

## VITAL STATISTICS REGISTRATION ACT

Passed 20.05.2009 ([RT I 2009, 30, 177](#)), entered into force 1.07.2010, partly  
22.06.2009

**Amended by the following Acts:**

22.04.2010 ([RT I 2010, 20, 103](#)) 18.05.2010, partly 28.05.2010

17.06.2010 ([RT I 2010, 38, 231](#)) 1.07.2010

### Chapter 1 GENERAL PROVISIONS

#### **§ 1. Scope of application of Act**

- (1) This Act provides for the competence and tasks of vital statistics offices, the procedure for the performance of vital statistics registrations and the rights and obligations of persons in the performance of vital statistics registration procedures.
- (2) The population Register Act shall be applied in issues not regulated by this Act.
- (3) The Administrative Procedure Act applies to administrative proceedings stipulated in this Act, taking account of the specifications provided for in this Act.

#### **§ 2. Vital statistics entry**

- (1) A vital statistics entry is an aggregate of the data entered into the population register concerning birth, death, contraction of marriage, divorce of marriage and other changes under family law or names law to be entered into the register (hereinafter the *vital statistics data*).
- (2) The detailed procedure for making vital statistics entries may be established by a regulation of the Minister of Regional Affairs.
- (3) Vital statistics data are stored in the population register.

(4) Only the vital statistics data specified in the Act are entered into the population register in the cases stipulated in the Act.

(5) The vital statistics data entered into the population register are presumed to be correct.

### **§ 3. Vital statistics office**

(1) A vital statistics office registers births and deaths, certifies the contraction and divorce of marriage and makes the related entries in the population register to record the changes under the Family Law Act and the Names Act, changes and corrects the data entered into the population register and issues population register extracts from vital statistics data (hereinafter the *vital statistics procedures*).

(2) The following are vital statistics offices:

- 1) rural municipality and city governments;
- 2) county governments;
- 3) Estonian representations abroad;
- 4) Ministry of the Interior.

(3) Rural municipality and city governments register births and deaths in the cases stipulated in § 21 and 31 of this Act and issue birth and death certificates. Rural municipality and city governments register births and deaths only if there is no county government in their territory of administration. The Minister of Regional Affairs may, for a good reason, grant a rural municipality or city government the right to perform the procedures stipulated in subsection (4) of this section.

[[RT I 2010, 30, 177](#) – entered into force 22.06.2009]

(4) County governments register births and deaths, certify the contraction and divorce of marriage, change and correct vital statistics data, make data acquisition entries on the basis of vital statistics registrations, court decisions and foreign vital statistics documents, issue extracts from vital statistics data, store vital statistics registrations and family registers and perform other vital statistics procedures. County governments instruct the officials of local government units and ministers of religion in issues related to performing vital statistics procedures and assist the Minister of the Interior in organising training for vital statistics officials.

[[RT I 2010, 30, 177](#) – entered into force 22.06.2009]

(5) Consular officials register the births and deaths of Estonian citizens, certify the contraction of their marriages, and make entries on the basis of the vital statistics documents of the country of location of the consular office as well as issue extracts from vital statistics data in cases of justified need.

(6) The Ministry of the Interior instructs other vital statistics offices in issues related to performing vital statistics procedures, issues certificates on the basis of parish registers,

makes entries on the basis of parish registers, vital statistics registrations and foreign vital statistics documents, stores family registers, vital statistics registrations and printouts of vital statistics entries and performs other vital statistics procedures in cases stipulated by law. The Ministry of the Interior organises the training and examination of vital statistics officials in cooperation with other vital statistics offices.

(7) Ministers of church congregation or association of congregations perform the tasks of a vital statistics office related to the contraction of marriage, if they have been granted the relevant right by the Minister of Regional Affairs in accordance with § 17 of this Act.

(8) Notaries perform the tasks of a vital statistics office in regards to the contraction and divorce of marriage, taking into account the specifications stipulated in the Notaries Act.

#### **§ 4. Vital statistics official**

(1) A vital statistics official is an official of a vital statistics office, whose work task is to perform vital statistics procedures.

(2) A person who meets the requirements stipulated in the Public Service Act and who has, after passing the vital statistics official exam, been granted the right to act as a vital statistics official by the Minister of Regional Affairs can be appointed as a vital statistics official.

(3) At the vital statistics official exam, officials are tested for their knowledge of family law and the legal bases and information technological organisation of performing vital statistics procedures. The exam is taken at the end of preparatory training, in which all the officials taking the exam may participate. The vital statistics official exam is valid for three years from the date of passing the exam and a vital statistics official may perform vital statistics procedures only during the terms of validity of the exam. The training and the exam shall be organised by the Ministry of the Interior in cooperation with other vital statistics offices.

[RT I 2010, 30, 177 – entered into force 22.06.2009]

(4) The procedure for the training and the exam specified in subsection (3) of this section and the form for the certificate of a vital statistics official shall be established by a regulation of the Minister of Regional Affairs .

(5) Subsections (2) and (3) of this sections shall not be applied to consular officials and notaries performing vital statistics procedures. In order to obtain the competence of certifying the contraction and divorce of marriages, notaries have to pass an evaluation of their knowledge of family law, names law and the legal bases and information technological organisation of performing vital statistics procedures. The evaluation of notaries shall be organised by the Chamber of Notaries in accordance with the procedure established by the Government of the Republic .

[RT I 2010, 20, 103 – entered into force 28.05.2010]

## **§ 5. Revocation of right to perform vital statistics procedures**

The Minister of Regional Affairs shall revoke the right of a vital statistics official to perform vital statistics procedures:

- 1) on the basis of a motivated written application of the county government of the location of the vital statistics office, if the activities of the vital statistics official in performing vital statistics procedures is in conflict with legal acts and the vital statistics official has thereby committed a serious professional offence;
- 2) on the basis of the application of a vital statistics official;
- 3) on the basis of a justified proposal of a vital statistics office.

## **§ 6. Basis of vital statistics entry**

(1) For the purpose of making a vital statistics entry, an application meeting the requirements stipulated by law and, in cases stipulated by law, a document verifying the facts to be entered into the register shall be submitted. In order to verify facts necessary for making a vital statistics entry, a vital statistics official may apply the principles of investigation stipulated in the Administrative Procedure Act. The submission of documents or data is not required, if the data necessary for making the entry can be obtained from the population register.

(2) A link shall be added to a vital statistics entry, enabling users to view the underlying application or document. If the application or document is not prepared electronically, a vital statistics official shall give it a format allowing electronic reproduction.

(3) A foreign document forming the basis of a vital statistics entry shall be legalised or certified by an apostille specified in the first paragraph of Article 3 of the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, unless a foreign agreement stipulates otherwise.

