

# Minister of Justice of Georgia

## Order No 18

31 January 2012

Tbilisi

### On Approval of the Procedures for Civil Registration

Under Article 98(10) of the Law of Georgia on Civil Status Acts, and Article 61 of the General Administrative Code of Georgia, I hereby **order**:

1. The Procedures for Civil Registration annexed to this order shall be approved.
2. Order No 118 by the Minister of Justice of Georgia of 18 April 2008 on Approval of the Form of Protocol for Certifying the Fact of a Person's Death shall be declared void.
3. This Order shall enter into force from 1 February 2012.

**Z. Adeishvili**

#### Amendments made:

1. Order No 151 by the Minister of Justice of Georgia of 23 August 2012 – website, 24.8.2012
2. Order No 159 by the Minister of Justice of Georgia of 11 September 2012 – website, 11.9.2012
3. Order No 113 by the Minister of Justice of Georgia of 25 December 2015 – website, 25.12.2015

### Procedures for Civil Registration

#### Chapter I - General Provisions

##### Article 1 - Scope of regulation

This Procedure regulates the relationships connected to the issues of civil registration, introducing changes, amendments, and/or addenda to civil records, re-registration of civil status acts, annulment of civil records of birth and death, registration of a person's birth and death, as well as establishing legally significant facts of birth and death at a certain time and under certain circumstances, and issuing a document of civil registration by the civil registration authorities.

##### Article 2 - Definition of terms

For the purposes of these Procedures, the terms used in these Procedures shall have the following meanings:

- a) **the Agency** – the Public Service Development Agency – a legal entity under public law within the Ministry of Justice of Georgia;
- b) **territorial office** – a territorial office of the Agency;
- c) **civil registration authority** – a territorial authority exercising its powers as determined by the Statute approved by an order of the Minister of Justice of Georgia, as well as a notary exercising powers delegated to him/her under the Law of Georgia on Notary, and by a contract;
- d) **consular official** – a consular official in a diplomatic mission or consulate of Georgia abroad, who exercises the powers provided for by the Law of Georgia on Civil Status Acts under the Procedures and as determined by the joint order of the Minister of Foreign Affairs of Georgia and the Minister of Justice of Georgia;
- e) **database** – a collection of data created as a result of processing information while exercising the powers falling within the competence of the Agency under the legislation of Georgia;
- f) **electronic database** – a database or its part, available in electronic form;



g) **couple** – a woman and a man, who are defined as the parents of a child, according to the contract provided for in Article 19 of these Procedures.

*Order No 151 by the Minister of Justice of Georgia of 23 August 2012 – website, 24.8.2012*

### **Article 3 - Civil records**

1. A civil record shall be entered in electronic form through special computer software, or in tangible form in cases provided for by legislation.
2. One copy of the civil record entered electronically shall be printed out in tangible form after being filled out to ensure its future storage.
3. An authorised civil registration official shall sign and seal a civil record printed out in tangible form.
4. The civil registration authority employee having filled out the record shall be held personally responsible for the accuracy of the civil record and the quality of its filling out.
5. The procedure for filling out civil records shall be defined by an order of the Chairperson of the Agency.

*Order No 159 by the Minister of Justice of Georgia of 11 September 2012 –website, 11.9.2012*

### **Article 4 - Storage of civil records**

1. Civil records (both in electronic and tangible forms) shall be stored by the civil registration authority, which has conducted the respective civil registration, except as provided for paragraph 11 of this article.

1<sup>1</sup>. Civil records registered by a notary shall be sent to the Central Archives of Civil Status Acts of the Agency not later than the last day of each calendar month.

2. Civil records shall be compiled chronologically into books of civil records by the civil registration authority that is responsible for the storage of civil records.

3. Every five years the books of civil records shall be delivered for storage by the civil registration authority to the Central Archives of Civil Status Acts, where they are kept for 75 years from the year of entering civil records compiled in a respective book.

