 (14). (See also: 2002, c. 18, Sched. E, s. 10 (4)).

#### **Registration where parents subsequently marry**

17. (1) Where after the birth of a child, his or her parents intermarry and,
- (a) the parents of the child;
  - (b) where one parent is dead or mentally incapable, the other parent of the child; or
  - (c) where both parents are dead or mentally incapable,
    - (i) the guardian or person in the role of parent of the child, or
    - (ii) the child if he or she is of the age of eighteen years or more,

completes and certifies the statement required by section 9, delivers the statement to the Registrar General together with such evidence as is required by the Registrar General and pays the required fee, the Registrar General 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,

and the statement constitutes the registration of the birth. R.S.O. 1990, c. V.4, s. 17 (1); 1998, c. 18, Sched. E, s. 294.

#### **Original registration to be withdrawn**

(2) Where the birth of the child has been registered before the marriage, the original registration shall be withdrawn from the registration files and shall be kept in a separate file and sealed. R.S.O. 1990, c. V.4, s. 17 (2).

#### **Births after August 1, 1986**

(3) This section does not apply to a birth registered after the 1st day of August, 1986. R.S.O. 1990, c. V.4, s. 17 (3).

18. REPEALED: 1994, c. 27, s. 102 (15). (See also: 2002, c. 18, Sched. E, s. 10 (5)).

## **REGISTRATION OF MARRIAGES**

#### **Marriages**

19. (1) Every marriage that is solemnized in Ontario shall be registered by the person or persons named or described in the regulations and in the prescribed manner and within the prescribed time limits. 1994, c. 27, s. 102 (16).

#### **Registration of marriage**

(2) If an officer designated under clause 60 (m) is satisfied as to the correctness and sufficiency of a statement of marriage forwarded to the Registrar General, the officer shall register the marriage. 1994, c. 27, s. 102 (16).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed and the following substituted:**

#### **Registration of marriage**

(2) If the Registrar General is satisfied as to the correctness and sufficiency of a statement of marriage forwarded to the Registrar General, the Registrar General shall register the marriage. 2012, c. 8, Sched. 58, s. 6.

See: 2012, c. 8, Sched. 58, ss. 8, 17.

#### **Registration of marriage by Registrar General**

20. If a marriage has not been registered within one year from the day of the marriage, the registration may be made by the Registrar General upon such evidence as may be prescribed by the regulations. R.S.O. 1990, c. V.4, s. 20.

## REGISTRATION OF DEATHS

### Registration of death

21. (1) The death of every person who dies in Ontario shall be registered in accordance with the regulations. 1994, c. 27, s. 102 (17).

### Same

(2) Such persons as are described in the regulations shall, in the prescribed circumstances, provide such information as may be prescribed within the time, in the manner and to the person prescribed by the regulations in order to register the death. 1994, c. 27, s. 102 (17); 1997, c. 9, s. 7 (2).

### Division registrars

(3) Division registrars shall perform such duties as may be prescribed in respect of the registration of deaths and the provision of documentation. 1994, c. 27, s. 102 (17).

### Copying of medical certificate

(4) Except as provided in the regulations or as provided under any other Act, no person shall copy or duplicate a document signed by a legally qualified medical practitioner, or by any other person, who is required to sign the document under this Act or the regulations; nor shall any person obtain or attempt to obtain any such document or a copy of it. 1997, c. 9, s. 7 (2).

### Death except by disease

(5) If there is reason to believe that a person has died as a result of any cause other than disease, or has died as a result of negligence, malpractice or misconduct on the part of others or under such circumstances as require investigation, no documentation shall be issued unless,

- (a) in accordance with the *Coroners Act*, the body has been examined and an investigation into the circumstances of the death has been made or an inquest has been held;
- (b) a coroner has signed the documentation if any that is prescribed; and
- (c) the other provisions of this Act and the regulations regarding registration of death have been complied with. 2001, c. 21, s. 16; 2010, c. 16, Sched. 8, s. 4 (1).

### Coroner's warrant to bury

(6) If a person has died under any of the circumstances mentioned in subsection (5) and the coroner cannot provide the prescribed information related to the cause of death, the coroner may issue a warrant to bury if the body has been examined as provided in the *Coroners Act* and the coroner shall subsequently complete and deliver such documentation in the manner, within the time and to the person prescribed by the regulations. 2001, c. 21, s. 16; 2010, c. 16, Sched. 8, s. 4 (2).

### Registration before disposition of body

22. (1) Subject to subsection 21 (6) and the regulations, no person shall bury, cremate or otherwise dispose of the body of any person who dies in Ontario or remove the body from the registration division within which the death occurred or the body is found, and no person shall take part in or conduct any funeral or religious service for the purpose of burial, cremation or other disposition of the body of a deceased person, unless the documentation required by the regulations has been obtained. 1994, c. 27, s. 102 (17).

### Record-keeping

(2) Funeral directors and cemetery owners shall keep such documentation related to the burial, cremation or other disposal of a body as may be prescribed and they shall retain it for such time as may be prescribed. 1994, c. 27, s. 102 (17).

23.-25. REPEALED: 1994, c. 27, s. 102 (17).

### Removal of bodies

26. (1) If the body of a person is to be removed to the place of burial or other disposition by a transportation company or other common carrier, the removal shall not take place until the prescribed documentation has been affixed to the outside of the casket. R.S.O. 1990, c. V.4, s. 26 (1); 1994, c. 27, s. 102 (18).

### Death outside Ontario

(2) If the death occurred outside of Ontario and the burial or other disposition of the body is to take place in Ontario, a burial, transit or removal permit or such other document as may be prescribed or required under the laws of the jurisdiction in which the death occurred, signed by the proper officer of the place in which the death occurred, is sufficient authority for the burial or other disposition of the body. R.S.O. 1990, c. V.4, s. 26 (2).

**27. REPEALED:** 1994, c. 27, s. 102 (19).

## ADOPTION ORDERS

### Registration of adoption orders

**28.** (1) Upon receipt of a certified copy of an adoption order transmitted under subsection 162 (3) of the *Child and Family 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 or territory 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. R.S.O. 1990, c. V.4, s. 28 (1).

### Change in birth registration

(2) If the birth of the person adopted,

(a) was registered in Ontario before the adoption; or

(b) is registered in Ontario after the adoption in accordance with this Act,

the Registrar General, upon production of evidence satisfactory to him or her of the identity of the person together with an application for the registration of the birth in the prescribed form, may by order set aside any registration made under this Act and cause the substitution of a new registration of the birth in accordance with the facts contained in the adoption order, judgment or decree 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. R.S.O. 1990, c. V.4, s. 28 (2); 1994, c. 27, s. 102 (20); 2006, c. 5, s. 53.

### Idem

(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. R.S.O. 1990, c. V.4, s. 28 (3).

### Birth certificate

(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. R.S.O. 1990, c. V.4, s. 28 (4).

### Idem

(5) The holder of a birth certificate in respect of a registration of a birth that has been withdrawn pursuant to subsection (2) or of a certified copy of such a registration shall, forthwith upon demand by the Registrar General, deliver it to the Registrar General for cancellation. R.S.O. 1990, c. V.4, s. 28 (5).

### Restriction on changes, etc., to original registration

(6) After the original registration is sealed under subsection (2), the Registrar General shall not at any time amend it, add information or particulars to it, correct errors by making notations on it, substitute a subsequent registration for it or cancel it, despite any other provision of this Act. 2005, c. 25, s. 3.

**29. REPEALED:** 2005, c. 25, s. 4.

### Child born in another jurisdiction

#### Province or state

**30.** (1) If a child born in another province or in any state has been adopted in Ontario under the *Child and Family Services Act*, or a predecessor of it, the Registrar General shall transmit a certified copy of the order to the person having charge of the registration of births in the province or state in which the child was born.

#### Child born in another jurisdiction

(2) If a child born in a jurisdiction other than a province or state has been adopted in Ontario under the *Child and Family Services Act*, or a predecessor of it, the Registrar General, upon request, may transmit a certified copy of the order to the person having charge of the registration of births in the jurisdiction in which the child was born. R.S.O. 1990, c. V.4, s. 30.