(4) A foreign court decision forming the basis of a vital statistics entry shall be recognised in accordance with a foreign agreement or the Code of Civil Procedure.

(5) Documents shall be submitted to a vital statistics office in Estonian. Documents in a foreign language shall be submitted to a vital statistics office together with a translation certified by a notary, consular official or sworn translator.

## **§ 7. Making vital statistics entries**

(1) A vital statistics official verifying or identifying a fact to be entered into the population register shall make the decision as a vital statistics entry. Only decisions of refusal to make an entry shall be drawn up in writing.

(2) A vital statistics entry shall contain the name of the vital statistics office and the date and number of the entry.

(3) A vital statistics entry is made on the basis of an application in accordance with requirements. In cases stipulated by law, a vital statistics official makes the vital statistics entry on his or her own initiative (ex officio).

(4) Upon making a vital statistics entry, a vital statistics official enters the data stipulated in this Act into the population register. Prior to making an entry, a vital statistics official shall verify the correctness of the data. Data already previously entered into the register is used upon making an entry, if possible. The vital statistics official making the entry shall check the correctness and completeness of the entry and the storage thereof in the population register.

(5) Data fields shall be left empty, if data is missing.

(6) A vital statistics entry shall be made at the vital statistics office, to which the application to confirm or identify a fact related to the vital statistics of a person or another fact to be entered into the population register is submitted.

(7) An applicant who is present shall be given an explanation of the vital statistics entry and informed that upon request the applicant will be given an extract from the created or changed vital statistics data. An applicant who is not present shall be sent an extract, upon the request of the applicant, electronically or by ordinary mail.

(8) If making entries into the population register is temporarily impossible, entries shall be made on paper with the permission of the manager of the vital statistics office. The entries made on paper shall be transferred to the population register by a data acquisition entry as soon as it is possible again. The entry made on paper and printouts of the data acquisition entries shall be forwarded to the Minister of the Interior for storage.

(9) The form of the entries to be made on paper shall be established by the minister of Regional Affairs and the Minister of Regional Affairs shall also have the right to regulate the details of the procedure stipulated in subsection (8) of this section by a regulation.

(10) A printout signed by the person making the entry shall be immediately made of an entry made to the population register under this Act and forwarded to the Ministry of the Interior for storage. The procedure for the forwarding and storage of printouts shall be established by the Minister of Regional Affairs. If the entry is made on the basis of a foreign document, a certified copy of the document underlying the entry shall be forwarded to the Ministry of the Interior together with the printout.

(11) Entries, upon the making of which the formal prerequisites of the document underlying the entry are checked without checking the content of the document, shall be made by a data acquisition entry. In such case, the issuer of the document is responsible for the correctness of the data.

## **§ 8. Entry into force of vital statistics entries**

- (1) A prerequisite to the entry into force of a vital statistics entry is the signing of the entry by a vital statistics official with the competence to make the entry.
- (2) Vital statistics entries shall be signed digitally.
- (3) A vital statistics entry shall enter into force upon being saved to the population register. A vital statistics entry made on paper shall enter into force upon being signed by a vital statistics official.

## **§ 9. Application submitted to vital statistics office**

- (1) An application to perform a vital statistics procedure shall be submitted by the person concerning whom the vital statistics entry is to be made. Entries shall be made on the basis of an application of another person or ex officio only in the cases stipulated by law.
- (2) An application shall be submitted personally and in writing or electronically verified by digital signature, unless stipulated otherwise by law.
- (3) An application shall be submitted at a vital statistics office. A person does not need to appear at a vital statistics office to submit an application, if he or she submits an application verified by digital signature or a written application, on which the authenticity of the signature of the applicant has been officially verified.
- (4) If a vital statistics official verifies or identifies a fact, which results in a need to change the data of another person, particularly the data of the child or former spouse of the applicant, the data of the other person may be changed without his or her application. The person, whose data have been changed without his or her application, shall be sent an extract of the changed data electronically or by ordinary mail.
- (5) In addition to other data required by law, an application submitted to a vital statistics office shall contain the following data on the applicant:
  - 1) personal name;
  - 2) personal identity code or, if no personal identity code has been assigned, the date of birth and gender;
  - 3) clearly formulated content of application;
  - 4) data on the place of birth;
  - 5) data on the place of living;
  - 6) contact details, including the phone number and e-mail address;
  - 7) citizenship;
  - 8) marital status;
  - 9) nationality;
  - 10) mother-tongue;
  - 11) education;
  - 12) field of activity.

(6) If an application is submitted by a foreign citizen who does not have an Estonian personal identity code, he or she shall in addition to the data specified in subsection (5) of this section include the data of the document verifying his or her citizenship and, if he or she has a foreign personal identity code, his or her personal identity code in the application submitted to a vital statistics office.

(7) An application shall be registered, if it contains at least the data specified in paragraphs (5)1) to 3) of this section. If the said data is incomplete, the application shall not be accepted.

(8) An applicant may change or withdraw his or her application in the form specified in subsection (2) of this section until the making of the entry.

(9) The data specified in paragraphs (5)9) to 12) of this section are collected for statistical purposes and the applicant shall be informed that the submission of the data is voluntary.

(10) As proof of identity, the applicant shall present a document specified in paragraphs 2(2)1) to 8) or section 4 of the Identity Documents Act or a foreign travel document, except in the case of submitting an application verified by digital signature.

(11) The forms of the applications to be submitted to a vital statistics office [may be established by a regulation of the Minister of Regional Affairs](#).

#### **§ 10. Party to proceedings who is deaf, mute, blind or unable to write**

(1) If a party to a vital statistics procedure, according to him or her or an observation made by a vital statistics official, does not hear or speak sufficiently, the vital statistics official shall communicate with him or her in writing.

(2) If an applicant, according to him or her or an observation made by a vital statistics official, is unable to see or complete and sign the application in own hand, the vital statistics official shall complete the application on the basis of the statements of the applicant, the signature field shall be left empty and the official accepting the application shall make a relevant note on the application.

#### **§ 11. General principles of changing and correcting vital statistics data**

(1) Vital statistics data shall be changes and corrected only in the cases and in accordance with the procedure stipulated in this Act, the Family Law Act or the Names Act.

(2) Upon changing and correcting vital statistics data, the former data shall be replaced by correct data. The replaced data shall be transferred to the population register archives.

(3) The changes and corrected vital statistics data shall be continually reproducible.

(4) The replaced data shall be presented upon viewing vital statistics data and in extracts only if specifically requested. It shall be clear upon the reproduction of the replaced data that these are replaced data.

### **§ 12. Correcting vital statistics data**

(1) A vital statistics office shall correct a typing error or other obvious inaccuracy in vital statistics data not affecting the content of the data. A vital statistics office may make the correction both on the basis of a relevant application and ex officio.

