

EXPLANATORY NOTES

BILL No. 37

An Act to amend *The Vital Statistics Act, 2009*

Clause of Bill

- 1 *The Vital Statistics Amendment Act, 2025.*
- 2 *The Vital Statistics Act, 2009, SS 2009, c V-7.21.*

3 **Existing Provision**

2(1) In this Act:

“burial permit” means a permit issued pursuant to section 42 or 56 that authorizes the burial, cremation or other disposition of the body of a deceased individual or stillborn child, as the case may be; (« permis d’inhumer »)

“certificate” means, unless otherwise provided:

- (a) a certificate of birth within the meaning of section 65;
- (b) a certificate of death within the meaning of section 66;
- (c) a certificate of marriage within the meaning of section 68; or
- (d) a certificate of stillbirth within the meaning of section 67; (« certificat »)

“certified” means certified by the registrar to be a true copy of an original record or, in relation to an extract, certified by the registrar to be a true extract from an original record; (« certifiée »)

“corporation” means e-Health Saskatchewan created by the Lieutenant Governor in Council as a Crown corporation pursuant to *The Crown Corporations Act, 1993*, through which the minister shall administer this Act (« société »)

“deputy registrar” means a deputy registrar appointed pursuant to subsection 7(2); (« registraire adjoint »)

“electronic database” means the electronic database established and maintained by the registrar pursuant to subsection 10(1); (« base de données »)

“electronic signature” means information in electronic form that a person has created or adopted in order to sign a document and that is in, attached to or associated with the document; (« signature électronique »)

“electronic statement” means a statement in electronic form on which some or all of the particulars of an event are to be entered and submitted to the registrar; (« déclaration électronique »)

“electronic version” means a copy of a record that has been made and stored electronically pursuant to subsection 11(2) for the purpose of keeping a permanent record of the original record; (« version électronique »)

“event” means a live birth, a death, a stillbirth or a marriage; (« événement »)

“false document” means a false document as defined in section 321 of the *Criminal Code*; (« faux document »)

“father” means the person who acknowledges himself to be the biological father of a child; (« père »)

“former Act” means any former Act respecting the registration of vital statistics, and includes:

(a) *The Vital Statistics Administration Transfer Act*; and

(b) any ordinance of the North-West Territories respecting the registration of vital statistics as that ordinance applied to the area now within the boundaries of Saskatchewan; (« loi antérieure »)

“former deputy registrar” means any official appointed or designated pursuant to a former Act to carry out duties and exercise powers similar to those of a deputy registrar pursuant to this Act; (« ancien registraire adjoint »)

“former registrar” means any official appointed or designated pursuant to a former Act to carry out duties and exercise powers similar to those of the registrar pursuant to this Act; (« ancien registraire »)

“funeral director” means a funeral director as defined in *The Funeral and Cremation Services Act*; (« entrepreneur de pompes funèbres »)

“hospital” means a facility designated as a hospital pursuant to *The Provincial Health Authority Act*, and includes a hospital operated by the Athabasca Health Authority Inc.; (« hôpital »)

“live birth” means the complete expulsion or extraction from the mother, irrespective of the duration of the pregnancy, of a product of conception in which, after the expulsion or extraction, there is breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle, whether or not the umbilical cord is cut or the placenta is attached; (« naissance vivante »)

“medical certificate of death” means a document completed in accordance with section 35, 37 or 38 respecting the cause of death of an individual and, unless the context requires otherwise, includes an interim medical certificate of death completed pursuant to section 36; (« certificat médical de décès »)

“medical certificate of stillbirth” means a document completed in accordance with section 49 respecting the cause of stillbirth of a stillborn child and, unless the context requires otherwise, includes an interim medical certificate of stillbirth completed pursuant to section 50; (« certificat médical de mortinaissance »)

“minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned; (« ministre »)

“ministry”, unless otherwise provided, means the Ministry of Health; (« ministère »)

“mother” means the woman from whom a child is delivered; (« mère »)

“original” means:

(a) with respect to a form, the paper or electronic version of the form; and

(b) with respect to a document that has been completed, the paper or electronic version of the document bearing the original signature or electronic signature of any person required to sign the document; (« original »)

“other parent”:

(a) in relation to a live birth, means a person other than the mother or father who is cohabiting with the mother or father of the child in a spousal relationship at the time of the child's birth and who intends to participate as a parent in the upbringing of the child; and

(b) in relation to a stillbirth, means a person other than the mother or father who is cohabiting with the mother or father of the stillborn child in a spousal relationship at the time of the stillbirth and who had intended to participate as a parent in the upbringing of the child; (« autre parent »)

“parent” means a mother, father or other parent; (« parent »)

“physician”, unless otherwise provided, means a physician who is entitled to practise medicine pursuant to *The Medical Profession Act, 1981*; (« médecin »)

“prescribed” means prescribed in the regulations; (« réglementaire » ou « par règlement »)

“provincial health authority” means the provincial health authority established or continued pursuant to *The Provincial Health Authority Act*; (« régie provinciale de la santé »)