## CHANGES OF NAME

### Registration of change of name

**31.** (1) Upon receipt of a document that satisfies the Registrar General that the name of a person whose birth is registered in Ontario has been changed in accordance with the law of the province or territory of Canada or of the foreign state in which the document was made, the Registrar General shall register the document and note the change of name on the person's registration.

### Idem

(2) If the person's marriage is registered in Ontario, the Registrar General shall also, at the person's request, note the change of name on the person's marriage registration. R.S.O. 1990, c. V.4, s. 31 (1, 2).

### Sealing original birth registration

(2.1) Upon receipt of evidence satisfactory to the Registrar General that the province or territory of Canada or foreign state in which the name of a person has been changed has treated the application for the change of name as confidential in accordance with subsection (2.3), the Registrar General may withdraw the original registration of the person's birth in Ontario, seal it in a separate file and replace the registration with a registration of birth in the name as changed.

### Sealing original marriage registration

(2.2) Upon receipt of evidence satisfactory to the Registrar General that both parties to a marriage registered in Ontario have changed their name in a province or territory of Canada or foreign state that has treated the application for the change of name as confidential in accordance with subsection (2.3), the Registrar General may, upon the request of both parties, withdraw the original registration of the marriage in Ontario, seal it in a separate file and replace the registration with a registration of marriage in the names of the parties as changed.

### Confidential application

(2.3) Subsections (2.1) and (2.2) apply to an application for a change of name if the province or territory of Canada or foreign state in which the name of the person has been changed,

- (a) has sealed the application in a separate file;
- (b) has not published notice of the change of name or given notice of it to any person; and
- (c) has not entered the change of name in any record open to the public. 1999, c. 12, Sched. F, s. 44.

### Certificate after change of name

(3) Where a change of name has been noted on a birth or marriage registration and application is made for a birth or marriage certificate, the certificate shall be issued as if the registration had been made in the name as changed.

### Registration of annulment of change of name

(4) Upon receipt of a document that satisfies the Registrar General that a document effecting a change of name has been annulled in accordance with the law of the province or territory of Canada or of the foreign state in which such documents were made, the Registrar General shall register the document and note the annulment on the person's birth registration, on the document effecting the change of name and, if the change of name that is annulled was noted on the person's marriage registration, on that registration.

### Notation to be dated and initialled

(5) Every notation made under this section shall be dated and initialled by an officer designated by the regulations. R.S.O. 1990, c. V.4, s. 31 (3-5).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (5) is repealed. See: 2012, c. 8, Sched. 58, ss. 7, 17.**

## DIVORCE DECREES

### No certificates of divorce

**32.** The Registrar General may not issue a certificate of divorce even if he or she has a record of the divorce. 1994, c. 27, s. 102 (21).

## REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON BOARD SHIP

### Births and deaths on board ship

33. 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 Ontario, the Deputy Registrar General may register the birth or death. R.S.O. 1990, c. V.4, s. 33.

#### CORRECTION OF ERRORS IN REGISTRATIONS

##### Correction by Registrar General

34. (1) If, after a registration has been received or made by the Registrar General, it is reported to him or her that an error has been made, the Registrar General shall inquire into the facts and upon the production of evidence satisfactory to him or her, supplemented by a statutory declaration in the prescribed form, the Registrar General may correct the error by a notation on the registration without any alteration being made in the registration. 2001, c. 21, s. 4.

##### Certificate of registration that has been corrected

(2) If, subsequent to the correction of an error, application is made for a certificate pursuant to this Act, the certificate shall be prepared as if the registration had been made containing correct particulars at the time of registration, but if a certified copy of the registration is required, the certified copy shall contain a copy of the notation made under subsection (1). 2001, c. 21, s. 4.

##### Old certificates to be returned

(3) 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. 2001, c. 21, s. 4.

##### Notation on registration

(4) Every notation made under this section shall be dated and initialled by the person making the correction or by the officer designated by the regulations. 2001, c. 21, s. 4.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (4) is repealed. See: 2012, c. 8, Sched. 58, ss. 8, 17.**

##### Substitute registrations

35. (1) If, after a registration of birth has been received or made by the Registrar General, it appears or is reported to him or her that, because of incorrect information in the registration, the registration does not comply with the requirements of subsections 6 (4) and (7) of the *Vital Statistics Act*, being chapter 524 of the Revised Statutes of Ontario, 1980, as they existed before the 1st day of August, 1986, the Registrar General shall inquire into the facts and, upon production of evidence satisfactory to him or her, supplemented by statutory declaration in the prescribed form, the Registrar General may, instead of correcting the error under section 34, order that the registration be cancelled and that a new registration of the birth be made. R.S.O. 1990, c. V.4, s. 35 (1); 1993, c. 27, Sched.

##### Order to be attached to registration

(2) Where an order is made under subsection (1), the Registrar General shall attach the order to, and cause a notation of the order to be made on, the existing registration, and the existing registration and order shall be kept in a separate file and sealed.

##### Certificates and certified copies

(3) Where a substituted registration of birth is made and an application is made for a birth certificate or certified copy of registration in respect of the birth, the certificate or certified copy shall be issued having regard to the substituted registration only.

##### Old certificates to be returned

(4) 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.

##### Births after August 1, 1986

(5) This section does not apply to a birth registered after the 1st day of August, 1986. R.S.O. 1990, c. V.4, s. 35 (2-5).

#### CHANGES RESULTING FROM TRANSSEXUAL SURGERY

##### Changing sex designation

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

#### **Application**

- (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 or she 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 birth of the applicant;
  - (b) a certificate of a medical practitioner who did not perform the transsexual surgery but who is qualified and licensed to practise medicine in Canada certifying that,
    - (i) he or she 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.

#### **Alternate medical evidence**

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

#### **Notation on birth registration to be consistent with result of surgery**

(4) The Registrar General shall, upon application made to him or her 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.

#### **Old certificates to be returned**

(5) 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.

#### **Birth certificate issued after notation**

(6) 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. R.S.O. 1990, c. V.4, s. 36.

### **REGISTRATION DIVISIONS**

#### **Registration divisions**

37. (1) The whole of Ontario shall be divided into registration divisions. R.S.O. 1990, c. V.4, s. 37 (1).

#### **Municipal units**

(2) Every municipality is a registration division. R.S.O. 1990, c. V.4, s. 37 (2).

#### **Unorganized territory**

(3) The Registrar General may divide that part of Ontario not within a municipality into registration divisions, and may from time to time alter the boundaries of any such registration division or merge it, in whole or in part, with one or more registration divisions and may attach any territory or portion thereof not being part of a municipality to a registration division constituted under subsection (2). 1994, c. 27, s. 102 (22).

#### **Same**

(4) The Registrar General shall maintain a record of all orders made for the purposes of subsection (3) and make them or copies of them available for inspection by the public on request; Part III (Regulations) of the *Legislation Act, 2006* does not apply to the orders. 1994, c. 27, s. 102 (22); 2006, c. 21, Sched. F, s. 136 (1).

#### **Same**

(5) Registration divisions in existence on the day this subsection comes into force continue until altered or merged by an order made under subsection (3). 1994, c. 27, s. 102 (22).

### **APPOINTMENT AND DUTIES OF DIVISION REGISTRARS**

#### **Division registrars and staff**



#### **Division registrars**

**38.** (1) Division registrars shall be appointed as provided for in the regulations. 2001, c. 21, s. 5.

#### **Deputy division registrars**

(2) A division registrar may, with the approval of the Registrar General, appoint one or more deputy division registrars to act for him or her and any such deputy while so acting has all the powers and duties of the division registrar who appointed the deputy. 2001, c. 21, s. 5.

#### **Sub-registrars**

(3) A division registrar may, with the approval of the Registrar General, appoint sub-registrars who shall perform such duties as may be prescribed. 2001, c. 21, s. 5.

#### **Division registrars, powers and duties**

**39.** A division registrar shall perform such duties and have such powers as are set out in this Act and as may be prescribed. 1994, c. 27, s. 102 (24).