(2) Vital statistics data shall also be corrected, if the incorrectness of the data is due to an error in the document underlying the entry and the document has been corrected.

(3) The person, whose data have been corrected, shall upon his or her request be sent an extract of the corrected data by ordinary mail or electronically.

### **§ 13. Changing vital statistics data**

(1) Vital statistics data shall be changed by the vital statistics office that received the application to change data. In the case stipulated in subsection (3) of this section, the changing entry on the basis of a ruling of an Estonian court shall be made by the county government of the location of the court.

(2) The vital statistics data of a person shall be changed on the basis of his or her application, a court decision, a decision of a vital statistics office or other documents verifying the change. Data shall be changed on the basis of a decision of a vital statistics office only, if the vital statistics office has the competence to verify or identify the fact to be entered into the register.

(3) A vital statistics office may make the necessary changes in vital statistics data ex officio, if the vital statistics data have been changed on the basis of a court decision or if the incorrectness of the data is determined on the basis of foreign vital statistics documents.

(4) If a person finds that the vital statistics data concerning him or her in the population register are incorrect, but the basis for changing the data as stipulated in subsections (2) and (3) of this section does not exist, the vital statistics data shall be changed on the basis of the court decision identifying the fact to be entered into the register.

(5) If a vital statistics office determines the nullity of a fact related to marital status or the nullity of a vital statistics entry, the vital statistics office shall change the vital statistics data in the necessary extent and enter a reference to the legal basis of the nullity into the population register.

(6) If an entry has been made on the basis of a vital statistics act, which is invalid or null and void, the vital statistics office shall declare the entry invalid.

#### **§ 14. Restriction to performing vital statistics procedures**

- (1) A vital statistics official may not perform vital statistics procedures in regards to himself or herself and other persons specified in subsections 10(1) and (2) of the Code of Civil Procedure.
- (2) An entry made in violation of the prohibition stipulated in subsection (1) of this section is null and void.
- (3) A vital statistics official who has identified the nullity of a vital statistics entry shall change the vital statistics data in accordance with the procedure stipulated in subsection 13(5) of this Act.

#### **§ 15. Right to view vital statistics data and receive extracts**

- (1) A person has the right to view the vital statistics data of himself or herself, his or her minor children and wards and to receive extracts from the data. The right to view shall be subject to the Population Register Act.
- (2) Certified and uncertified extracts are made from vital statistics data. Extracts may be issued both electronically and on paper. An extract issued on paper shall be equipped with the title “Uncertified extract” or “Certified extract” and the notation specified in subsection 24(5) of the Code of Civil Procedure.
- (3) A vital statistics official shall certify an electronic extract by digital signature. A vital statistics official shall certify an extract issued on paper by signature and the seal of the vital statistics office.
- (4) An extract reflects the vital statistics data as at the moment of preparation of the extract. In the case of a discrepancy in the extract and the population register data the population register data shall be considered as correct.
- (5) Upon the request of an applicant, an extract may also contain changed or corrected data.
- (6) An extract shall be prepared in Estonian. For the purpose of presentation abroad, an extract shall be prepared in multiple languages and an explanation may be added to the effect that it is a vital statistics certificate.
- (7) The forms of extracts and the list of languages to be used in extracts issued in multiple languages shall be established by a regulation of the Minister of Regional Affairs.
- (8) State and local government institutions and other entities performing public duties shall use the data entered into the population register and may not request the presentation of an extract.

## **§ 16. Supplementing population register data**

(1) If it is determined upon making a vital statistics entry that the data entered into the population register concerning the applicant are incorrect or incomplete, a vital statistics official shall supplement the population register data in accordance with the Population Register Act in the extent possible without postponing the making of a vital statistics entry.

(2) If a vital statistics entry is made concerning a person whose data have not been entered into the population register, the person shall first be assigned a personal identity code in accordance with the procedure stipulated in the Population Register Act.

(3) If a vital statistics act prepared in an Estonian vital statistics office has been destroyed or damaged, the entry shall be made on the basis of a decision of a vital statistics official, which shall be made on the basis of the documents verifying the existence and data of the destroyed or damages vital statistics act. In order to make the entry, at least the aggregate data entered on a vital statistics certificate shall be verified.

### Chapter 2

## GRANTING RIGHT TO PERFORM TASKS RELATED TO CONTRACTION OF MARRIAGE TO MINISTERS OF RELIGION

### **§ 17. Right to perform tasks related to contraction of marriage**

(1) The Minister of Regional Affairs may grant a minister of church, congregation or association of congregations the right to perform the tasks of a vital statistics office related to the contraction of marriage, if:

- 1) the minister is legally competent;
- 2) the minister is at least 21 years of age;
- 3) the minister has oral and written proficiency in Estonian;
- 4) the minister has at least secondary education;
- 5) the minister has completed the training specified in subsection 4(3) of this Act and passed the vital statistics official exam;
- 6) the minister has no history of conviction for an intentionally committed offence;
- 7) the minister is not subject to preliminary investigation or court proceedings charged with an offence for which imprisonment is prescribed by law;
- 8) the minister has not been deprived of the right to act as a vital statistics official by an enforced court decision;
- 9) the minister has not been punished pursuant to administrative or criminal procedure for a corruptive offence;
- 10) the minister is the citizen of Estonia, the European Union, a member state of the European Economic Area or the Swiss Confederation.

(2) The right specified in subsection (1) of this section shall be granted for five years. After five years, a minister shall on the basis of the application specified in subsection 18(1) of this Act be granted the right specified in subsection (1) of this section for

subsequent five years without taking a new exam, if the minister:

- 1) has certified the contraction of at least 25 marriages within the five-year period;
- 2) meets the requirements stipulated in paragraphs (1)1) to 4) and (1)6) to 10) of this section;
- 3) has completed the training specified in subsection 4(3) of this Act.

### **§ 18. Applying for right and documents to be submitted**

(1) A church, congregation or association of congregations entered into the register of religious associations shall submit an application to the Minister of Regional Affairs to grant the right to perform tasks related to the contraction of marriage to a minister.

(2) The application specified in subsection (1) of this sections shall contain the following data:

- 1) the name, registration number, postal address and communication details of the church, congregation or association of congregations submitting the application;
- 2) the personal name, date of birth, personal identity code, education and citizenship of the minister;
- 3) the date and place of passing the exam specified in subsection 4(3) of this Act;
- 4) the date and place of completing the training specified in subsection 4(3) of this Act, if passing the exam is not required for granting the right to perform tasks related to the contraction of marriage.

(3) Copies of the documents verifying the data specified in paragraphs (2)2) and 3) of this section and a sample of the signature of the minister in triplicate shall be added to the application.