“record” means, unless the context requires otherwise, any record of information, regardless of how it is recorded or stored, whether on paper, on microfilm, by electronic means or otherwise; (« acte »)

“records of the registrar” means all records kept by the registrar in the administration of this Act, whether submitted to the registrar or created by the registrar or an employee of the corporation, and includes all records kept by any person in the administration of any former Act; (« archives du directeur »)

“registrar” means the Registrar of Vital Statistics appointed pursuant to subsection 7(1) and, unless otherwise provided, includes a deputy registrar; (« registraire »)

“statement”, unless otherwise provided, means one of the following, and includes an electronic statement:

- (a) a statement of live birth;
- (b) a statement of death;
- (c) a statement of stillbirth;
- (d) a statement of marriage; (« déclaration »)

“statement form” means a blank statement, either in a paper form or an electronic form, setting out the particulars to be furnished for the registration of an event and providing spaces in which the particulars are to be entered; (« formulaire de déclaration »)

“statement of death” means a statement required for the registration of a death pursuant to Part V, and includes any document by means of which a death was registered pursuant to any former Act; (« déclaration de décès »)

“statement of live birth” means a statement required for the registration of a live birth pursuant to Part IV, and includes any document by means of which a live birth was registered pursuant to any former Act; (« déclaration de naissance vivante »)

“statement of marriage” means a statement required for the registration of a marriage pursuant to Part VII, and includes any document by means of which a marriage was registered pursuant to any former Act; (« déclaration de mariage »)

“statement of stillbirth” means a statement required for the registration of a stillbirth pursuant to Part VI, and includes any document by means of which a stillbirth was registered pursuant to any former Act; (« déclaration de mortinaissance »)

“stillbirth” means the complete expulsion or extraction from the mother after at least 20 weeks’ pregnancy, or after attaining a weight of at least 500 grams, of a product of conception in which, after the expulsion or extraction, there is no breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle; (« mortinaissance »)

“subject individual” means:

- (a) with respect to an event, the individual to whom the event occurred; and
- (b) with respect to a statement, the individual with respect to whom the event occurred that is the subject of the statement; (« individu en cause »)

“vital statistics information” means information in the records of the registrar with respect to an identifiable individual, whether living or deceased:

- (a) that relates to:
 - (i) the registration of the live birth, death, stillbirth or marriage of the individual pursuant to this Act, any former Act or similar legislation of another jurisdiction;
 - (ii) the cause of death or stillbirth of the individual;
 - (iii) the relationship of the individual to another individual whose live birth, death, stillbirth or marriage is registered pursuant to this Act, any former Act or similar legislation of another jurisdiction;
 - (iv) the role of the individual in obtaining or applying to obtain the registration of the live birth, death, stillbirth or marriage of another individual pursuant to this Act, any former Act or similar legislation of another jurisdiction; or
 - (v) the registration of the adoption of the individual pursuant to any former Act or the legislation of another jurisdiction; and
- (b) that was collected:
 - (i) in the course of administering this Act or any former Act; or
 - (ii) pursuant to similar legislation of another jurisdiction and received by the registrar in the course of administering this Act or by a former registrar in the course of administering any former Act; (« renseignements d’état civil »)

“vital statistics registry” means the vital statistics registry continued pursuant to section 6. (« registre de l’état civil »)

2009, c.V-7.21, s.2; 2013, c.21, s.4; 2015, c.26, s.3; 2017, c23, s.4.

Explanation (1)

A definition of “health care organization” is added in accordance with *The Provincial Health Authority Act*.

Explanation (2)

Housekeeping amendments to the definitions of “registrar” and “deputy registrar” to correspond with proposed amended Act references.

4 Existing Provision

Appointment of registrar, deputy registrars

7(1) The Lieutenant Governor in Council, on the recommendation of the minister, may appoint a Registrar of Vital Statistics.

(2) The minister may appoint one or more deputy registrars to assist the registrar.

(3) The registrar and the deputy registrars are employees of the corporation and agents of the Crown, and all actions of the registrar and the deputy registrars taken pursuant to this Act and the regulations are taken on behalf of the Crown.

(4) The Lieutenant Governor in Council may approve a seal of office for the registrar.

(5) The registrar holds office at pleasure and may be removed by the Lieutenant Governor in Council on the recommendation of and the minister.

(6) No person shall seek to direct the registrar in the performance of any duty imposed on the registrar by this Act.

(7) The registrar shall provide an annual report to the minister regarding the registrar’s performance of his or her duties imposed by this Act.

(8) The registrar shall immediately report to the minister any business or practice of the corporation or of any other person that impairs the registrar’s ability to carry out his or her duties imposed by this Act.

2009, c.V-7.21, s.7; 2013, c.21, s.4.

Explanation (1)

Section 7 is amended to clarify that the minister may, by order, appoint a Registrar of Vital Statistics to align with recent legislative amendments made to similar statutes where the minister may appoint a Registrar by order.