#### **Report of contraventions to Registrar General**

**40.** Such persons as may be prescribed shall, under the direction of the Registrar General, enforce this Act and shall make an immediate report to the Registrar General of any contravention of this Act of which he or she has knowledge. 2001, c. 21, s. 6.

**41.** REPEALED: 1998, c. 18, Sched. E, s. 297.

### FORMS

#### **Forms**

**42.** For the purposes of the administration of this Act, the *Marriage Act* or the *Change of Name Act*, the Registrar General may,

- (a) provide for and require the use of forms, statutory declarations or affidavits in addition to or in substitution for forms, statutory declarations or affidavits prescribed by the regulations made under this Act, the *Marriage Act* or the *Change of Name Act*, as the case may be;
- (b) require the use of forms, statutory declarations or affidavits supplied by the Registrar General; and
- (c) permit information to be supplied in a format acceptable to the Registrar General rather than on forms or in statutory declarations or affidavits that are otherwise provided for or required under this section or the regulations made under this Act, the *Marriage Act* or the *Change of Name Act*, as the case may be. 1998, c. 18, Sched. E, s. 298.

### CERTIFICATES AND SEARCHES

#### **Contents of certificates**

##### **Birth certificate**

**43.** (1) A birth certificate shall contain the following particulars of the registration:

- (a) name of the child;
- (b) date of birth;
- (c) place of birth;
- (d) sex;
- (e) date of registration; and
- (f) registration number.

##### **Death certificate**

(2) A death certificate shall contain only the following particulars of the registration:

- (a) name, age and marital status of the deceased;
- (b) date of death;
- (c) place of death;

- (d) sex;
- (e) date of registration; and
- (f) registration number.

**Marriage certificate**

- (3) A marriage certificate shall contain only the following particulars of the registration:
- (a) names of the parties;
  - (b) date of the marriage;
  - (c) place of the marriage;
  - (d) place of birth of each of the parties;
  - (e) date of registration; and
  - (f) registration number.

**Change of name certificate**

- (4) A change of name certificate shall contain the following particulars of the registration,
- (a) the person's name;
  - (b) the person's former name;
  - (c) date of registration; and
  - (d) registration number.

**Still-birth certificate**

- (5) No still-birth certificate shall be issued.

**Certificates under seal**

(6) A certificate, order or other document, issued by the Registrar General pursuant to this Act, may bear the seal of office of the Registrar General. R.S.O. 1990, c. V.4, s. 43.

**Who may obtain certificates**

**Birth certificate**

44. (1) Upon application and upon payment of the required fee, any person who furnishes substantially accurate particulars, and satisfies the Registrar General as to the person's reason for requiring it, may obtain from the Registrar General a birth certificate in respect of any birth of which there is a registration in his or her office. R.S.O. 1990, c. V.4, s. 44 (1); 1998, c. 18, Sched. E, s. 299 (1).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by striking out "of which there is a registration in his or her office" and substituting "of which there is a registration with the Registrar General". See: 2012, c. 8, Sched. 58, ss. 9 (1), 17.**

**Death certificate**

(2) Upon application and upon payment of the required fee, any person may obtain from the Registrar General a death certificate in respect of any death of which there is a registration in his or her office. R.S.O. 1990, c. V.4, s. 44 (2); 1998, c. 18, Sched. E, s. 299 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is amended by striking out "of which there is a registration in his or her office" and substituting "of which there is a registration with the Registrar General". See: 2012, c. 8, Sched. 58, ss. 9 (1), 17.**

**Marriage certificate**

- (3) Upon application and upon payment of the required fee,
- (a) one of the parties to the marriage;
  - (b) a parent of one of the parties;
  - (c) a child of the marriage; or
  - (d) any person with the approval of the Registrar General,

may obtain from the Registrar General a marriage certificate in respect of any marriage of which there is a registration in his or her office. R.S.O. 1990, c. V.4, s. 44 (3); 1998, c. 18, Sched. E, s. 299 (3).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is amended by striking out “of which there is a registration in his or her office” at the end and substituting “of which there is a registration with the Registrar General”. See: 2012, c. 8, Sched. 58, ss. 9 (1), 17.**

#### **Change of name certificate**

(4) Upon application and upon payment of the required fee, any person may obtain from the Registrar General a change of name certificate in respect of any change of name of which there is a registration, made after the 15th day of July, 1987, in his or her office. R.S.O. 1990, c. V.4, s. 44 (4); 1998, c. 18, Sched. E, s. 299 (4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (4) is repealed and the following substituted:**

#### **Change of name certificate**

(4) Upon application and upon payment of the required fee, any person may obtain from the Registrar General a change of name certificate in respect of any change of name of which there is a registration, made after July 15, 1987, with the Registrar General. 2012, c. 8, Sched. 58, s. 9 (2).

**See: 2012, c. 8, Sched. 58, ss. 9 (2), 17.**

#### **Who may obtain copy of registrations**

**45.** (1) No certified copy of a registration of birth, change of name, death or still-birth shall be issued except to a person authorized by the Registrar General or the order of a court and upon payment of the required fee. R.S.O. 1990, c. V.4, s. 45 (1); 1998, c. 18, Sched. E, s. 300 (1).

#### **Who may obtain copy of registration of marriage**

(2) No certified copy of a registration of marriage shall be issued except to one of the parties to the marriage or to a person authorized by the Registrar General or the order of a court and upon payment of the required fee. R.S.O. 1990, c. V.4, s. 45 (2); 1998, c. 18, Sched. E, s. 300 (2).

#### **Guarantor required**

**45.1** (1) The Registrar General may require that an application for any of the following information or documents be guaranteed and may specify the manner in which it must be guaranteed:

1. A certificate.
2. A certified copy of a registration.
  - 2.1 The uncertified copies described in subsection 48.1 (1).
  - 2.2 The information described in subsection 48.2 (1).
3. Such other information or documents as may be prescribed. 2005, c. 25, s. 5.

#### **Eligibility to be a guarantor**

(1.1) Such persons as may be prescribed are authorized to act as guarantors for the purposes of this section. 2005, c. 25, s. 5 (1).

#### **No fee**

- (2) No person shall charge a fee for acting as a guarantor. 2001, c. 21, s. 7.

#### **Limit on documents**

**45.2** (1) Not more than one certificate and one certified copy of a registration may be issued in respect of a birth. 2001, c. 21, s. 7.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by striking out “Not more than one certificate” at the beginning and substituting “Unless otherwise permitted by the Registrar General, not more than one certificate”. See: 2012, c. 8, Sched. 58, ss. 10, 17.**

#### **Other documents**

(2) The Registrar General may limit the number of certificates and certified copies of registrations that may be issued in respect of any change of name, death, still-birth or marriage. 2001, c. 21, s. 7.

#### **Application for reconsideration**

(3) On the application of a person who has been refused a birth certificate or a certified copy of a birth registration under section 44 or 45 or who has been refused a birth certificate or a certified copy of a birth registration under this section, the Registrar General shall consider the matter and he or she may grant or refuse the application. 2001, c. 21, s. 7.

**Admissibility of certificates, etc.**

46. (1) A certificate purporting to be issued under section 44 or a certified copy of a registration purporting to be issued under section 45 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.

**Idem, made from record**

(2) Subsection (1) applies to a certificate or certified copy of a registration produced from a record of the registration made under section 4.

**Admissibility of paper copy of a record**

(3) The paper copy made from the record of a document, other than a registration, that is made under section 4 is admissible in evidence to the same extent as an original document. R.S.O. 1990, c. V.4, s. 46.

47. REPEALED: 2001, c. 21, s. 8.

**Searches**

48. (1) Any person who,
- (a) applies;
  - (b) pays the required fee; and
  - (c) satisfies the Registrar General as to the person's reason for requiring it,

may have search made for the registration of any birth, death, marriage, still-birth, divorce, adoption or change of name in the indexes kept in the office of the Registrar General. R.S.O. 1990, c. V.4, s. 48 (1); 1998, c. 18, Sched. E, s. 301.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is repealed and the following substituted:**

**Searches**

- (1) Any person may have a search made for the registration of any birth, death, marriage, still-birth, adoption or change of name in the indexes kept under this Act if that person,
- (a) applies;
  - (b) pays the required fee; and
  - (c) satisfies the Registrar General as to the person's reason for requiring the search. 2012, c. 8, Sched. 58, s. 11.