(4) The application shall be signed by the minister and the chairman of board of the church or association of congregations submitting the application. If the application is submitted by a congregation, which does not belong to a church or association of congregations, the chairman of board of the congregation shall sign the application.

### **§ 19. Review of applications**

(1) The Minister of Regional Affairs shall review the submitted application and make a decision on granting or refusing to grant the right to perform tasks related to the contraction of marriage by a directive within 30 days from the receipt of the application.

(2) The Minister of Regional Affairs shall refuse to grant the right to a minister, if:

- 1) all the data specified in subsection 18(2) of this Act have not been submitted in the application despite the additional term given for the submission of data;
- 2) false data have been knowingly submitted in the application.

(3) A copy of the directive of the Minister of Regional Affairs shall be forwarded to the county government of the location of the congregation of the minister and to the applicant.

(4) The Minister of Regional Affairs shall issue an identification seal with an image of the large national coat of arms to the minister who has been granted the right to certify the contraction of marriage by the Minister of Regional Affairs. Samples of the signature and the seal of the minister who has been granted the right by the Minister of Regional shall be forwarded to the Ministry of Foreign Affairs and the county government of the location of the congregation of the minister.

#### **§ 20. Revocation of right granted to minister**

(1) The Minister of Regional Affairs shall revoke the right to certify the contraction of marriage granted to a minister:

- 1) if false data have been submitted in the application;
- 2) on the basis of a motivated written application of the county government of the location of the congregation of the minister, if the activities of the minister in the performance of tasks related to the contraction of marriage are in conflict with legal acts and the minister has thereby committed a serious professional offence;
- 3) on the basis of the application of the minister;
- 4) on the basis of a justified proposal of the board of a church, congregation or association of congregations.

(2) Upon revoking the right to certify the contraction of marriage granted to a minister, the minister or a representative of the church, congregation or association of congregations shall give the seal of the minister to the Ministry of the Interior and the forms specified in subsection 42(8) of this Act to the county government of the location of the congregation of the minister within one month from the revocation of the right.

### Chapter 3 VITAL STATISTICS ENTRIES

#### **Division 1 Registration of birth**

#### **§ 21. Registration of birth at Estonian vital statistics offices**

(1) A birth is registered at an Estonian vital statistics office, if:

- 1) the child is born in Estonia;
- 2) the place of living of a parent of the child is in Estonia or
- 3) a parent of the child is of Estonian citizenship.

(2) An Estonian vital statistics office shall register a birth in the cases specified in subsection (1) of this section, if the birth has not been registered abroad.

#### **§ 22. Registration of birth**

(1) The following data shall be entered into the population register in order to register a birth:

- 1) the personal name, gender, date of birth, personal identity code, place of birth and citizenship of the child;
- 2) the personal name, date of birth, personal identity code, place of living and citizenship of the mother;
- 3) the personal name, date of birth, personal identity code, place of living and citizenship of the father;
- 4) if a guardian has been appointed to the child, the name, personal identity or registration code, place of living or location and the time of appointment of the guardian;
- 5) whether the right of curatorship belongs to both parents jointly or only to one parent or to a guardian if a guardian has been appointed.

(2) The birth of a stillborn child shall not be registered in accordance with the procedure stipulated in this division.

(3) A vital statistics office shall register a birth within seven workdays from the date of receipt of the application to register the birth.

(4) The rural municipality or city government fulfilling the tasks of a guardian shall register a birth ex officio within seven workdays from the date of assuming the tasks of a guardian.

### **§ 23. Application to register birth**

(1) In order to register a birth, the legal representative of a child shall within one month from the date of birth of the child personally submit a relevant application to a vital statistics office. The term for the registration of birth may be extended to two months for a good reason.

(2) The application shall contain the data specified in subsections 9(5) and 22(1) of this Act and the documents verifying these data shall be added to the application. If the birth of a child is registered by a guardian who is a legal person, the data specified in subsection 22(1) of this Act shall be presented.

(3) If the mother of the child is not married and the father of the child has not submitted an application of acknowledgement of paternity, a vital statistics official shall explain to the applicant the possibility of submitting an application of acknowledgement of paternity and the possibility of requesting the identification of descent by court proceedings.

### **§ 24. Registration of data of child**

(1) The personal name of a child shall be entered into the population register on the basis of an application of the legal representative of the child.

(2) The gender, date of birth and personal identity code of the child shall be entered into the population register on the basis of the certificate of a healthcare service provider. If

the certificate of a healthcare service provider issued abroad does not contain a personal identity code, the child shall be assigned an Estonian personal identity code on the basis of the Population Register Act before the registration of the birth at an Estonian foreign representation or an Estonian vital statistics office. The date of birth of a foundling shall be entered as an estimated date of birth on the basis of the assessment of a healthcare service provider.

(3) As the place of birth of a child, the county and the city or the rural municipality where the child was born shall be entered into the register. Upon registering the place of birth of a child born abroad the administrative division of the country of birth shall be followed. As the place of birth of a foundling, the place of finding the child shall be entered on the basis of a certificate of a police institution.

(4) As the citizenship of a child, Estonian citizenship shall be entered into the population register upon the registration of birth, if at least one parent is of Estonian citizenship. Upon registering the birth of a child of a citizen of a European Union Member State, a member state of the European Economic Area or the Swiss Confederation, the citizenship of the child shall be entered into the population register on the basis of the application of the parents.

(5) The form of the certificate of a healthcare service provider to be submitted to the vital statistics office registering the birth of a child [shall be established by a regulation of the Minister of Social Affairs](#).

## **§ 25. Registration of data of parents and guardian**

(1) The data of the mother of a child shall be entered into the population register on the basis of the certificate of a healthcare service provider or a court decision identifying maternity.

(2) The data of the father of a child shall be entered into the population register on the basis of a document verifying the marriage of the father to the mother of the child, or the application of acknowledgement of paternity specified in section 26 of this Act and the accompanying consent of the mother or on the basis of a court decision identifying descent.

(3) The data of the man married to the mother of a child shall not be entered into the population register as the data of the father only if the spouses have submitted a joint application to that effect to a vital statistics office in accordance with section 85 of the Family Law Act. A joint application may be submitted by appearing in person or in notarised form. A parent living abroad may submit a written application, on which the authenticity of the signature of the applicant has been notarised by an Estonian consular official.

(4) If a parent has deceased, a document verifying the death of the parent shall be submitted to a vital statistics office.

(5) If the descent of a child has not been identified in accordance with the Family Law Act, the data of a parent shall not be entered into the register.

(6) The data of the guardian appointed to a child shall be entered into the population register on the basis of the court ruling appointing the guardian.