Explanation (2)

Subsection 7(7) is repealed as this practice has not been carried out or requested in several years. High level report information is contained in eHealth’s annual report.

5 Existing Provision

Requirements for registration

14(1) Unless otherwise provided, the registrar may register an event if the registrar:

(a) has received a signed statement with respect to the event being registered;

- (b) is satisfied as to the sufficiency of the statement;
 - (c) has no reason to believe that:
 - (i) the statement or any supporting document is a false document or contains any false or misleading information; or
 - (ii) the statement or any supporting document, information or evidence was submitted in bad faith or for an unlawful or improper purpose; and
 - (d) is satisfied that any other requirements of this Act or the regulations respecting the registration of that event have been met.
- (1.1) A requirement in this Act or the regulations for the signature of a person is satisfied by an electronic signature.
- (2) Every statement is to be substantially in a form approved by the registrar.
- (3) No statement shall be accepted for the registration of an event unless:
 - (a) the name of the subject individual and all other particulars expressed in words are written entirely in the characters of the Roman alphabet; and
 - (b) all particulars expressed in numerals, other than numerals that form part of an individual's name, are written entirely in Arabic numerals.
- (4) An event is registered when all of the following have occurred:
 - (a) a registration number has been assigned to the event; and
 - (b) the original statement is placed in the vital statistics registry.

2009, c.V-7.21, s.14; 2015, c.26, s.6.

Explanation

Subsection 14(3) is amended to provide authority to prescribe any other characters in the formatting of a person's name within the regulations.

6 Existing Provision

Statement incomplete

24 If the registrar is not satisfied that the information provided in a statement is complete, the registrar shall, within 90 days after the day on which the registrar received the statement, make reasonable efforts:

- (a) to obtain, from the parents of the child or a person to whom clause 20(2)(b) or (c) applies, any particulars of the live birth or any signatures that are missing;
- (b) to obtain, from the records of the ministry kept for the purposes of section 6.5 of *The Health Administration Act*, any particulars of the live birth that are missing and that are in the nature of registration information as defined in *The Health Information Protection Act*; and
- (c) with respect to a live birth alleged to have occurred in a location other than a hospital, to obtain, from the records of the ministry respecting billings for the provision of insured services as defined in *The Saskatchewan Medical Care Insurance Act*, information that would verify the occurrence of the live birth.

2009, c.V-7.21, s.24; 2014, c.11, s.8.

Explanation

Clause 24(c) is added to provide authority to request records of inpatient or outpatient services provided in a hospital for uninsured health services that would help to verify the occurrence of a live birth.

7 Existing Provision

Surname of child

27(1) The surname of a child is to be registered in accordance with this section.

(2) No surname is to contain more than two surnames hyphenated or combined.

(3) If all parents who complete the statement agree on the surname of the child, the surname of the child is to be the surname chosen by the parents.

(4) If only one parent completes the statement, the surname of the child is to be the surname chosen by that parent.

(5) If all parents who complete the statement do not agree on the surname of the child, the following principles apply:

(a) if all parents who complete the statement have the same surname, the surname of the child is to be the surname of the parents;

(b) if the parents have different surnames, the surname of the child is to be a surname consisting of two parents' surnames hyphenated or combined in alphabetical order;

(c) if the parents have different surnames and one or more of the parents has a hyphenated or combined surname, the surname of the child is to be a surname consisting of two parents' surnames hyphenated or combined in alphabetical order, but only one of the names in a parent's hyphenated or combined surname is to be used in the surname of the child.

(6) If no parent completes the statement and the statement is completed by a third party, the following principles apply:

(a) if the surnames of the parents are the same, the surname of the child is to be the surname of the parents;

(b) if the surname of only one parent is known, the surname of the child is to be the surname of that parent;

(c) if the surnames of more than one parent are known, the surname of the child is to be determined in accordance with clause (5)(b) or (c).

(7) In determining the surname of a child pursuant to subsection (4), (5) or (6), the surnames of the mother and father of a child take priority over the surnames of any other parents of the child.

2009, c.V-7.21, s.27.

Explanation

Section 27 is amended to remove reference to surname limitations to a maximum of two components.

Explanation

To provide authority to register a birth with a single name when the request is made in accordance with a person's culture or religion, evidence of which to be prescribed within the regulations.

8 Existing Provision

Amendments to names

28 Except as provided in section 26 or 30, no amendment shall be made to the names of an individual whose live birth is registered pursuant to this Act other than pursuant to *The Change of Name Act, 1995*, similar legislation of another jurisdiction or an order of a court of competent jurisdiction.

2009, c.V-7.21, s.28.

Explanation

Subsection 28(2) is added to provide authority to amend an individual's name where minor changes are involved and the change would not mislead anyone materially or adversely.

9 Existing Provision

Amendments re parentage

29(1) If a court of competent jurisdiction makes a determination of parentage with respect to a child whose live birth is registered pursuant to this Act or a former Act, the registrar shall amend the statement in accordance with the order of the court.

