



BILL NO. 82

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

**An Act to Amend Chapter 66
of the Revised Statutes, 1989,
the Change of Name Act, and
Chapter 494 of the Revised Statutes, 1989,
the Vital Statistics Act**

CHAPTER 13
ACTS OF 2015

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 11, 2015**

The Honourable Mark Furey
Minister of Service Nova Scotia

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 66
of the Revised Statutes, 1989,
the Change of Name Act, and
Chapter 494 of the Revised Statutes, 1989,
the Vital Statistics Act**

Be it enacted by the Governor and Assembly as follows:

CHANGE OF NAME ACT

1 Clause 2(d) of Chapter 66 of the Revised Statutes, 1989, the *Change of Name Act*, is amended by striking out “majority” in the second line and substituting “sixteen years”.

2 (1) Subsection 3(1) of Chapter 66 is amended by striking out “of the age of majority who” in the second line and substituting “who is sixteen years of age or older and”.

(2) Subsection 3(2) of Chapter 66 is amended by

(a) striking out “not of the age of majority” in the second line and substituting “under sixteen years of age”; and

(b) striking out “of the age of majority” in the last line and substituting “sixteen years of age or older”.

VITAL STATISTICS ACT

3 Section 25 of Chapter 494 of the Revised Statutes, 1989, the *Vital Statistics Act*, is repealed and the following heading and Sections substituted:

CHANGE OF SEX

25 (1) A person who has attained the age of sixteen years and whose birth is registered in the Province may apply to the Registrar to change the sex shown on the person’s birth registration by providing to the Registrar

(a) an application in the form approved by the Registrar;

(b) a written statement by the applicant that the applicant has assumed, identifies with and intends to maintain the gender identity that corresponds with the change requested; and

(c) a written statement from a person who is a member of a prescribed profession and practises the profession

(i) in the Province, or

(ii) where the applicant is habitually resident outside the Province, in or outside the Province,

that, in the person’s opinion, the sex shown on the applicant’s birth registration does not correspond with the applicant’s gender identity.

(2) A person under the age of sixteen years and whose birth is registered in the Province may apply to the Registrar to change the sex shown on the person's birth registration by providing to the Registrar

- (a) an application in the form approved by the Registrar;
- (b) a written statement by the applicant that the applicant has assumed, identifies with and intends to maintain the gender identity that corresponds with the change requested;
- (c) a written statement from a person who is a member of a prescribed profession and practises the profession
 - (i) in the Province, or
 - (ii) where the applicant is habitually resident outside the Province, in or outside the Province,

that the person has treated or evaluated the applicant and that, in the person's opinion,

- (iii) the sex shown on the applicant's birth registration does not correspond with the applicant's gender identity, and
- (iv) the applicant has the capacity to make an informed decision about whether to make an application under this subsection; and
- (d) the written consent of every person who has care and custody of the applicant.

(3) Where an application is made under subsection (1) or (2), the Registrar shall, upon payment of the prescribed fee, cause a notation of the change to be made on the birth registration if the Registrar is satisfied that

- (a) the requirements of subsection (1) or (2), as the case may be, have been satisfied; and
- (b) the application was made in good faith.

(4) Where a notation has been made under subsection (3) on the birth registration of a person, the Registrar shall cause a notation of the change to be made on any registration in the Registrar's office pertaining to the person.

(5) Where a person's birth is registered under the laws of another jurisdiction and the sex shown on the person's birth registration is changed under those laws, the Registrar, on production to the Registrar of proof of the change and evidence satisfactory to the Registrar as to the identity of the person, shall cause a notation of the change to be made on any registration in the Registrar's office pertaining to the person.

(6) Every birth, marriage or domestic partnership certificate issued after the making of a notation under subsection (3) shall be issued as if the registration had been made of the sex as changed.

(7) Where a judge of the Supreme Court of Nova Scotia is satisfied that a person whose consent is required under clause (d) of subsection (2)

- (a) is dead;

- (b) is of unsound mind;
- (c) is missing or cannot be found;
- (d) has deserted or neglected to provide proper care and maintenance for the applicant; or
- (e) is a person whose consent in all the circumstances of the case ought to be dispensed with,

the judge may order that the person's consent be dispensed with, if it is in the interest of the applicant to do so.

4 Subsection 51(1) of Chapter 494, as amended by Chapter 8 of the Acts of 1998, Chapter 29 of the Acts of 2000, Chapters 5 and 45 of the Acts of 2001, Chapter 15 of the Acts of 2006 and Chapter 48 of the Acts of 2011, is further amended by adding immediately after clause (fb) the following clauses:

- (fc) requiring a person applying for a change of the sex shown on the person's birth registration to provide additional information to the Registrar and prescribing the additional information to be provided;
- (fd) prescribing professions whose members may provide a written statement for the purpose of clause (c) of subsection (1) of Section 25;
- (fe) prescribing professions whose members may provide a written statement for the purpose of clause (c) of subsection (2) of Section 25;

5 Subsection 54(1) of Chapter 494, as enacted by Chapter 29 of the Acts of 2000 and amended by Chapter 5 of the Acts of 2001, is further amended by striking out "domestic partner" in the last line and substituting "domestic-partner".

6 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