### **§ 26. Submission of application of acknowledgement of paternity and granting consent to acknowledgement**

(1) In order to certify descent, an application of acknowledgement of paternity as well as the consent required for the acknowledgement of paternity shall be submitted to a vital statistics office by appearing in person or in notarised form. A parent living abroad may submit a written application, on which the authenticity of the signature of the applicant has been notarised by an Estonian consular official.

(2) If paternity is acknowledged or the consent to acknowledge is granted by a minor person or an adult person with limited legal capacity, the consent of the legal representative of the person shall be added to the application.

(3) Upon accepting the declarations of intention specified in subsection (1) of this section, a vital statistics official or consular official shall explain the legal consequences of the declaration of intention to the relevant person.

(4) If the mother of a child is deceased, the legal representative of the child shall grant the consent to the acknowledgement of paternity.

(5) If there is reason to believe that the submission of the application specified in subsection (1) of this section will become impossible or difficult after the birth of a child, the application may be submitted during the pregnancy of the woman.

### **§ 27. Additional data to be submitted in application of acknowledgement of paternity and granting consent to acknowledgement**

If the acknowledgement of paternity is done after the registration of the birth of a child, the following data shall be submitted in the application of acknowledgement of paternity and granting the consent to acknowledgement in addition to the data specified in subsection 9(5) of this Act:

- 1) the personal name, personal identity code and citizenship of the child;
- 2) the personal name and personal identity code of the mother of the child;
- 3) changes in the right of curatorship of the parent.

### **§ 28. Entry of acknowledgement of paternity**

(1) If paternity is acknowledged simultaneously with the registration of birth, no separate entry of acknowledgement of paternity shall be made.

(2) If paternity is not acknowledged simultaneously with the registration of the birth of a child, the entry of acknowledgement of paternity shall contain the following data:

- 1) the personal name, personal identity code and citizenship of the child;
- 2) the personal name and personal identity code of the father.

### **§ 29. Registration of right of curatorship**

(1) If the parents of a child are married to each other or have married each other after the birth of a child, data concerning joint right of curatorship shall be entered into the population register.

(2) If the parents are not married to each other, they shall state upon submitting the application of acknowledgement of paternity and the relevant consent of the mother, whether they wish to exercise the right of curatorship jointly or have the right of curatorship assigned only to one parent. A vital statistics official shall explain to them the rights and obligations arising from the joint right of curatorship, the possibility of having the right of curatorship assigned only to one parent and the legal consequences involved in the registration of the birth of a child.

### **§ 30. Birth certificate**

(1) In order to verify birth, a certified extract from the following population register data shall be issued:

- 1) the personal name, personal identity code, date of birth and place of birth of the born person;
- 2) the personal names, personal identity codes and dates of birth of both parents of the born person.

(2) The personal names of the born person and his or her parents are presented on the birth certificate as at the moment of making the entry. Upon the request of the applicant, an extract from changes in the names of the born person or the parents or other data specified in subsection (1) of this section shall be added to the birth certificate.

(3) On the birth certificate of an adopted person, the data are presented as at the moment following the adoption. Data preceding the adoption shall be issued only upon the application of an adult adopted person.

(4) The form of birth certificates shall be established by a regulation of the Minister of Regional Affairs.

(5) An extract from other data shall be added to a birth certificate upon request.

(6) A state fee shall be paid for issuing a birth certificate at the rate stipulated in the State Fees Act.

## **Division 2**

### **Registration of death**

#### **§ 31. Registration of death in Estonia**

(1) A death shall be registered by an Estonian vital statistics office in accordance with the procedure stipulated in this division, if:

- 1) a person dies in Estonia;
- 2) the last place of living of a person who has died abroad was in Estonia or
- 3) a person who has died abroad was of Estonian citizenship.

(2) An Estonian vital statistics office shall register a death in the cases specified in subsection (1) of this section, if the death has not been registered abroad.

(3) On the basis of a court ruling of declaration of death, the county government of the location of the court fulfilling the tasks of a vital statistics office shall ex officio make a data acquisition entry.

#### **§ 32. Registration of death**

(1) Upon the registration of a death, the following data shall be entered into the population register:

- 1) the personal name and personal identity code of the deceased person;
- 2) the place and date of death;
- 3) the place of finding the deceased person, if the place of death is unknown;
- 4) the place of burial;
- 5) the changes in the right of curatorship caused by the death;
- 6) termination of marriage;
- 7) the personal name and personal identity code of the person submitting the application to register the death.

(2) If the personal data of the deceased person have not been entered into the population register, the missing data shall be entered into the register on the basis of a personal identification document of the deceased, a medical death notice or a certificate of a police institution.

(3) The data concerning the place and date of death shall be registered on the basis of a medical death notice or a court ruling of declaration of death.

(4) If the data concerning the date of death are missing, a notation shall be entered into the register to the effect that the exact date of death cannot be determined and the date of death shall, if possible, be entered with the accuracy of a week, month or year.

(5) If the place of burial of the deceased person is known, the name and location of the cemetery shall be entered into the register as the place of burial on the basis of the statements of the applicant.

(6) As the place of death, burial and discovery, the relevant county and city or rural municipality shall be registered.

(7) Upon registering the death of an unidentified person, the data provided in the medical death notice shall be entered in the register. In the place of the name of the unidentified person, the notation “unidentified man” or “unidentified woman” shall be entered.

(8) A vital statistics office shall register a death within three workdays from the receipt of the relevant application.

### **§ 33. Documents to be submitted for registration of death**

(1) In order to register a death, the spouse, a relative or a relative by marriage of the deceased person, or the head of an institution providing healthcare services, a police officer or another person who has data concerning the death of the person shall submit an application to a vital statistics office within seven days from the date of death of the person or the date of discovery of the deceased person.

(2) In addition to other required data, an application shall contain the data specified in subsection 32(1) of this Act and the documents specified in subsections (2) and (3) of the same section shall be added to the application.

(3) If a death is registered by the head of an institution providing healthcare services, a police officer or post-transaction representative of a legal person or natural person, he or she shall only submit the data stipulated in paragraphs 9(5)1), 2) and 6) of this Act about himself or herself and the registration code and location of the legal person he or she represents in the application to register the death.

### **§ 34. Obligations involved in registration of death**

(1) If it is determined upon the registration of a death that the deceased person had the right of sole curatorship of a minor child or the deceased person was the guardian of a person with limited legal capacity, a vital statistics official shall give notice of the death to the rural municipality or city government or court of the place of living of the child or ward.

(2) A vital statistics office shall forward the document issued abroad verifying the identity of the deceased person submitted to the vital statistics office to the Ministry of Foreign Affairs within one month from the submission thereof.

### **§ 35. Changing data of death**

(1) Upon the reappearance of a person who has been declared dead, a vital statistics office shall cancel the data of death entered into the population register on the basis of a court ruling cancelling the ruling of declaration of death and, if necessary, changes other vital statistics data. If the marriage of the person who has been declared dead or his or her

right of curatorship as a parent is restored pursuant to law, a vital statistics office shall make the entries necessary for reflecting the said facts.