(2) In the absence of an order described in subsection (1), if the particulars of only one parent are set out on a statement, the registrar may amend the statement by adding the particulars of another parent on an application made jointly by the parent whose particulars are set out on the statement and the parent whose particulars are proposed to be added to the statement.

(3) In the absence of an order described in subsection (1), if the particulars of more than one parent are set out on a statement, the registrar may amend the statement by adding the particulars of another parent:

(a) on an application made jointly by a parent whose particulars are set out on the statement and the parent whose particulars are proposed to be added to the statement:

(i) with the consent of every other person whose name appears on the statement as a parent; or

(ii) subject to clause (b), if it is not possible to obtain the consent of every other person whose name appears on the statement as a parent, with an order of a judge of the Court of King's Bench dispensing with the consent;

(b) on an application made jointly by the mother and the father to add the particulars of the father, with or without the consent of any other parent whose particulars are set out on the statement; or

(c) on an application made by the parties to a parentage agreement pursuant to section 61 of *The Children's Law Act, 2020*.

(4) An application pursuant to subsection (2) or (3) must be made on a form approved by the registrar and must be accompanied by any evidence that the registrar may require.

(5) Except as permitted by section 26, the registrar shall not amend a statement by removing the particulars of a parent except in accordance with an order described in subsection (1).

2009, c.V-7.21, s.29; 2020, c2, s.92; 2023, c28, s.17-13.

Explanation (1)

Section 29 is amended to provide authority to amend the parentage on a birth record within one year after a birth of a child when specific situations arise.

Explanation (2)

Subsection 29(5) is amended to clarify that the particulars of a parent will not be replaced with another individual, absent of an order of the court.

10 Existing Provision

Statement

34(1) If a death occurs in a hospital, or if a death occurs in a place other than a hospital but the body of the deceased individual is brought to a hospital shortly after the death, the hospital shall:

(a) provide a statement form to a person who is required to complete a statement with respect to that death; and

(b) if a statement is completed within the hospital, send the original statement to the funeral director or other person to whom the body is released.

(2) A funeral director to whom a body is released shall provide a statement form to any person who is required to complete a statement with respect to the death if the person has not otherwise obtained a statement form.

(3) The following persons shall complete a statement with respect to a deceased individual and submit the completed statement to a funeral director or to the registrar:

(a) an adult relative of the deceased individual;

(b) if no adult relative is available, any other adult who was present at the death or who has knowledge of the personal particulars of the deceased individual;

(c) if no person described in clause (a) or (b) is available, a coroner who has conducted an investigation or held an inquest with respect to the death pursuant to *The Coroners Act, 1999*.

(4) For the purposes of subsection (3), a completed statement must set out the

name, date of death, place of death and other prescribed particulars of the deceased individual.

(5) On receiving a completed statement, a funeral director shall:

- (a) promptly complete an electronic statement setting out the particulars contained in the original statement and submit the electronic statement to the registrar; and
- (b) submit the original statement to the registrar.

2009, c.V-7.21, s.34.

Explanation

Section 34 is amended to provide authority for a funeral director to submit a completed statement of death.

11 Existing Provision

Issuance and handling of burial permits

42(1) After receiving a statement and a medical certificate of death with respect to a death, the registrar may issue to the person who submitted the statement a burial permit that sets out the particulars of the death.

(2) After the particulars of a death and confirmation of receipt of the medical certificate of death made with respect to that death have been submitted to the electronic database, a funeral director may obtain a burial permit by printing out from the electronic database a burial permit that sets out the particulars of the death as they appear in the database.

(3) Subject to subsection (5), if a body is to be transported by a common carrier to the place of burial, cremation or other disposition:

- (a) the funeral director or other person to whom the body was released shall provide the common carrier with the prescribed copies of the burial permit; and
- (b) the common carrier shall not transport the body unless the common carrier is in possession of the prescribed copies of the burial permit.

(4) Subject to subsection (5), at the place of burial, cremation or other disposition, the funeral director or other person to whom the body was released shall provide a copy of the burial permit:

- (a) to the person conducting the funeral or religious service; and
- (b) to the cemetery owner or crematorium owner.

(5) No burial permit is required with respect to the reinterment of a body that has been disinterred.

2009, c.V-7.21, s.42.

Explanation

Section 42 is amended to provide authority to issue a burial permit to a person who submits a statement of death, when a funeral director is not involved in the disposition process.

12 Existing Provision

Duty to complete statement

45(1) In this section, “**incapable**” means unable to act because of death, illness, absence from Saskatchewan, or otherwise. (« empêché »)

(2) The following persons shall complete a statement with respect to a stillborn child and submit the completed statement to a funeral director or to the registrar:

- (a) the parents of the stillborn child;
- (b) if the parents are incapable, a person standing in place of the parents of the stillborn child; or
- (c) if there is no person to whom clause (a) or (b) applies, any person who has knowledge of the stillbirth.