See: 2012, c. 8, Sched. 58, ss. 11, 17.

**Exception**

(2) Clause (1) (c) does not apply in the case of a search of the change of name index with respect to the period after the 15th day of July, 1987.

**Information given on search**

- (3) Subject to subsection (4), the only information given upon a search under subsection (1) shall be,
- (a) whether the registration exists or not;
  - (b) the registration number, if any; and
  - (c) at the Registrar General's option, the date of the event, if any.

**Former name**

(4) In the case of a search of the change of name index, where a registration exists, the former name of the person shall be given, but only with respect to the period after the 15th day of July, 1987. R.S.O. 1990, c. V.4, s. 48 (2-4).

**DISCLOSURE RE ADOPTED PERSONS**

**Disclosure to an adopted person**

**48.1** (1) An adopted person may apply to the Registrar General for an uncertified copy of the original registration, if any, of the adopted person's birth and an uncertified copy of any registered adoption order respecting the adopted person. 2008, c. 5, s. 4.

**Age restriction**

(2) The adopted person is not entitled to apply for the uncertified copies until he or she is at least 18 years old. 2008, c. 5, s. 4.

**Disclosure**

(3) Subject to subsections (5), (6), (7), (9), (10) and (11), the applicant may obtain the uncertified copies from the Registrar General upon payment of any required fee and upon production of any evidence of the applicant's identity and age that may be required by the Registrar General. 2008, c. 5, s. 4.

**Effect of notice of preferred manner of contact**

(4) If a notice submitted by a birth parent under subsection 48.3 (2) is in effect, the Registrar General shall give the applicant a copy of the notice when the Registrar General gives the applicant the uncertified copies. 2008, c. 5, s. 4.

**Effect of notice of wish not to be contacted**

(5) If there is only one birth parent and a notice submitted by the birth parent under subsection 48.4 (3) is in effect, the Registrar General shall not give the uncertified copies to the applicant unless the applicant agrees in writing not to contact or attempt to contact the birth parent, either directly or indirectly. 2008, c. 5, s. 4.

**Same**

(6) If there are two birth parents and notices submitted by both birth parents under subsection 48.4 (3) are in effect, the Registrar General shall not give the uncertified copies to the applicant unless the applicant agrees in writing not to contact or attempt to contact the birth parents, either directly or indirectly. 2008, c. 5, s. 4.

**Same**

(7) If there are two birth parents and only one notice submitted by a birth parent under subsection 48.4 (3) is in effect, the Registrar General shall,

- (a) give the applicant the uncertified copies if the applicant agrees in writing not to contact or attempt to contact that birth parent, either directly or indirectly; or
- (b) if the applicant refuses to agree in writing not to contact or attempt to contact that birth parent, either directly or indirectly, delete any identifying information relating to that birth parent from the uncertified copies and give the applicant the redacted uncertified copies. 2008, c. 5, s. 4.

**Copy of notice**

(8) Where the Registrar General gives the applicant the uncertified copies under subsection (5) or (6) or clause (7) (a), he or she shall also give the applicant a copy of the notice that was submitted under subsection 48.4 (3) by either or both of the birth parents, as the case may be. 2008, c. 5, s. 4.

**Effect of disclosure veto**

(9) If there is only one birth parent and a disclosure veto submitted by the birth parent under subsection 48.5 (5) is in effect, the Registrar General shall not give the uncertified copies to the applicant. 2008, c. 5, s. 4.

**Same**

(10) If there are two birth parents and disclosure vetoes submitted by both birth parents under subsection 48.5 (5) are in effect, the Registrar General shall not give the uncertified copies to the applicant. 2008, c. 5, s. 4.

**Same**

(11) If there are two birth parents and only one disclosure veto submitted by a birth parent under subsection 48.5 (5) is in effect, the Registrar General shall delete any identifying information relating to that birth parent from the uncertified copies and give the applicant the redacted uncertified copies. 2008, c. 5, s. 4.

**Copy of statement**

(12) If a disclosure veto is in effect, the Registrar General shall advise the applicant that a disclosure veto is in effect and give the applicant a copy of any statement that may have been included in the disclosure veto under subsection 48.5 (7). 2008, c. 5, s. 4.

**Same**

(13) If, at the time of application, a disclosure veto has ceased to be in effect under subsection 48.5 (13), the Registrar General shall advise the applicant of this fact and give the applicant a copy of any statement that may have been included in the disclosure veto under subsection 48.5 (7). 2008, c. 5, s. 4.

**Definition, identifying information**

(14) In subsections (7) and (11),

“identifying information” means information whose disclosure, alone or in combination with other information, will in the circumstances reveal the identity of the person to whom it relates. 2008, c. 5, s. 4.

**Disclosure to a birth parent**

**48.2** (1) A birth parent of an adopted person may apply to the Registrar General for all the information contained in the following documents, with the exception of information about persons other than the applicant, the adopted person and a person whose name appears in the documents because of their involvement, in a professional capacity, in the adoption or birth registration:

1. The original registration, if any, of the adopted person’s birth.
2. Any birth registration respecting the adopted person that was substituted in accordance with subsection 28 (2).
3. Any registered adoption order respecting the adopted person. 2008, c. 5, s. 4.

**Age restriction**

(2) The birth parent is not entitled to apply for the information described in subsection (1) until the adopted person is at least 19 years old. 2008, c. 5, s. 4.

**Disclosure**

(3) Subject to subsections (5) and (7), the applicant may obtain the information described in subsection (1) from the Registrar General upon payment of any required fee and upon production of any evidence of the applicant’s identity and of the adopted person’s age that may be required by the Registrar General. 2008, c. 5, s. 4.

**Effect of notice of preferred manner of contact**

(4) If a notice submitted under subsection 48.3 (1) is in effect and sets out the manner in which the adopted person wishes to be contacted by the applicant, the Registrar General shall give the applicant a copy of the notice when the Registrar General gives the applicant the information described in subsection (1). 2008, c. 5, s. 4.

**Effect of notice of wish not to be contacted**

(5) If a notice submitted under subsection 48.4 (1) is in effect and states that the adopted person does not wish to be contacted by the applicant, the Registrar General shall not give the information described in subsection (1) to the applicant unless the applicant agrees in writing not to contact or attempt to contact the adopted person, either directly or indirectly. 2008, c. 5, s. 4.

**Copy of notice of wish not to be contacted**

(6) The Registrar General shall give the applicant a copy of a notice described in subsection (5) when the Registrar General gives the applicant the information described in subsection (1). 2008, c. 5, s. 4.

**Effect of disclosure veto**

(7) If a disclosure veto submitted by an adopted person under subsection 48.5 (2) is in effect, the Registrar General shall not give the information described in subsection (1) to,

- (a) any birth parent who applies for the information under subsection (1), if the disclosure veto does not specify a birth parent against whom it is effective; or
- (b) if the adopted person specifies in the disclosure veto that it is to be effective only against a particular birth parent, the birth parent specified in the disclosure veto. 2008, c. 5, s. 4.

**Copy of statement**

(8) If a disclosure veto submitted by an adopted person is in effect and prohibits the disclosure of information to the applicant, the Registrar General shall,

- (a) advise the applicant that a disclosure veto is in effect; and
- (b) give the applicant a copy of any statement intended for the applicant that may have been included in the disclosure veto under subsection 48.5 (7). 2008, c. 5, s. 4.

**Same**

(9) If, at the time of the application, a disclosure veto prohibiting disclosure to the applicant has ceased to be in effect under subsection 48.5 (13), the Registrar General shall,

- (a) advise the applicant of this fact; and
- (b) give the applicant a copy of any statement intended for the applicant that may have been included in the disclosure veto under subsection 48.5 (7). 2008, c. 5, s. 4.