(2) A vital statistics office shall cancel the data of death and, if necessary, change other vital statistics data ex officio, if it is proven that the person whose death was registered is alive, the death of a wrong person was registered or the death was registered obviously groundlessly for any other reason. This subsection shall not be applied, if the death has been determined by a court or the person has been declared dead by a court.

### **§ 36. Death certificate**

(1) In order to verify a death, a certified extract shall be issued from the following population register data:

- 1) the personal name, personal identity code and date of birth of the deceased person;
- 2) the date of death and the date of registration of death.

(2) An extract from other data shall be added upon request.

(3) No death certificate is issued concerning a stillborn child. The death of a stillborn child is verified by a medical death notice.

(4) The form of death certificates [shall be established by a regulation of the Minister of Regional Affairs](#).

(5) A state fee shall be paid for issuing a death certificate at the rate stipulated in the State Fees Act.

## **Division 3 Contraction of marriage**

### *Subdivision 1 Preparation of contraction of marriage*

### **§ 37. Application for marriage**

(1) In order to contract a marriage, prospective spouses shall personally submit a joint written application for marriage to the vital statistics office where they wish to contract the marriage or to a minister of religion who has the right to certify the contraction of marriage.

(2) In the application for marriage, prospective spouses express their wish to contract a marriage with each other. They confirm that there are no circumstances preventing the contraction of marriage. A prospective spouse shall state the following in the application for marriage:

- 1) whether he or she wishes to keep the current surname or choose a new one;
- 2) if the previous marriage has been terminated, the basis of termination thereof;

- 3) the desired date of contraction of marriage;
- 4) whether the prospective spouses wish their proprietary relationship to be subject to the jointness of property, the set-off of assets increment or separateness of property regulation deriving from the Family Law Act;
- 5) the number of the marriage to be contracted;
- 6) the personal names and personal identity code of the joint children of the prospective spouses;
- 7) data on the cohabitation preceding the marriage;
- 8) the number of children to be living with the prospective spouses after the contraction of marriage.

(3) The data specified in paragraphs (2)5), 7) and 8) of this section are collected for statistical purposes and the applicant shall be informed that the submission of these data is voluntary.

(4) Upon making the choice specified in paragraph (2)4) of this section, a vital statistics official shall explain to the prospective spouses the legal nature of the proprietary relationships of jointness of property, set-off of assets increment and separateness of property as well as the fact that if the prospective spouses do not state their choice, they shall be considered to have chosen the jointness of property regulation.

(5) The persons wishing to contract marriage may change the preference specified in paragraph (2)4) of this section until the contraction of marriage, by personally submitting a written joint application to the vital statistics official to whom they submitted the application for marriage. The said changes shall form an integral part of the application for marriage. The latest choice of proprietary relationship shall have legal meaning.

### **§ 38. Documents to be submitted for contraction of marriage**

(1) The following documents shall be added to an application for marriage:

- 1) documents verifying the birth of each prospective spouse;
- 2) in the case of a second or subsequent marriage, a document to the effect that the previous marriage has been terminated or annulled;
- 3) a court ruling concerning the extension of the legal capacity of a minor prospective spouse;
- 4) a document certifying the removal of any other obstruction to the contraction of marriage.

(2) The submission of a document verifying the birth of a prospective spouse is not required, if the prospective spouse proves that obtaining the certificate is impossible or excessively difficult.

(3) If an alien wishes to contract a marriage in Estonia, he or she shall in addition to submitting the documents prescribed in subsection (1) of this section prove that a legal basis specified in the Aliens Act exists for his or her stay in Estonia and submit the certificate of capacity for marriage stipulated in section 39 of this Act.

(4) A citizen of a European Union Member State or a person, who is considered as a family member of a citizen of a European Union citizen pursuant to the Citizen of European Union Act does not have to prove the existence of legal basis for his or her stay in Estonia.

### **§ 39. Certificate of capacity for marriage of resident of foreign country**

(1) If the laws of a foreign country are applied to the prerequisites of the contraction of marriage of a person, he or she cannot contract a marriage in Estonia before he or she has submitted a certificate of a competent authority of the relevant country to the effect that there are no obstructions to the contraction of marriage under the laws of his or her country of residence. The certificate shall become invalid, if the marriage is not contracted within six months from the issuing of the certificate. If a shorter term of validity is stated in the certificate, the shorter term shall apply. The certificate has to be valid at the time of the contraction of marriage.

(2) A court, in the territorial jurisdiction of which the marriage is intended to be contracted, may permit the contraction of marriage without the certificate. Permission may be granted only to a person of no citizenship and a person, the authorities of the country of residence of who do not issue such certificates. Permission can also be given to a citizen of another country for good reason. The permission shall be valid for six months.

### **§ 40. Certificate of capacity for marriage of resident of Estonia and citizen of Estonia**

(1) If a resident of Estonia or a citizen of Estonia wishes to contract a marriage outside Estonia, he or she shall upon his or her request be issued a certificate of capacity for marriage. The certificate shall be issued by a county government or Estonian consular official in the region where the marriage is to be contracted. The certificate may in addition to the standard data also contain other data, if that is necessary pursuant to the laws of the country of contraction of marriage.

(2) An application for issuing a certificate of capacity for marriage shall in addition to the data specified in subsection 9(5) of this Act contain the name of the country to which the certificate is to be presented and the name, gender and personal identity code or, if no identity code has been assigned, the date of birth of the person with whom the applicant wishes to contract a marriage.

(3) The authority shall not issue a certificate until it is convinced, on the basis of the documents required for the contraction of marriage, that there are no obstructions to the contraction of marriage pursuant to the laws of Estonia.

(4) The prerequisites for the contraction of marriage deriving the laws of Estonia shall be stated in the certificate.

(5) A certificate of capacity for marriage is valid for six months from the date of issuing.

(6) If the issuing of a certificate of capacity for marriage has been refused, the person applying for the certificate may file an appeal to an administrative court.

(7) The form of and the data to be included in the certificate of capacity for marriage shall be established by a regulation of the Minister of Regional Affairs.

(8) A state fee shall be paid for issuing a certificate of capacity for marriage at the rate stipulated in the State Fees Act.

#### **§ 41. Term of contraction of marriage**

(1) The date of the contraction of marriage shall be determined upon agreement with the prospective spouses. A marriage shall not be contracted earlier than one month and later than three months from the date, on which the prospective spouses submitted an application for contraction of marriage to a vital statistics office.

(2) A vital statistics official may shorten or extend the term stipulated in subsection (1) of this section for a good reason. The term may be extended to six months from the submission of the application for contraction of marriage.