(3) For the purposes of completing a statement, section 27 applies, with any necessary modification, to the surname of a stillborn child.

2009, c.V-7.21, s.45.

Explanation

Housekeeping amendment to update terminology in accordance with section 27.

13 Existing Provision

Statement incomplete

53 If the registrar is not satisfied that the information provided in a statement is complete, the registrar shall, within 90 days after the date of a stillbirth, make reasonable efforts:

- (a) to obtain, from the parents or a person to whom clause 45(2)(b) or (c) applies, any particulars of the stillbirth or any signatures that are missing;
- (b) to obtain, from the records of the ministry kept for the purposes of section 6.5 of *The Health Administration Act*, any particulars of the stillbirth that are missing and that are in the nature of registration information as defined in *The Health Information Protection Act*; and
- (c) with respect to a stillbirth alleged to have occurred in a location other than a hospital, to obtain, from the records of the ministry respecting billings for the provision of insured services as defined in *The Saskatchewan Medical Care Insurance Act*, information that would verify the occurrence of the stillbirth.

2009, c.V-7.21, s.53; 2014, c.11, s.8.

Explanation

Clause (d) is added to provide authority to request records of inpatient or outpatient services provided in a hospital for uninsured health services that would help to verify the occurrence of a stillbirth.

14 Existing Provision

Eligible persons

63(1) On an application made pursuant to section 69 by an eligible person who meets the requirements of this Division:

- (a) the registrar may conduct a search with respect to an event; and
 - (b) if the event has been registered, the registrar may issue to an eligible person in accordance with this Division a certificate, a copy or an extract with respect to the event.
- (2) Subject to subsection (3), the following persons are eligible persons with respect to a live birth:
- (a) the subject individual;
 - (b) a person whose name appears on the statement of live birth as a parent of the subject individual;
 - (c) a person described in subsection (7).
- (3) If an individual who is the subject of a statement of live birth has been adopted and the statement of live birth has been amended pursuant to section 30 with a notation of the particulars of the adoption and any change of name resulting from the adoption, the persons mentioned in clauses 65(4)(a), (b) and (c) and persons authorized in writing by any of those persons are eligible persons with respect to the live birth of the individual.
- (4) The following persons are eligible persons with respect to a death:
- (a) a spouse of the subject individual;
 - (b) a parent of the subject individual;
 - (c) an adult child of the subject individual;
 - (d) a person described in subsection (7).
- (5) The following persons are eligible persons with respect to a stillbirth:
- (a) a parent of the subject individual;
 - (b) an adult sibling of the subject individual;
 - (c) a person described in subsection (7).
- (6) The following persons are eligible persons with respect to a marriage:
- (a) a party to the marriage;
 - (b) a child of the marriage;
 - (c) a person described in subsection (7).
- (7) The following persons are eligible persons with respect to an event:
- (a) a person authorized in the prescribed manner by a person mentioned in subsection (2), (4), (5) or (6);
 - (b) a legal custodian, personal or property guardian or other legally appointed representative of a person mentioned in subsection (2), (4), (5) or (6);
 - (c) the personal representative of the estate of a person mentioned in subsection (2), (4), (5) or (6);
 - (d) a member of a prescribed class of persons;
 - (e) a person authorized in writing by the minister.

2009, c.V-7.21, s.63; 2015, c.26, s.14.

Explanation (1)

Subsection 12(2) is added to provide authority to provide certificates upon discretion when the document is required for a valid purpose.

Explanation (2)

Clauses 63(4)(c) and 63(5)(b) are amended to remove limitations for adult children or siblings as eligible persons to receive a certificate, copy or extract of a registration.

15 Existing Provision

Persons not related to subject individual

64(1) In this section and section 69:

“government official” means an official of the Government of Saskatchewan, the Government of Canada, the government of any other province or territory of Canada or the government of any other state or country; (« representant gouvernemental »)

“police force” means:

- (a) the Royal Canadian Mounted Police;
- (b) a police service as defined in *The Police Act, 1990* or a police service, force or department established pursuant to similar legislation of another province or territory of Canada; or
- (c) a provincial or territorial police force established by any province or territory of Canada. (« service de police »)

(2) Subject to the regulations, the registrar may conduct a search with respect to an event on the application of any of the following persons in the circumstances described or for the purposes specified, or issue a certificate, a copy or an extract with respect to an event to any of those persons in those circumstances or for those purposes:

- (a) a person who requires the search, certificate, copy or extract for the purpose of complying with:
 - (i) an order or demand made or subpoena or warrant issued by a court, person or body that has the authority to compel the production of information; or
 - (ii) rules of court that relate to the production of information;
- (b) a government official, if the registrar is satisfied that the search, certificate, copy or extract is necessary for the discharge of the official’s duties for a prescribed purpose in relation to the subject individual;
- (c) a member of a police force, a prescribed law enforcement agency or a prescribed investigative body:
 - (i) on the request of the police force, law enforcement agency or investigative body;
 - (ii) for the purpose of enforcing, or carrying out a lawful investigation pursuant to, the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) or a provision respecting national security in any other Act of the Government of Canada; and
 - (iii) if any prescribed requirements are met;

(d) a member of a prescribed class of persons for a prescribed purpose.

