1962 No. 2606

EVIDENCE

The Evidence (Certain Provinces of Canada) Order 1962

Made - - - - 28th November 1962

At the Court at Buckingham Palace, the 28th day of November 1962

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty in Council is satisfied upon consideration of a report from the Lord Chancellor and the Secretary of State that, having regard to the law of certain Provinces of the Dominion of Canada, namely Quebec, Nova Scotia, Manitoba, British Columbia, Prince Edward Island, Saskatchewan, Newfoundland, Yukon Territory and the Northwest Territories, as to the recognition therein of public registers of the United Kingdom as authentic records and as to the proof of the contents of such registers and other matters by means of duly authenticated certificates issued by public officers in the United Kingdom, it is desirable in the interests of reciprocity to make, with respect to public registers and certificates issued by public officers in or in respect of the aforesaid Provinces, such provision as is hereinafter mentioned:

Now, therefore, Her Majesty, by virtue of the powers conferred upon Her by the Evidence (Foreign, Dominion and Colonial Documents) Act 1933(a) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The registers specified in the second column of the Schedule to this Order shall be deemed to be public registers kept under the authority of the law of the respective Provinces of the Dominion of Canada mentioned in the first column of that Schedule and recognised by the courts of the respective Provinces as authentic records and to be documents of such a public nature as to be admissible as evidence of the matters regularly recorded therein.

2. For the purposes of the preceding Article all matters recorded in any such register as aforesaid shall be deemed, until the contrary is proved, to be regularly recorded.

3. Subject to any requirements of rules of court, a document which purports to be issued in any of the said Provinces as an official copy of an entry in any such register as aforesaid and which purports to be authenticated by the signature of any person appearing to be the certifying officer mentioned in the third column of the Schedule for the appropriate register shall, without evidence as to the custody of the register or of inability to produce it and without any further or other proof, be received as evidence that the register contains such an entry.

(a) 23 & 24 Geo. 5. c. 4.

4. Nothing in this Order shall be taken to prohibit or restrict the admission in evidence of any copy, extract, summary, certificate or other document whatsoever which, apart from the provisions of this Order, would be admissible as evidence of any particular matter, or to affect any power which, otherwise than by virtue of this Order, is exercisable by any court with respect to the admission of documents in evidence.

5.—(1) This Order may be cited as the Evidence (Certain Provinces of Canada) Order 1962.

(2) This Order extends to all parts of the United Kingdom.

W. G. Agnew.

SCHEDULE

Province	Register	Certifying Officer
(*a*) Quebec	(i) Births	The Prothonotary or Deputy-Prothonotary of the Superior Court of the District.
	(ii) Marriages ...	do.
	(iii) Adoptions ...	do.
	(iv) Burials	do.
(*b*) Nova Scotia ...	(i) Births	The Registrar General, Deputy Registrar General or any person appointed to perform the functions of the Deputy Registrar General during his absence or incapacity.
	(ii) Marriages ...	do.
	(iii) Deaths	do.
(*c*) Manitoba	(i) Births	The Recorder of Vital Statistics.
	(ii) Marriages ...	do.
	(iii) Deaths	do.
(*d*) British Columbia ...	(i) Births	The Director or Acting Director of Vital Statistics, a District Registrar or Deputy District Registrar of Births, Deaths and Marriages.
	(ii) Deaths	do.
	(iii) Marriages ...	do.
	(iv) Divorces	The Director or Acting Director of Vital Statistics.
	(v) Adoptions ...	do.
	(vi) Baptisms	do.
	(vii) Burials	do.
	(viii) Births (Marine Register)	The Director or Acting Director of Vital Statistics or the Marine Registrar of Births and Deaths.
	(ix) Deaths (Marine Register)	do.
(*e*) Prince Edward Island	(i) Births	The Director of Vital Statistics.
	(ii) Marriages ...	do.
	(iii) Deaths	do.

SCHEDULE—(*cont.*)

Province	Register	Certifying Officer
(*f*) Saskatchewan ...	(i) Births	The Director or Assistant Director of Vital Statistics.
	(ii) Marriages ...	do.
	(iii) Deaths	do.
	(iv) Baptisms, marriages or burials kept by a Church or Religious Body and filed in the Office of the Director of Vital Statistics.	do.
(*g*) Newfoundland	(i) Births and marriages	The Registrar General or any registering officer appointed by or under the relevant statute.
	(ii) Deaths ...	The Registrar General.
	(iii) Adopted children	do.
	(iv) Legitimated persons	do.
(*h*) Yukon Territory ...	(i) Births	The Registrar General.
	(ii) Marriages ...	do.
	(iii) Deaths	do.
(*i*) Northwest Territories	(i) Births	The Registrar General or a Deputy Registrar General.
	(ii) Marriages ...	do.
	(iii) Deaths	do.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order makes entries contained in specified public registers of all Provinces of Canada other than Ontario, New Brunswick and Alberta admissible in evidence in the United Kingdom and provides for their proof by official certificates.