(3) If the obstruction to the contraction of marriage is not removed, the marriage shall not be contracted.

#### *Subdivision 2*

#### *Certifying contraction of marriage and making marriage entry*

#### **§ 42. Marriage entry**

(1) The vital statistics official certifying the contraction of marriage pursuant to the Family Law Act shall immediately after the prospective spouses answer yes present them a pre-completed protocol for signing and then sign the protocol himself or herself as well. The protocol shall contain the following data:

- 1) the personal name and personal identity code of each prospective spouse;
- 2) the date, time and place of the contraction of marriage;
- 3) the name of the vital statistics office and the personal name of the vital statistics official certifying the contraction of marriage.

(2) The vital statistics official certifying the contraction of marriage pursuant to the Family Law Act shall make a marriage entry into the population register on the day of the contraction of marriage.

(3) If the spouses have chosen the set-off of assets increment or separateness of property as their proprietary relationship according to the application for contraction of marriage, the vital statistics official shall, on the day of the contraction of marriage, present a

digitally signed registration application to the land register department, the territorial jurisdiction of which includes the place of living of the spouse, for making an entry. If it is not possible to present the registration application on the day of the contraction of marriage, it shall be presented on the first workday following the day of the contraction of marriage. A copy of the application for contraction of marriage specified in subsection 37(2) of this Act shall be added to the application.

[RT I 2010, 38, 231 – entered into force 1.07.2010]

(4) Upon registering a marriage, the following data shall be entered into the population register:

- 1) the personal name, personal identity code and place of living of each spouse;
- 2) the new surname chosen upon the contraction of marriage;
- 3) the date, time and place of the contraction of marriage;
- 4) the name of the vital statistics office certifying the contraction of marriage;
- 5) the extension of the legal capacity of a minor spouse;
- 6) if a spouse has been married before, the basis for the termination of the previous marriage;
- 7) the changes in the right of curatorship of a parent arising from the contraction of marriage.

(5) As the place of contraction of marriage, the relevant county and city or rural municipality shall be registered.

(6) A minister of religion certifying the contraction of marriage shall on the day of the contraction of marriage prepare a marriage entry containing the data stipulated in subsection (4) of this section on paper.

(7) A minister of religion shall within three workdays from making a marriage entry forward the marriage entry on paper and the application for contraction of marriage specified in subsection 37(2) of this Act to the county government of the location of the congregation. The county government shall transfer the marriage entry data to the population register by way of data acquisition on the workday following the receipt of the marriage entry at the latest. If the spouses have chosen the set-off of assets increment or separateness of property as their proprietary relationship according to the application for contraction of marriage, the county government shall, on the same day, present a digitally signed registration application to the land register department, the territorial jurisdiction of which includes the place of living of the spouse, for making an entry. A copy of the application for contraction of marriage specified in subsection 37(2) of this Act shall be added to the application. A reference to the marriage entry made by a minister of religion shall be added to the data acquisition entry.

[RT I 2010, 38, 231 – entered into force 1.07.2010]

(8) The county government of the location of the congregation shall issue the forms for applications for contraction of marriage, marriage entries and marriage certificates to

ministers of religion and instruct ministers of religion in issues of completing the documents related to the contraction of marriage.

(9) A state fee shall be paid for the making of a marriage entry at the rate stipulated in the State Fees Act.

#### **§ 43. Marriage certificate**

(1) In order to verify the contraction of marriage, a certified extract from the following population register data shall be issued:

- 1) the personal name, personal identity code and the date of birth of each spouse;
- 2) the pre-marital surname, if a person chose a new surname upon the contraction of marriage;
- 3) the name of the vital statistics office certifying the contraction of marriage;
- 4) the place and date of the contraction of marriage;
- 5) the number of the entry.

(2) The personal names of the spouses are presented on the marriage certificate as at the moment of making the entry. A marriage certificate concerning a divorced spouse shall only be issued together with a note on the divorce. An extract from the changes made in names shall be added upon the request of the applicant.

(3) An extract from other data shall be added upon request.

(4) The form for marriage certificates [shall be established by the Minister of Regional Affairs](#).

(5) A state fee shall be paid for issuing a marriage certificate at the rate stipulated in the State Fees Act.

### **Division 4 Divorce**

#### **§ 44. Application for divorce**

(1) In order to divorce a marriage, the spouses shall personally submit a written joint application at a vital statistics office.

(2) In the application, the spouses express their wish to divorce the marriage and confirm that they have no disputes over the circumstances related to the divorce. In addition to the above, the following shall be stated in the application:

- 1) the date and place of the contraction of the marriage to be divorced;
- 2) the surname after the divorce, if a spouse wishes to restore the last surname borne before the marriage to be divorced or the last surname borne before the first marriage;
- 3) the number of the marriage to be divorced;
- 4) the number of joint children.

(3) A document verifying the contraction of the marriage shall be added to the application for divorce.

(4) If a spouse is unable to appear at a vital statistics office in person for the submission of the application for a good reason, he or she may submit a separate notarised application.

(5) The data specified in paragraphs (2)3) and 4) of this section are collected for statistical purposes and the applicant shall be informed that the submission of these data is voluntary.

#### **§ 45. Term of divorce**

(1) A marriage shall not be divorced earlier than one month and later than three months from the submission of the application specified in section 44 of this Act.

(2) Upon accepting the application, a vital statistics official shall determine the date of the divorce, of which both spouses shall be informed.

(3) If the spouses are unable to appear at the vital statistics office on the determined date, they shall notify the vital statistics office thereof and the vital statistics office shall determine a new date for the divorce.

(4) If the spouses do not appear at the vital statistics office to divorce the marriage at the determined time and do not give notice of the reasons for not appearing, they shall be considered to not have submitted the application for divorce.

#### **§ 46. Divorce**

(1) A vital statistics official shall divorce a marriage in the presence of both spouses on the conditions stipulated in the Family Law Act.

(2) The vital statistics official divorcing shall present a pre-completed divorce entry form to the divorcing spouses for signing.

(3) A vital statistics official shall register the divorce immediately in the population register in accordance with section 48 of this Act.

#### **§ 47. Divorce without presence of spouse**

A marriage may be divorced without the presence of one spouse, if he or she is unable to appear the vital statistics office for a good reason and his or her consent to divorce without his or her presence, which has been notarised or certified by a consular official, is presented.

#### **§ 48. Divorce entry**

(1) Upon the registration of a divorce, the following data shall be entered into the population register:

- 1) the personal name, personal identity code and place of living of each spouse;
- 2) the pre-marital surname, if a spouse wishes to restore the last surname borne before the marriage to be divorced or the last surname borne before the first marriage;
- 3) the date and place of the divorce;
- 4) the name of the office that divorced the marriage.