2009, c.V-7.21, s.64; 2018, c7, s.4.

Explanation

Subclause 64(2)(c)(ii) is amended to provide authority for vital event searches related to non-criminal investigations to members of a police force, prescribed law enforcement agencies, or prescribed investigative bodies.

16 Existing Provision

Certificates of death, medical certificates of death

66(1) A certificate of death is a certified extract of the following particulars set out in a statement of death that has been registered:

- (a) the name of the subject individual;
- (b) the date of death of the subject individual;
- (c) the place of death of the subject individual;
- (d) the sex of the subject individual;
- (e) the date of registration;
- (f) the registration number.

(2) No copy of, or extract from, a medical certificate of death shall be issued except:

- (a) to a spouse, parent, adult child or legal custodian of the subject individual;
- (b) to the personal representative of the estate of the subject individual;
- (c) to the physician or coroner who signed the medical certificate of death;
- (d) to the chief coroner or any other coroner with respect to the conduct of an investigation or inquest by the chief coroner or other coroner pursuant to *The Coroners Act, 1999*;
- (e) to a medical health officer designated pursuant to section 11 of *The Public Health Act, 1994* or the co-ordinator of communicable disease control designated pursuant to section 13 of that Act for a purpose related to the investigation, prevention, monitoring, surveillance or control of a particular disease or the causes of disease, ill health, injury or death;
- (f) if a disinterment permit is required by any other Act or regulation, for the purpose of applying for that permit;
- (g) to a member of a prescribed class of persons for a prescribed purpose;
- (h) in prescribed circumstances; or
- (i) on the order of a judge of a court.

2009, c.V-7.21, s.66.

Explanation

Housekeeping amendment to remove limitation for an adult child to be eligible to receive a certificate.

17 Existing Provision

Certificates of stillbirth, medical certificates of stillbirth

67(1) A certificate of stillbirth is a certified extract of the following particulars set out in a statement of stillbirth that has been registered:

- (a) the name of the subject individual;
- (b) the date of stillbirth of the subject individual;
- (c) the place of stillbirth of the subject individual;
- (d) the sex of the subject individual;
- (e) the date of registration;
- (f) the registration number.

(2) The registrar may include in a certificate of stillbirth the surnames, given names and places of birth of the parents of the subject individual.

(3) No copy of, or extract from, a medical certificate of stillbirth shall be issued except:

- (a) to a parent or adult sibling of the subject individual;
- (b) to the physician or coroner who signed the medical certificate of stillbirth;
- (c) to the chief coroner or any other coroner with respect to the conduct of an investigation or inquest by the chief coroner or other coroner pursuant to *The Coroners Act, 1999*;
- (d) to a medical health officer designated pursuant to section 11 of *The Public Health Act, 1994* or the co-ordinator of communicable disease control designated pursuant to section 13 of that Act for a purpose related to the investigation, prevention, monitoring, surveillance or control of a particular disease or the causes of disease, ill health, injury or death;
- (e) if a disinterment permit is required by any other Act or regulation, for the purpose of applying for that permit;
- (f) to a member of a prescribed class of persons for a prescribed purpose;
- (g) in prescribed circumstances; or
- (h) on the order of a judge of a court.

2009, c.V-7.21, s.67.

Explanation

Housekeeping amendment to remove limitation for an adult sibling to be eligible to receive a certificate.

18 Existing Provision

Verification of registration

71(1) Notwithstanding any other provision of this Act, the registrar may, on the request of a prescribed public agency:

- (a) conduct a search of the vital statistics registry to determine whether or not a particular event is registered; and
- (b) notify the public agency that made the request of the outcome of the

determination mentioned in clause (a).
(2) If a request mentioned in subsection (1) relates to a registration to which section 92 applies, the registrar may notify the public agency that made the request of the status of any steps being taken pursuant to that section.

2009, c.V-7.21, s.71.

Explanation

Subsection 71(3) is amended to provide authority to verify the registration of vital events to a public agency.

19 Existing Provision

Collection, disclosure and use

78(1) In this section, “**registration information**” means registration information as defined in *The Health Information Protection Act*.

(2) The registrar may collect registration information from the corporation for use in connection with the registration of events or the issuance of certificates, copies or extracts.

(3) Subject to subsections (4) and (5), the registrar and the corporation may disclose vital statistics information for use in:

(a) maintaining and verifying the accuracy of registration information collected by the corporation for the purpose of determining the status of individuals as beneficiaries pursuant to *The Saskatchewan Medical Care Insurance Act*;

(b) planning, delivering, evaluating or monitoring a program of the ministry;
or

(c) carrying out a prescribed purpose.

(4) The registrar and the corporation shall, where reasonably practicable, disclose de-identified vital statistics information pursuant to subsection (3).