4. After every 75 years from the year of entering civil records compiled in books of civil records, the respective books of civil records shall be delivered by the Central Archives of Civil Status Acts of the Agency to the National Archive of Georgia for permanent storage.

*Order No 151 by the Minister of Justice of Georgia of 23 August 2012 –website, 24.8.2012*

### **Article 5 - Place of civil registration**

1. Any territorial office, at an applicant's discretion, shall conduct civil registration, unless otherwise provided for by the legislation of Georgia.

2. A notary shall conduct civil registration at the notary office or outside of it within the powers delegated to him/her.

*Order No 151 by the Minister of Justice of Georgia of 23 August 2012 –website, 24.8.2012*

### **Article 6 - Submission of an application**

1. A person interested in issuing an administrative act or performing an action under the Law of Georgia on Civil Status Acts shall apply to the civil registration authority in writing.

2. The application may be submitted in tangible or electronic form.

3. The application for civil registration shall be accompanied by the documents provided for by the Law of Georgia on Civil Status Acts and these Procedures.

4. If there is a substantiated doubt with respect to the validity of the documents submitted, the territorial office shall be authorised to verify the data (information) provided in the documents.

5. Submitting the documents under these Procedures for registration, and for introducing changes, corrections and/or additions to civil status acts, as well as for carrying out other activities in respect to civil status acts shall not be mandatory, provided that the electronic database of the Agency contains the information stated in the respective documents.

6. Paragraph 5 of this article shall not apply to the submission of documents to the civil registration authorities that are not connected to the electronic database of the Agency.



## **Article 7- Submission of an electronic application**

1. Unless otherwise provided for by legislation, an electronic application may be submitted in one of the following cases:
  - a) an application is certified by a digital signature of the applicant;
  - b) electronic communication allows the possibility of direct visual contact between the applicant who is abroad and the person authorised to accept the application, and it is possible to identify the applicant and authenticate his/her identity using the information available in the electronic database of the Agency.
2. The Agency shall ensure the storage of visual contact records in electronic form.
3. An applicant applying to the Agency from abroad under the procedure as provided for in paragraph 1(b) of this article shall have the right to request, along with the issuance of a civil registration certificate or respective reference, their legalisation or apostillisation.
4. Documents issued by a foreign state and necessary for issuing an administrative act or performing an action in response to an application submitted under paragraph 1(b) of this article, must be submitted in tangible form, duly legalised or apostilled, unless otherwise provided for by an international treaty or agreement of Georgia.
5. Documents provided for in paragraph 4 of this article may be accepted electronically and without submission of original copies, if it is possible to verify the fact of legalisation or apostillisation of the documents through the respective electronic registry.
6. If it is impossible to verify the fact of legalisation or apostillisation of documents through the respective electronic registry, an authorised person shall determine a reasonable timeframe, but not longer than 60 calendar days, for submitting original copies of documents.
7. If documents are not submitted in tangible form within the timeframe determined under paragraph 6 of this article, the Agency shall have the right to make a decision on leaving the application without consideration.
8. A respective official shall have the right to refuse the provision of service under paragraph 1(b) of this article if there are reasonable doubts with respect to the identity of an applicant or any other significant circumstances for the civil registration. Service provision prior to application admission may be denied in oral form, which must be confirmed by a visual contact record.
9. A person authorised to render a service provided for by the Law of Georgia on Civil Status Acts may give his/her consent, as well as a person authorised to submit an application may give a proxy to a third person under the procedures defined in paragraphs 1-4 and 8 of this article.