**Notice, preferred manner of contact**

**Adopted person**

**48.3** (1) An adopted person who is at least 18 years old may submit to the Registrar General a notice specifying his or her preferences concerning the manner in which a birth parent may contact him or her. 2008, c. 5, s. 5 (1).

**Proof of identity and age**

(1.1) A notice submitted under subsection (1) shall not be registered until the applicant provides the Registrar General with such evidence of his or her identity and age as may be required by the Registrar General. 2008, c. 5, s. 5 (1).

**Birth parent**

(2) A birth parent may submit to the Registrar General a notice specifying his or her preferences concerning the manner in which an adopted person may contact him or her. 2008, c. 5, s. 5 (1).

**Proof of identity**

(2.1) A notice described in subsection (2) shall not be registered until the applicant provides the Registrar General with such evidence of his or her identity as may be required by the Registrar General. 2008, c. 5, s. 5 (1).

**When notice is in effect**

(3) A notice shall be registered by the Registrar General and is in effect when the Registrar General has matched it with the original registration, if any, of the adopted person's birth or, if there is no original registration, when the Registrar General has matched it with the registered adoption order. 2005, c. 25, s. 7; 2008, c. 5, s. 5 (2).

**Exception**

(4) Despite subsection (3), a notice submitted by an adopted person with respect to a birth parent does not come into effect if, before the match is made, the Registrar General has already given that birth parent the information described in subsection 48.2 (1). 2005, c. 25, s. 7; 2008, c. 5, s. 5 (3).

**Same**

(5) Despite subsection (3), a notice submitted by a birth parent does not come into effect if, before the match is made, the Registrar General has already given the adopted person the uncertified copies of registered documents described in subsection 48.1 (1). 2005, c. 25, s. 7; 2008, c. 5, s. 5 (4).

**Withdrawal of notice**

(6) Upon application, the adopted person or birth parent, as the case may be, may withdraw the notice. 2005, c. 25, s. 7.

**Same**

(7) If a notice is withdrawn, it ceases to be in effect when the Registrar General has matched the application for withdrawal with the notice itself. 2005, c. 25, s. 7.

**Administration**

(8) Subsections 2 (2) to (4) do not apply to notices registered under this section. 2005, c. 25, s. 7.

**Notice, wish not to be contacted**

**Adopted person**

**48.4** (1) An adopted person who is at least 18 years old may submit to the Registrar General a notice that he or she wishes not to be contacted by a birth parent. 2008, c. 5, s. 6 (1).

**Proof of identity and age**

(2) A notice described in subsection (1) shall not be registered until the applicant has provided the Registrar General with such evidence of his or her identity and age as may be required by the Registrar General. 2008, c. 5, s. 6 (1).

**Birth parent**

(3) A birth parent may submit to the Registrar General a notice that he or she wishes not to be contacted by the adopted person. 2008, c. 5, s. 6 (1).

**Proof of identity**

(3.1) A notice described in subsection (3) shall not be registered until the applicant provides the Registrar General with such evidence of his or her identity as may be required by the Registrar General. 2008, c. 5, s. 6 (1).

**Additional information**

(4) The notice may include a brief statement concerning the person's reasons for not wishing to be contacted and a brief statement of any available information about the person's medical and family history. 2005, c. 25, s. 8.

**When notice is in effect**

(5) A notice shall be registered by the Registrar General and is in effect when the Registrar General has matched it with the original registration, if any, of the adopted person's birth or, if there is no original registration, when the Registrar General has matched it with the registered adoption order. 2005, c. 25, s. 8; 2008, c. 5, s. 6 (2).

**Exception**

(6) Despite subsection (5), a notice submitted by an adopted person with respect to a birth parent does not come into effect if, before the match is made, the Registrar General has already given that birth parent the information described in subsection 48.2 (1). 2005, c. 25, s. 8; 2008, c. 5, s. 6 (3).

**Same**

(7) Despite subsection (5), a notice submitted by a birth parent does not come into effect if, before the match is made, the Registrar General has already given the adopted person the uncertified copies of registered documents described in subsection 48.1 (1). 2005, c. 25, s. 8; 2008, c. 5, s. 6 (4).

**Withdrawal of notice**

(8) Upon application, the adopted person or birth parent, as the case may be, may withdraw the notice. 2005, c. 25, s. 8.

**When withdrawal takes effect**

(9) If a notice is withdrawn, the notice ceases to be in effect when the Registrar General has matched the application for withdrawal with the notice itself. 2005, c. 25, s. 8.

**Administration**

(10) Subsections 2 (2) to (4) do not apply to notices registered under this section. 2005, c. 25, s. 8.

**Disclosure veto**

**Application**

**48.5** (1) This section applies to an adopted person and to the birth parents of an adopted person only if the registered adoption order relating to the adopted person was made before September 1, 2008. 2008, c. 5, s. 8.

**Adopted person**

(2) An adopted person who is at least 18 years old may submit to the Registrar General a disclosure veto to prohibit the disclosure of information under section 48.2 to a birth parent. 2008, c. 5, s. 8.

**Same**

(3) If there are two birth parents, the adopted person may specify in the disclosure veto that it is to be effective only against one of the birth parents. 2008, c. 5, s. 8.

**Proof of identity and age**

(4) A disclosure veto submitted under subsection (2) shall not be registered until the adopted person provides the Registrar General with such evidence of his or her identity and age as may be required by the Registrar General. 2008, c. 5, s. 8.

**Birth parent**

(5) A birth parent of an adopted person may submit to the Registrar General a disclosure veto to prohibit the disclosure of information under section 48.1 to the adopted person. 2008, c. 5, s. 8.

**Proof of identity**

(6) A disclosure veto submitted under subsection (5) shall not be registered until the birth parent provides the Registrar General with such evidence of his or her identity as may be required by the Registrar General. 2008, c. 5, s. 8.



#### **Additional statement**

(7) A disclosure veto submitted under subsection (2) or (5) may include a brief statement concerning the person's reasons for prohibiting the disclosure of information and a brief statement of any information about the person's medical and family history that, despite the disclosure veto, the person wishes to have disclosed to an applicant under section 48.1 or 48.2. 2008, c. 5, s. 8.

#### **When veto is registered and in effect**

(8) A disclosure veto shall be registered by the Registrar General and is in effect when the Registrar General has matched it with the original registration, if any, of the adopted person's birth or, if there is no original registration, when the Registrar General has matched it with the registered adoption order. 2008, c. 5, s. 8.

#### **Exception**

(9) Despite subsection (8), a disclosure veto submitted by an adopted person with respect to one or two birth parents does not come into effect with respect to any birth parent to whom the Registrar General has already given the information described in subsection 48.2 (1) before the match is made. 2008, c. 5, s. 8.

#### **Same**

(10) Despite subsection (8), a disclosure veto submitted by a birth parent does not come into effect if, before the match is made, the Registrar General has already given the adopted person the uncertified copies of the documents described in subsection 48.1 (1). 2008, c. 5, s. 8.

#### **Withdrawal of veto**

(11) Upon application, the adopted person or birth parent, as the case may be, may withdraw a disclosure veto. 2008, c. 5, s. 8.

#### **When withdrawal takes effect**

(12) If an application to withdraw a disclosure veto is made under subsection (11), the disclosure veto ceases to be in effect when the Registrar General has matched the application with the disclosure veto. 2008, c. 5, s. 8.

#### **Death of person who submitted veto**

(13) If an adopted person or a birth parent who submitted a disclosure veto under this section dies and the disclosure veto is in effect, the disclosure veto ceases to be in effect when the Registrar General has received evidence of the death and the date of the death that is satisfactory to the Registrar General and has matched that information with the disclosure veto. 2008, c. 5, s. 8.

#### **Administration**

(14) Subsections 2 (2) to (4) do not apply to disclosure vetoes registered under this section. 2008, c. 5, s. 8.

#### **Unsealing of files**

**48.6** For the purposes of sections 48.1 to 48.5, the Registrar General may unseal any file that was sealed under this Act or a predecessor of this Act. 2008, c. 5, s. 9.