(5) Vital statistics information must only be used or disclosed in accordance with a provision of this Act or the regulations that authorizes that use or disclosure.

(6) The registrar and the corporation may enter into an agreement with a person or an agency for the purposes of subsection (3).

2015, c.26, s.15.

Explanation

Clause 78(3)(c) is amended to provide authority to prescribe persons or public agencies to whom vital statistics information may be disclosed.

20 Existing Provision

Publication of statistical information

84(1) The registrar may compile, publish and distribute any statistical information respecting the live births, deaths, stillbirths and marriages registered during any

period that the registrar considers necessary and in the public interest.

(2) The registrar shall annually publish statistical information respecting the live births, deaths, stillbirths and marriages registered in the preceding calendar year.

2009, c.V-7.21, s.84.

Explanation (1)

Subsection 84(2) is amended to remove reference to the annual publication of statistical information as this practice has not been carried out or requested in several years. Information is already published on eHealth's website and updated monthly.

Explanation (2)

Subsection 84(2) is amended to provide authority for when vital statistics information shall not be disclosed when requested for business viability purposes.

21 Existing Provision

New Provision

Explanation

Section 92.1 is added to provide authority for an offence provision for misdirected or improperly obtained certificates.

22 Existing Provision

Correction of errors and omissions

96(1) The registrar may, on the registrar's initiative, correct any error or omission made in a statement if the registrar is satisfied that the statement contains a clerical or typographical error or omission.

(2) The registrar may, on the registrar's initiative, correct any error or omission in the particulars of the subject individual set out in a medical certificate of death or medical certificate of stillbirth if the registrar is satisfied that the medical certificate of death or medical certificate of stillbirth contains a clerical or typographical error or omission in those particulars.

(3) The registrar may, on the registrar's initiative, correct any error or omission made in the electronic database if the registrar is satisfied that the electronic database:

- (a) does not accurately reflect the information set out in the document on which an entry in the electronic database is based; or
- (b) contains a clerical or typographical error or omission.

(4) If, after an event is registered, it is reported to the registrar that there is an error or omission of fact in the statement or, in the case of a death or stillbirth, in

the medical certificate of death or the medical certificate of stillbirth:

- (a) the registrar shall inquire into the matter; and
- (b) if the registrar is satisfied, on the basis of additional evidence or information, that there is an error or omission of fact in the statement, the medical certificate of death or the medical certificate of stillbirth, the registrar may correct the error or omission.

(5) Before correcting an error or omission pursuant to subsection (1), (2), (3) or (4), the registrar may provide notice to any person that the registrar considers may be interested in or affected by the correction.

2009, c.V-7.21, s.96.

Explanation

Subsection 96(1) is amended to clarify that amendments may occur to the particulars of a subject individual where there is an error on a certificate.

23 Existing Provision

Notations of changes of name

97(1) If the name of an individual whose live birth or marriage is registered in Saskatchewan has been changed pursuant to Part II of *The Change of Name Act, 1995*, any former Change of Name Act or similar legislation of another jurisdiction, or by a deed poll in Saskatchewan before May 1, 1933, the registrar may make a notation of the change on the statement of live birth or marriage if the registrar receives proof of the change and evidence satisfactory to the registrar as to the identity of the individual.

(2) Every certificate of birth or certificate of marriage issued after the making of a notation pursuant to this section is to be issued as if the registration had been made in the name as changed.

2009, c.V-7.21, s.97.

Explanation

Subsection 97(2) is amended to provide discretionary authority to update certificates of marriage to safeguard the privacy of a vulnerable persons.

24 Existing Provision

Forms

101(1) Subject to subsection (2), all forms required for the administration of this Act, whether in paper form or electronic form, are to be approved by the registrar.

(2) Every certificate of birth, death, stillbirth or marriage issued pursuant to this Act must be in the prescribed form.

2009, c.V-7.21, s.101.

Explanation

Subsection 101(2) is amended to remove reference to prescribed form to coincide with future proposed removal of the prescribed appendix forms within the regulations.

25 Existing Provision

Regulations

104 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of subsection 6(2):
 - (i) designating any category of records as part of the vital statistics registry; or
 - (ii) excluding any category of records from inclusion in the vital statistics registry;
- (c) for the purposes of clause 8(1)(e), assigning additional functions or duties to the registrar;
- (d) for the purposes of clause 8(3)(c), prescribing duties or powers of the registrar that cannot be delegated;
- (e) for the purposes of subsection 11(3), governing the disposition of original records for which an electronic version has been prepared for permanent retention;
- (f) governing the electronic submission of documents to the registrar;
- (g) respecting the registration of events;
- (h) prescribing additional particulars of an event that are required to be set out in a statement;
- (i) prescribing the types of evidence that must be provided in support of an application for late registration of an event;
- (j) governing the giving of notice of live births pursuant to clause 21(2)(a);
- (k) **Repealed.** 2015, c.26, s.17.
- (k.1) for the purposes of section 31:
 - (i) prescribing categories of health care professionals pursuant to subsection 31(1);
 - (ii) prescribing circumstances and conditions pursuant to subsection 31(5); and
 - (iii) respecting any other matter or thing that is necessary with regard to the amendment of the designation of sex on an individual's statement;
- (l) for the purposes of subsection 42(3), prescribing the number of copies of a burial permit that are to be provided to a common carrier and that a common carrier must have in order to transport a body lawfully;
- (m) **Repealed.** 2015, c.26, s.17.
- (n) for the purposes of clause 63(7)(a), respecting authorizations;
- (o) for the purposes of clause 63(7)(d), prescribing classes of persons as eligible persons;
- (p) establishing classes of certificates not otherwise provided for in this Act

and governing eligibility to obtain those certificates;