## **Article 8 - Conditions for submitting documents**

1. Documents provided for by these Procedures must be submitted to civil registration authorities in tangible form. Submission of documents shall not be obligatory if the electronic database contains data indicated in the given documents or if the data may be obtained by the Agency through the electronic database of other administrative authority.
2. The documents, issued (certified) in a foreign state, necessary for the provision of a service defined by these Procedures, must be submitted after due legalisation or apostillisation, together with the translations certified under the legislation of Georgia, unless otherwise provided for by an international treaty or agreement of Georgia, or these Procedures.
3. Apostilled or legalised documents may be submitted electronically or as a photocopy if the authenticity of the fact of legalisation or apostillisation of the documents may be verified by means of a respective electronic registry.
4. If so provided for by paragraph 3 of this article, a notarised translation must be attached to a document submitted electronically or as a photocopy. A translation made/certified by an authorised body/person of a foreign state shall be submitted legalised or apostilled.
5. The documents certifying the authenticity of the fact of legalisation or apostillisation of documents must be attached to the materials of the administrative proceedings in tangible or electronic form.
6. Documents issued by a competent authority of a foreign state shall be submitted to the civil registration authority along with notarised Georgian translation, unless otherwise provided for by the legislation of Georgia. The Agency shall be authorised to accept the passport of a foreign national without a Georgian translation, if it contains personal information of the foreign national in Latin transliteration.

*Order No 159 by the Minister of Justice of Georgia of 11 September 2012 – website, 11.9.2012*

## **Article 9 - Service fee**

The fee, established by legislation, shall be payable for the services under this Procedures.

## **Article 10 - Civil registration certificate**

1. A territorial office shall issue a civil registration certificate upon the request of an authorised person based on the civil records stored in the database.

1<sup>1</sup>. A notary shall be authorised to issue a civil registration certificate for the civil status act registered by him/her.

1<sup>2</sup>. The Agency, through the Notary Chamber of Georgia, shall provide notaries with the forms of civil registration certificates.



1<sup>3</sup>. The authenticity and validity of any civil registration certificate may be verified on the Agency website. Published data shall have legal force and shall be deemed genuine until proven otherwise.

2. The Chairperson of the Agency shall approve the form of an application for a civil registration certificate.

3. A civil registration authority having no access to the electronic database of civil records shall issue civil registration certificates only based on civil records stored at the authority.

4. A civil registration certificate shall be issued to the person in respect to whom the civil record has been registered. In case of the death of the above person the certificate may be issued to his/her heirs.

5. A birth certificate shall also be issued to parents, adoptive parents, guardians, custodians, as well as to the bodies of guardianship and custody.

6. No birth certificates shall be issued to persons who have been deprived of parental rights for the children in respect to whom they have been deprived of parental rights.

7. An adoption certificate shall be issued to the adoptee with the consent of a biological parent(s) and an adoptive parent(s), as well as in case the parents' data of the adoptee have not changed after the adoption.

8. In the case of death of a biological parent or an adoptive parent, the adoption certificate shall be issued with the consent of the surviving parent(s) and/or adoptive parent(s). In the case of the death of a parent(s) and an adoptive parent(s) the adoption certificate shall be issued upon the application submitted by the adoptee.

9. A marriage certificate shall not be issued if two or more effective civil marriage acts are registered to the same person. In this case, a document with the reference to all effective civil marriage acts may be issued instead of a marriage certificate.

10. If a marriage is terminated, the marriage certificate shall be issued with a note 'TERMINATED'.

11. A birth certificate of the deceased shall be issued with a note 'DECEASED'.

12. A death certificate may be issued to any person.

13. A civil registration certificate shall be printed and filled out in the official language except for the cases provided for by an international treaty or agreement of Georgia or the Law of Georgia on Civil Status Acts. The civil registration certificate may be printed and/or filled out in English, at the request of a person authorised to receive the certificate.

13<sup>1</sup>. A civil registration certificate shall be executed in electronic form using special computer software, and in the cases provided for by legislation - in tangible form.

13<sup>2</sup>. Upon completion of a civil registration certificate executed in electronic form, it shall be printed out for further use in tangible form in a single copy.

13<sup>3</sup>. The signature and seal of an authorised person may be affixed to a civil registration certificate electronically through the respective software, except for a certificate issued by a notary and a consular official.

13<sup>4</sup>. An officer of the civil registration authority who has filled out a civil registration certificate shall bear personal responsibility for the accuracy and quality of filling out the civil registration certificate.