#### **Review re: disclosure of adoption information**

**48.7** The Lieutenant Governor in Council shall ensure that a review of the operation of sections 48.1 to 48.6 and section 56.1 is conducted within five years after section 4 of the *Access to Adoption Records Act (Vital Statistics Statute Law Amendment)*, 2008 comes into force. 2008, c. 5, s. 10.

**48.8-48.12** REPEALED: 2008, c. 5, s. 7.

### DISCLOSURE OF DEATH INFORMATION

#### **Disclosure of death information**

**48.13** (1) In this section,

“institution” means,

- (a) an institution under the *Freedom of Information and Protection of Privacy Act*,
- (b) an institution under the *Municipal Freedom of Information and Protection of Privacy Act*,

**Note:** On a day to be named by proclamation of the Lieutenant Governor, the definition of “institution” is amended by adding the following clause:

(b.1) a government institution under the *Privacy Act* (Canada),

See: 2012, c. 8, Sched. 58, ss. 12, 17.

- (c) any agency, board, commission, corporation or other body designated as an institution in the regulations. 2006, c. 9, Sched. P, s. 1.

**Same**

(2) Any institution may apply to have the Registrar General disclose to the applicant the particulars that would be set out in a death certificate under subsection 43 (2) for every person who died during the period of time specified in the application and whose death is registered under this Act or for every member of a class of persons whose death is registered under this Act where the class is specified in the application and the Registrar General may grant the application if,

- (a) the applicant states in the application the purpose for which the applicant intends to use the information so disclosed and the Registrar General is satisfied as to the purpose;
- (b) the applicant satisfies the Registrar General that it has in place adequate policies and practices for the protection of the information so disclosed;
- (c) the applicant meets the requirements prescribed by the regulations;
- (d) the applicant enters into an agreement described in subsection (4) with the Registrar General; and
- (e) the applicant pays the required fee for the disclosure of the information, including the fee that the Registrar General requires for entering into the agreement mentioned in clause (d). 2006, c. 9, Sched. P, s. 1.

**Class**

(3) For the purposes of subsection (2), a class of deceased persons,

- (a) may be defined with respect to any attribute, quality or characteristic of the deceased persons that the Registrar General determines or combination of them;
- (b) may be defined to consist of or to include or exclude any specified member whether or not with the same attributes, qualities or characteristics; and
- (c) may be different from one application to another. 2006, c. 9, Sched. P, s. 1.

**Agreement**

(4) An agreement mentioned in clause (2) (d) shall contain the terms and conditions that the Registrar General considers appropriate with respect to,

- (a) the use that the applicant may make of the information disclosed to the applicant, subject to subsection (6) and the regulations;
- (b) the protection of the information, including the retention and destruction of the information, subject to the regulations; and
- (c) measures to verify that the applicant complies with the agreement. 2006, c. 9, Sched. P, s. 1.

**Additional information**

(5) In an application made under subsection (2), the applicant may request that the Registrar General disclose to the applicant other information that is included in the statement or information under subsection 21 (2) about the deceased persons affected by the application and that is specified in the application, in addition to the particulars that would be set out in a death certificate under subsection 43 (2) for the deceased persons and the Registrar General may grant the request if,

- (a) the applicant complies with clauses (2) (b) to (e), reading those clauses as if they applied with respect to that other information; and
- (b) the applicant agrees in the agreement mentioned in clause (2) (d) to use that other information only for the purpose of verifying other information that the applicant has before making the application and only to the extent necessary for that purpose. 2006, c. 9, Sched. P, s. 1.

**Same, agreement**

(6) If the Registrar General discloses information to an applicant under subsection (5), the applicant shall agree in the agreement mentioned in clause (2) (d) to use that other information only for the purpose of verifying other information that the applicant has before making the application and only to the extent necessary for that purpose. 2006, c. 9, Sched. P, s. 1.

**Ongoing disclosure**

(7) An application made under subsection (2) may be for the disclosure of information on an ongoing or periodic basis. 2006, c. 9, Sched. P, s. 1.

**Disclosure of personal information**

(8) Any disclosure of personal information that is authorized under this section shall be deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*. 2006, c. 9, Sched. P, s. 1; 2006, c. 34, Sched. C, s. 28.

**Further use**

(9) An institution to whom the Registrar General discloses information under this section shall not use it for a purpose other than the purpose specified in the agreement that the institution has entered into with the Registrar General under clause (2) (d) with respect to the information or a purpose authorized by the regulations. 2006, c. 9, Sched. P, s. 1.

**No further disclosure**

(10) An institution to whom the Registrar General discloses information under this section shall not disclose it to any other person or body, except an agent acting on behalf of the institution who uses it for the purpose specified in the agreement that the institution has entered into with the Registrar General under clause (2) (d) with respect to the information. 2006, c. 9, Sched. P, s. 1.

**Offence**

(11) An institution or an individual acting on behalf of an institution that contravenes subsection (9) or (10) or a regulation made under clause 60 (1) (y), (z) or (z.1) is guilty of an offence. 2006, c. 9, Sched. P, s. 1.

GENERAL PROVISIONS

**Ontario registrations only**

**49.** Subject to section 33, no registration shall be made of a birth, still-birth, marriage or death occurring outside Ontario. R.S.O. 1990, c. V.4, s. 49.

**Application of Act**

**50.** This Act applies in respect of any birth, marriage, death, still-birth, divorce, adoption or change of name that heretofore occurred or that hereafter occurs. R.S.O. 1990, c. V.4, s. 50.

**Certificates not to be issued**

**51.** No person shall issue any document that purports to be a certificate of a birth, marriage, death or still-birth other than a certificate provided for under this Act. R.S.O. 1990, c. V.4, s. 51.

**Duty to report lost documents**

**51.1** (1) A person who has lost or had stolen or destroyed a certificate or certified copy of a birth registration or such other registrations as may be prescribed shall notify the Registrar General of the loss, theft or destruction, as the case may be, immediately upon becoming aware of it. 2001, c. 21, s. 9.

**Duty to return found documents**

(2) A person who finds a certificate or certified copy of a birth registration or such other registrations as may be prescribed shall notify the Registrar General of the find within 24 hours of finding it and shall forthwith forward the certificate or certified copy to the Registrar General. 2001, c. 21, s. 9.

**Exception**

(3) Subsection (2) does not apply to a person who forthwith delivers the found certificate or certified copy to the police or to a lost and found service. 2001, c. 21, s. 9.

**Duty of police or lost and found**

(4) If the police or a lost and found service receives a certificate or certified copy of a registration that is believed to have been lost and that is not claimed within 24 hours of receiving it, the police or the operator of a lost and found service, as the case may be, shall notify the Registrar General of the receipt. 2001, c. 21, s. 9.

**Return of documents**

(5) If a certificate or certified copy of a registration that has been lost is claimed from the police or a lost and found service within 24 hours of their having received it, they may return it. 2001, c. 21, s. 9.

**Duty to return document**

(6) In returning a document as authorized by subsection (5), the police or lost and found service shall take reasonable precautions to ensure that it is returned only to the person entitled to have it and if it is not claimed by such a person, they shall forward it to the Registrar General not later than 90 days after receiving it. 2001, c. 21, s. 9.

#### **Duty to cancel documents**

**51.2** The Registrar General shall cancel certificates and certified copies of registrations that have been reported lost, stolen, destroyed, found or received and he or she may cancel any other certificate or certified copy where he or she, in his or her discretion, is of the opinion that it is appropriate to do so. 2001, c. 21, s. 9.

#### **Registration unlawfully made**

**52.** (1) The Registrar General, if satisfied that a registration was improperly made or caused to have been made, 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. R.S.O. 1990, c. V.4, s. 52 (1); 2009, c. 33, Sched. 17, s. 13 (2).

#### **New registration**

(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. R.S.O. 1990, c. V.4, s. 52 (2).

#### **Certificates or certified copies to be returned**

(3) Any person in possession or control of a certificate or certified copy of a registration that is the subject of an order under subsection (1) shall return it to the Registrar General forthwith. 2001, c. 21, s. 10.