(q) governing the conduct of searches and the issuance of certificates, copies and extracts;

(r) prescribing purposes for which a search, certificate, copy or extract may be provided to a government official pursuant to clause 64(2)(b);

(s) for the purposes of clause 64(2)(c):

- (i) prescribing law enforcement agencies and investigative bodies; and
- (ii) for the purposes of subclause 64(2)(c)(iii), prescribing any requirements that must be met by members of police forces, prescribed law enforcement agencies and prescribed investigative bodies;

(t) for the purposes of clause 64(2)(d), prescribing classes of persons to whom, and purposes for which, the registrar may issue a certificate, copy or extract with respect to an event;

(u) for the purposes of clause 66(2)(g), prescribing classes of persons to whom, and purposes for which, the registrar may disclose information respecting the cause of death set out in a medical certificate of death;

(v) for the purposes of clause 66(2)(h), prescribing circumstances in which the registrar may disclose information respecting the cause of death set out in a medical certificate of death;

(w) for the purposes of clause 67(3)(f), prescribing classes of persons to whom, and purposes for which, the registrar may disclose information respecting the cause of stillbirth set out in a medical certificate of stillbirth;

(x) for the purposes of clause 67(3)(g), prescribing circumstances in which the registrar may disclose information respecting the cause of stillbirth set out in a medical certificate of stillbirth;

(y) for the purposes of subsection 69(2):

- (i) prescribing law enforcement agencies and investigative bodies pursuant to clause 69(2)(a);
- (ii) prescribing other classes of persons or bodies for whom the registrar may waive the requirements of clauses 69(1)(a) and (b); and
- (iii) prescribing circumstances in which, the registrar may waive the requirements of clauses 69(1)(a) and (b);

(z) for the purposes of subsection 71(1), prescribing public agencies;

(aa) for the purposes of section 72, prescribing:

- (i) the information that may be included in a genealogical index; and
- (ii) any period mentioned in subsection 72(1);

(bb) respecting administrative, technical and physical safeguards to protect vital statistics information and the records of the registrar;

(cc) for the purposes of clause 77(2)(c), prescribing classes of persons and agencies to whom, and purposes for which, the registrar may grant physical access to the records of the registrar;

(dd) for the purposes of clause 78(3)(d), prescribing purposes for which the ministry may use vital statistics information;

(ee) for the purposes of clause 79(1)(c), prescribing classes of persons whose health services numbers may be required to be provided and the events, circumstances or purposes for which those health services numbers may be required to be provided;

(ff) for the purposes of clause 82(2)(f), prescribing public agencies with which the registrar and the corporation may enter into disclosure and use agreements and prescribing purposes for which vital statistics information may be used pursuant to a disclosure and use agreement;

(gg) for the purposes of section 98, governing the making of notations;

(hh) respecting applications to the registrar;

(ii) prescribing the forms of certificates;

(jj) governing the printing of printouts;

(kk) governing the preparation of copies in an electronic form and the certification of copies prepared in an electronic form;

(ll) providing for the waiver of payment of any fees in favour of any person or class of persons;

(mm) governing the service of documents;

(nn) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the transfer of responsibilities from division registrars to the registrar pursuant to *The Vital Statistics Administration Transfer Act*;

(oo) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(pp) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2009, c.V-7.21, s.104; 2015, c.26, s.17.

Explanation (1)

Clauses (e.1) and (e.2) are added to provide authority for regulations to be developed respecting any other characters or numerals that may be used in the writing of a name.

Explanation (2)

Clause (j.1) is added to provide authority for regulations to be developed respecting the evidence required when a single name is requested.

Explanation (3)

Clause (j.2) is added to provide authority for regulations to be developed respecting the purposes for which a statement may be amended.

Explanation (4)

Clause (dd) is amended to provide authority for regulations to be developed respecting persons or agencies to whom the corporation may disclose vital statistics information.

Offences re failure to comply with order of registrar

106 Every person who fails to comply with an order of the registrar contrary to subsection 92(8) is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000.

2009, c.V-7.21, s.106.

Explanation

Section 106 is amended to coincide with proposed offence provisions under section 92.1.

27 Existing Provision

None

Explanation

This Act comes into force by order of the Lieutenant Governor in Council.

Prepared by the Ministry of Health