(2) A state fee shall be paid for making a divorce entry at the rate stipulated in the State Fees Act.

#### **§ 49. Divorce certificate**

(1) In order to verify the divorce, a certified extract shall be issued from the following population register data:

- 1) the personal name, personal identity code and the date of birth of each divorced spouse;
- 2) the surname after the divorce, if a divorced spouse restored the last surname borne after the marriage or the last surname borne before the first marriage;
- 3) the name of the office that divorced the marriage;
- 4) date of the divorce;
- 5) the number of the entry.

(2) An extract from other data shall be added upon request.

(3) The form for divorce certificates [shall be established by a regulation of the Minister of Regional Affairs](#).

(4) A state fee shall be paid for issuing a divorce certificate at the rate stipulated in the State Fees Act.

### Chapter 4

#### DATA ACQUISITION BASED ON FOREIGN VITAL STATISTICS DOCUMENT

#### **§ 50. Changing and adding vital statistics data of resident of Estonia and citizen of Estonia**

(1) If changes in the marital status of a resident of Estonia or a citizen of Estonia have been certified or identified in a foreign country, the changed or created vital statistics data shall be entered into the population register, if the changes are recognised in Estonia. The data shall be entered into the population register by a data acquisition entry from a foreign vital statistics document in the extent to which the relevant vital statistics data are registered in Estonia.

(2) A person whose data have been entered into the population register, shall be obligated to submit to a vital statistics office an application for the registration of a change in his or

her marital status, if the change has taken place in a foreign country, and present the documents necessary for entering the change into the population register. Applications are received by all the county governments.

(3) A reference to the foreign vital statistics document shall be added to the data acquisition entry in accordance with subsection 6(3) of this Act.

(4) In the case stipulated in subsection (1) of this section, data acquisition may be performed ex officio.

(5) The data based on vital statistics data registered in a foreign country shall be designated in a different manner to the facts certified or identified by an Estonian vital statistics office and upon preparing an extract a reference shall be made to the effect that the family event underlying the entry has taken place in a foreign country.

### **§ 51. Changing and adding vital statistics data of other persons**

(1) If a person not listed in section 50 of this Act requests a vital statistics procedure to be performed, he or she shall in the following cases submit the following foreign vital statistics document concerning himself or herself for the performance of a data acquisition entry:

- 1) a foreign birth certificate, if the person is applying for the registration of the birth data of his or her child or the contraction or divorce of marriage;
- 2) a foreign marriage certificate, if a married person is applying for the registration of the birth data of his or her child or the divorce of marriage at an Estonian vital statistics office;
- 3) a foreign divorce certificate, if a divorced person is applying for the registration of the birth data of his or her child or the contraction of marriage at an Estonian vital statistics office.

(2) Subsection 50(5) of this Act shall be applied to making an entry and preparing an extract.

## Chapter 5

### SUPERVISION OVER PERFORMANCE OF VITAL STATISTICS PROCEDURES

### **§ 52. Supervision over performance of vital statistics procedures**

(1) Supervision shall be performed by:

- 1) the Ministry of the Interior over the compliance with this Act and other legal acts related to vital statistics procedures in the performance of vital statistics procedures by county governments;
- 2) the Ministry of the Interior and the county government of the location of the congregation of a minister of religion over the compliance with this Act and other legal acts related to vital statistics procedures in the performance of vital statistics procedures related to the contraction of marriage by a minister of religion.

(2) If the Ministry of the Interior deems it necessary for a county government to perform supervision over the legality of the performance of vital statistics procedures by a rural municipality of city government, the Ministry of the Interior shall present a request to perform supervision to the county government under whose administration the rural municipality or city is. Upon receipt of the request, the county government shall be obligated to perform supervision.

(3) If the Ministry of the Interior deems it necessary for the Ministry of Justice to perform supervision over the legality of the performance of vital statistics procedures by a notary, the Ministry of the Interior shall present a request to perform supervision to the Ministry of Justice.

(4) The detailed procedure for the performance of supervision may be established by the Minister of Regional Affairs.

### **§ 53. Rights of supervisory authority**

In the performance of supervision, an official performing supervision shall have the right:

- 1) to receive data necessary for performing supervision, including to view documents and gain access to the premises where vital statistics procedures are performed or where documents related to vital statistics procedures are stored;
- 2) in the case of a violation of the requirements for performing vital statistics procedures, to issue a precept for the elimination of the violation and the performance of the vital statistics procedure in accordance with requirements.

## Chapter 6 IMPLEMENTATION OF ACT

### **§ 54. Correction of data acquisition errors**

Errors caused in the entry of data from vital statistics acts into the population register are also corrected in accordance with the procedure stipulated in section 12 of this Act. An entry shall contain a reference to the reason for the change.

### **§ 55. Official and ministers of religion appointed before entry into force of this Act and fulfilling tasks of vital statistics officials**

(1) Officials, who have been appointed by the moment of entry into force of this Act and whose service tasks under the job description include the performance of vital statistics procedures, as well as ministers of religion, who wish to continue the performance of vital statistics procedures related to the contraction of marriage shall pass the exam specified in subsection 4(3) of this Act before the entry into force of this Act.

(2) After passing the exam specified in subsection 4(3) of this Act, an official shall be granted the right to act as a vital statistics official. Upon failure to pass the exam, the official shall lose the right to perform vital statistics procedures and that may constitute

grounds for releasing him or her from service duties on the basis of the Public Service Act.

(3) A minister of religion who has passed the exam shall be granted the right specified in subsection 17(1) of this Act for five years. After the five-year period the provisions of subsection 17(2) shall be applied. A minister of religion who fails to pass the exam shall lose the right to certify the contraction of marriages.

#### **§ 56. Transfer of vital statistics to public archives**

Church registers, birth, marriage and death registers, family registers, vital statistics acts and printouts of vital statistics entries shall be transferred to public archives 100 years after the compilation thereof.

**§-d 57–66** [Omitted from this text]

#### **§ 67. Entry into force of Act**

(1) This Act shall enter into force on 1 July 2010.

(2) subsection 3(3) and (4), subsections 4(3) and (5) and section 57 of this Act shall enter into force in accordance with general procedure.

[\[RT I 2010, 20, 103](#) – entered into force 18.05.2010]

(3) The regulation specified in subsection 4(4) of this Act shall enter into force on the date stipulated in the regulation.

(4) Starting from 1 June 2010, an application for contraction of marriage meeting the requirements stipulated in section 37 of this Act shall be submitted to a vital statistics office for the contraction of a marriage and an application for divorce meeting the requirements stipulated in section 44 of this Act shall be submitted to a vital statistics office of divorcing a marriage.

[\[RT I 2010, 20, 103](#) – entered into force 18.05.2010]