#### **Requirement re hearing**

(4) Before making an order under subsection (1), the Registrar General shall give to such interested parties as the Registrar General considers proper an opportunity to be heard on the matter. 2001, c. 21, s. 10.

(5) REPEALED: 2001, c. 21, s. 10.

#### **Secrecy**

**53.** (1) No division registrar, sub-registrar, funeral director, person employed in the service of Her Majesty or other prescribed person shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act. 2001, c. 21, s. 11.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is repealed and the following substituted:**

#### **Secrecy**

(1) No division registrar, sub-registrar, funeral director, person employed in the service of Her Majesty, person providing services on behalf of the Registrar General or the Deputy Registrar General, or prescribed person, shall,

- (a) communicate or allow to be communicated to any person not entitled thereto, any information obtained under this Act, the *Change of Name Act* or the *Marriage Act*; or
- (b) allow any person not entitled to do so to inspect or have access to any records containing information obtained under this Act, the *Change of Name Act* or the *Marriage Act*. 2012, c. 9, Sched. 58, s. 13.

See: 2012, c. 8, Sched. 58, ss. 13, 17.

#### **Statistics excepted**

(2) Nothing in subsection (1) prohibits the furnishing and publication of information of a general statistical nature that does not disclose information about any individual person. R.S.O. 1990, c. V.4, s. 53 (2).

#### **Duty to collect information**

**53.1** (1) If the Registrar General considers it necessary to verify information or to determine if any document issued or that may be issued under this Act is being, or may be, improperly used, the Registrar General shall collect, directly or indirectly, such information as he or she considers necessary from such persons and institutions as he or she considers appropriate. 2001, c. 21, s. 12.

#### **Duty to assist**

(2) On the request of the Registrar General, an institution in Ontario shall provide information from its records to the Registrar General that may assist him or her to verify information or to determine if any document issued or that may be issued under this Act is being, or may be, improperly used. 2001, c. 21, s. 12.

#### **Duty to disclose information**

(3) For the purpose of verifying information or determining if any document issued or that may be issued under this Act is being, or may be, improperly used, the Registrar General shall disclose such information as he or she considers appropriate to such persons or institutions as he or she considers appropriate. 2001, c. 21, s. 12.

#### **No commercial use of information**

(4) An institution that receives information under this section shall not sell or otherwise use it for commercial purposes or advantage. 2001, c. 21, s. 12.

#### **Definition**

(5) In this section,  
“institution” means,

- (a) an institution under the *Freedom of Information and Protection of Privacy Act*,
- (b) an institution under the *Municipal Freedom of Information and Protection of Privacy Act*,

**Note:** On a day to be named by proclamation of the Lieutenant Governor, the definition of “institution” is amended by adding the following clause:

(b.1) a government institution under the *Privacy Act* (Canada),

**See:** 2012, c. 8, Sched. 58, ss. 14, 17.

- (c) any agency, board, commission, corporation or other body, inside or outside Canada, designated as an institution in the regulations. 2001, c. 21, s. 12.

#### **Registration by Registrar General**

**54.** If documentation related to any birth, still-birth or death is received for registration by the Registrar General directly, he or she may, if satisfied as to its correctness and sufficiency, register the birth, still-birth or death by signing the documentation, and the provisions of this Act and the regulations relating to the registration of births, still-births and deaths apply with necessary modifications. 1994, c. 27, s. 102 (26).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, section 54 is repealed and the following substituted:

#### **Registration by Registrar General**

**54.** If documentation related to any still-birth or death is received for registration by the Registrar General directly, he or she may, if satisfied as to its correctness and sufficiency, register the still-birth or death by signing the documentation, and the provisions of this Act and the regulations relating to the registration of still-births and deaths apply with necessary modifications. 2012, c. 8, Sched. 58, s. 15.

**See:** 2012, c. 8, Sched. 58, ss. 15, 17.

## OFFENCES

#### **Offences**

##### **Failure to give notice or to furnish particulars**

**55.** (1) Every person who neglects or fails to give any notice or to register or to furnish any documentation or particulars respecting the birth, marriage, death, still-birth, adoption or change of name of any person, as required by this Act and the regulations, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation. 2001, c. 21, s. 17.

##### **Exception**

(2) Subsection (1) does not apply to a child’s father who neglects or fails to comply with section 9 or the regulations in relation to the registration of the child’s birth, if he has reasonable grounds to believe that he is not the child’s father. 2001, c. 21, s. 17.

##### **Failure of division registrar to make returns**

(3) If a division registrar neglects or fails to transmit to the Registrar General any documentation or to make any return as required by this Act or the regulations, the division registrar is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation, and each succeeding week’s continuance of the neglect or failure to make the transmission or return constitutes a new and distinct offence. 2001, c. 21, s. 17.

##### **False information**

**56.** (1) Every person who wilfully makes or causes to be made a false statement in any documentation required to be furnished under this Act or the regulations is guilty of an offence and on conviction is liable, in the case of an individual, to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years less a day, or to both, and, in the case of a corporation, to a fine of not more than \$250,000. 2001, c. 21, s. 14; 2002, c. 18, Sched. E, s. 9 (4).

**Same**

(2) Every legally qualified medical practitioner who wilfully makes a false statement as to the cause of the death of any person, or represents himself or herself as having been in attendance during the last illness of any person when in fact he or she was not called in attendance until after the death, is, in addition to any penalty imposed by this Act, subject to discipline by the Council of the College of Physicians and Surgeons of Ontario. 2001, c. 21, s. 14.

**Same**

(3) Every person who wilfully makes or causes to be made a registration of a birth, marriage, death or still-birth as having occurred in Ontario in respect of any person whose birth, marriage, death or still-birth did not occur in Ontario is guilty of an offence and on conviction is liable, in the case of an individual, to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years less a day, or to both, and, in the case of a corporation, to a fine of not more than \$250,000. 2001, c. 21, s. 14.

**Offences re contacting adopted person or birth parent despite notice**

**56.1** (1) If, under section 48.1, an adopted person receives notice that a birth parent does not wish to be contacted, the adopted person shall not knowingly contact or attempt to contact the birth parent, either directly or indirectly. 2005, c. 25, s. 12.

**Birth parent**

(2) If, under section 48.2, a birth parent receives notice that the adopted person does not wish to be contacted by the birth parent, he or she shall not knowingly contact or attempt to contact the adopted person, either directly or indirectly. 2005, c. 25, s. 12.

**Other persons**

(3) No person shall contact or attempt to contact a birth parent on behalf of an adopted person if the adopted person is prohibited by subsection (1) from doing so. 2005, c. 25, s. 12.

**Same**

(4) No person shall contact or attempt to contact an adopted person on behalf of a birth parent if the birth parent is prohibited by subsection (2) from doing so. 2005, c. 25, s. 12.

**Penalty**

(5) A person who contravenes subsection (1), (2), (3) or (4) is guilty of an offence and, on conviction, is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation. 2005, c. 25, s. 12.

**Breach of secrecy provision**

**57.** Any person contravening any of the provisions of section 53 is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation. 2001, c. 21, s. 14.

**General offence**

**58.** Every person guilty of any act or omission in contravention of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation. 2001, c. 21, s. 14; 2002, c. 18, Sched. E, s. 9 (5).

**Limitation one year**

**59.** (1) No proceeding shall be commenced in respect of an offence under this Act more than one year after the Deputy Registrar General becomes aware of the facts on which the proceeding is based.

**Evidence**

(2) A statement as to the time when the Deputy Registrar General became aware of the facts on which the proceeding is based, purporting to be certified by the Deputy Registrar General, is, without proof of that person's office or signature, evidence of the facts stated in it. R.S.O. 1990, c. V.4, s. 59.

**Powers of Registrar General**

**59.1** (1) The Registrar General may by order,

- (a) set and collect fees for services that the Registrar General provides under this Act; and
- (b) provide for the waiver of payment of those fees in favour of any person or class of persons. 1998, c. 18, Sched. E, s. 302.

**Orders are not regulations**

(2) An order made under this section is not a regulation for the purposes of Part III (Regulations) of the *Legislation Act, 2006*. 2011, c. 1, Sched. 5, s. 7.

REGULATIONS

**Regulations**

**60.** (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing forms and providing for their use;
- (b) prescribing the duties of the Deputy Registrar General and providing for the delegation to him or her of such of the powers and duties of the Registrar General as may be considered necessary;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is repealed. See: 2012, c. 8, Sched. 58, ss. 16 (1), 17.**

- (c) prescribing the duties of inspectors;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (c) is repealed. See: 2012, c. 8, Sched. 58, ss. 16 (1), 17.**

- (d) prescribing the system of filing of registrations;
- (e) prescribing the particulars of registrations to be entered in the indexes;
- (e.1) providing for the appointment of division registrars;
- (e.2) prescribing persons to whom the Registrar General may issue instructions under subsection 3 (6);

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (e.2) is repealed. See: 2012, c. 8, Sched. 58, ss. 16 (1), 17.**

- (f) prescribing the duties of and records to be kept by the division registrars;
- (g) prescribing the information and returns to be furnished to the Registrar General and fixing the times when information and returns are to be transmitted;
- (h) fixing the times when division registrars shall forward registrations to the Registrar General;
- (i) prescribing the duties of and returns to be made by sub-registrars;
- (i.1) prescribing the powers of division registrars;
- (i.2) prescribing such matters as are referred to in sections 8 and 9, subsection 10 (5), sections 19, 21 and 22 and subsection 26 (1) as being prescribed or as being described or set out in the regulations in relation to any notice, certification or other documentation referred to in those sections, including the persons who are to comply with those sections and the time limits for and manner of compliance;
- (i.3) requiring that such information as may be set out in the regulations be given by way of statutory declaration;
- (i.4) requiring medical examinations for deserted new-born children and abandoned children for the purposes of assisting in the registration of their birth;
- (i.5) providing for the correction or amendment of any registration in situations not otherwise provided for in this Act;
- (i.6) governing the registration of still-births for the purposes of section 9.1, including providing provisions of this Act that apply, with necessary modification, to the registration of stillbirths;
- (j) designating the persons who may have access to or may be given information from the records in the Registrar General's office or in a division registrar's office, and prescribing an oath or affirmation of secrecy to be taken by such persons;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (j) is repealed and the following substituted:**

- (j) designating persons who may be given access to or information from the records of the Registrar General or the records of a division registrar and prescribing an oath or affirmation of secrecy to be taken by such persons;

**See: 2012, c. 8, Sched. 58, ss. 16 (2), 17.**

- (k) for the registration of births, marriages, deaths, still-births, adoptions or changes of name in cases not otherwise provided for in this Act;
- (k.1) REPEALED: 1997, c. 9, s. 7 (4).
- (l) prescribing the fees to be paid for anything done or permitted to be done under this Act, other than for services provided by the Registrar General, and providing for the waiver of payment of those fees in favour of any person or class of persons;
- (m) designating the officers who may sign registrations and notations;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (m) is repealed. See: 2012, c. 8, Sched. 58, ss. 16 (3), 17.**

- (m.0.1) permitting the Registrar General to issue certificates that include the particulars listed in subsection 43 (1) and the additional particulars listed in the regulations;
- (m.0.2) specifying which provisions of this Act and the regulations apply and do not apply to the certificates described in clause (m.0.1) and limiting the number of those certificates that the Registrar General is permitted to issue;
- (m.1) prescribing persons for the purposes of section 40 and subsection 53 (1);
  - (m.1.1) prescribing information and documents for the purposes of paragraph 3 of subsection 45.1 (1);
- (m.2) providing for different systems of registration other than the uniform system referred to in subsection 2 (1) that shall be used in such part or parts of the province for such period of time as is specified in the regulations;
- (m.3) prescribing registrations to which subsections 51.1 (1) and (2) apply;
- (m.4) designating any agency, board, commission, corporation or other body, inside or outside Canada, as an institution for the purposes of section 48.13 or 53.1;
- (m.5) prescribing who may be a guarantor;
  - (n) prescribing the evidence on which the Registrar General may register a birth, still-birth, marriage or death after one year from the date thereof;
  - (o) requiring the persons in charge of hospitals to make returns of the births of all children born in the hospitals;
  - (p) prescribing special forms for registrations in respect of Indians;
  - (q) providing that registrations in respect of Indians shall be kept separate from other registrations;
  - (r) prescribing persons for the purposes of the definition of “birth parent” in section 1;
- (r.1) respecting the rules that apply where an adopted person or birth parent has submitted more than one notice under sections 48.3 and 48.4 or one such notice and a disclosure veto under section 48.5, or any other combination of such documents, including providing whether a notice or disclosure veto prevails and terminating the effect of a notice or of a disclosure veto;
- (r.2) governing the disclosure of information in relation to adoption in situations where an individual has been the subject of more than one registered adoption order, including providing that all or part of sections 48.1, 48.2, 48.3, 48.4 and 48.5 do not apply to an adopted person or a birth parent or classes of adopted persons or birth parents;
- (s) for the purpose of effectively securing the due observance of this Act and generally for the better carrying out of the provisions thereof and obtaining the information required thereby;
- (t) prescribing the manner in which elections are to be made under subsection 14 (1) (election to change name of child under twelve);
- (u) REPEALED: 2005, c. 25, s. 13 (3).
- (v) 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;
- (w) prescribing registrations and records to be transferred under section 5 (transfer to the Archives of Ontario);
- (x) prescribing requirements for the purposes of clause 48.13 (2) (c);
- (y) governing the use that institutions that obtain information under section 48.13 may make of the information so obtained, subject to subsection 48.13 (6);



- (z) requiring institutions that obtain information under section 48.13 to retain or destroy the information;
- (z.1) specifying terms and conditions that shall be included in an agreement mentioned in clause 48.13 (2) (d) where the terms and conditions govern the use that an institution may make of information obtained under section 48.13 subject to subsection 48.13 (6) or require such an institution to retain or destroy the information. R.S.O. 1990, c. V.4, s. 60; 1994, c. 27, s. 102 (30); 1997, c. 9, s. 7 (3, 4); 1998, c. 18, Sched. E, s. 303 (1, 2); 2001, c. 21, s. 15; 2002, c. 18, Sched. E, s. 9 (6, 7); 2005, c. 25, s. 13 (1-3); 2006, c. 9, Sched. P, s. 2 (1, 2); 2006, c. 34, Sched. A, s. 28 (5); 2008, c. 5, s. 11 (1); 2009, c. 33, Sched. 17, s. 13 (3).

**Note: Regulations made under clause (l), as that clause read immediately before December 18, 1998, continue until the Registrar General makes an order under section 59.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 302, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 303 (3).**

**Note: The Lieutenant Governor in Council may by regulation revoke regulations made under clause (l), as that clause read immediately before December 18, 1998, if the Registrar General makes an order under section 59.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 302, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 303 (4).**

#### **Transitional matters**

(2) The Lieutenant Governor in Council may make regulations providing for transitional matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable in connection with the enactment of sections 48.1, 48.2, 48.5, 48.6 and 48.7 by the *Access to Adoption Records Act (Vital Statistics Statute Law Amendment), 2008* and the amendment or repeal of other sections of this Act by that Act. 2008, c. 5, s. 11 (2).

#### **Rolling incorporation**

(3) A regulation made under clause (1) (v) that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made. 2009, c. 33, Sched. 17, s. 13 (4).

#### **Classes for use of information**

(4) A regulation made under clause (1) (y), (z) or (z.1) may be of general application or specific in its application to any institution or class of institutions or to any information or class of information. 2006, c. 9, Sched. P, s. 2 (3).

#### **Same**

(5) A class described in a regulation made under clause (1) (y), (z) or (z.1) may be described according to any characteristic or combination of characteristics and may be described to include or exclude any specified member, whether or not with the same characteristics. 2006, c. 9, Sched. P, s. 2 (3).

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