14. The Chairperson of the Agency shall define the procedure for filling out a civil registration certificate by an order.

15. An ID document of the applicant, along with the application for issuing a civil registration certificate, shall be submitted to the civil registration authority.

16. A civil registration certificate shall be issued within five working days after the submission of the application.

17. In the case of registering adoption or paternity establishment, a new birth certificate shall be issued on the same day.

*Order No 151 by the Minister of Justice of Georgia of 23 August 2012 – website, 24.8.2012*

*Order No 159 by the Minister of Justice of Georgia of 11 September 2012 – website, 11.9.2012*

## **Article 10<sup>1</sup> - Revocation of civil registration certificates**

1. A civil registration certificate shall be revoked if the data contained in the certificate do not match the civil records used as a basis for issuing the civil registration certificate.

2. Issuing a written decision on revocation of a civil registration certificate by the civil registration authority shall not be obligatory.

3. A civil registration certificate executed electronically using a special software shall be deemed revoked from the date of adding a relevant note to the civil registration certificate stored in the database and published on the Agency website, while in other cases—from the date when the decision for introducing changes, amendments, and/or addenda to the respective civil record enters into force.



## **Article 11- Representation**

1. To receive services under these Procedures, a person shall have the right to communicate with a civil registration authority through a representative, unless otherwise provided for by legislation.
2. Representation powers must be certified by a power of attorney (proxy) either notarised or drawn up according to Article 7(9) of these Procedures.
3. A power of attorney (proxy) attested in a foreign state must be submitted legalised or apostilled, unless otherwise provided for by an international treaty or agreement of Georgia.
4. A notarised translation must be attached to a power of attorney (proxy) executed in a foreign language. Documents translated/certified by a competent authority of a foreign state must be submitted legalised or apostilled.
5. Documents provided for by paragraphs 3 and 4 of this article may be submitted electronically or as a photocopy if the authenticity of the fact of apostillation or legalisation of the documents may be verified by means of the respective electronic registry.
6. A civil registration authority shall be authorised to deny the applicant's request if the substantiated doubt about the authenticity of the submitted document arises.

## **Article 12 - Consent**

Consent of an authorised person for providing services under the Law of Georgia on Civil Status Acts shall be expressed:

- a) in duly certified written form;
- b) in written form in the presence of an authorised person of the Agency or a consular official;
- c) by electronic communication in the presence of an authorised person of the Agency, if the person giving consent can be identified and his/her identity can be authenticated by using the information stored in the electronic database of the Agency.

## **Article 13 - Accessibility of information**

1. A person who does not have the right to receive personal information (including the copies of civil records) under the Law of Georgia on Civil Status Acts shall be given materials of administrative proceedings for familiarisation, excluding the documents containing the above data.
2. Copies of civil records of birth or adoption shall be issued upon request of a body of guardianship and custody, or under a resolution of an investigative body, or a court decision.
3. Death registration data may be published on the website. Published records shall have legal force and shall be deemed authentic until proven otherwise.

## **Article 14 - Regulation of procedural and technical issues**

Technical and procedural issues with respect to the civil registration shall be regulated by an order of the Chairperson of the Agency, unless otherwise provided for by law or these Procedures.

## **Chapter II - Birth Registration**

### **Article 15 - Grounds for birth registration**

A document evidencing the birth of a **child/person** shall be used as a basis for birth registration that, in cases provided for by these Procedures, must be accompanied by the respective documents.

### **Article 16 - Birth registration based on the certificate issued by a medical institution**

1. Information necessary for birth registration shall be indicated in the civil birth record based on a medical birth certificate issued under the procedures as determined by a joint order of the Minister of Health, Labour, and Social Affairs of Georgia and the Minister of Justice of Georgia.
2. If the medical birth certificate indicates the birth of a child as a result of in vitro fertilisation, a civil registration authority shall register birth immediately after submission of the documents provided for in Article 19 of this Procedure, but not later than seven calendar days from the submission of the medical birth certificate. If the documents are not submitted within the above timeframe, birth shall be registered under the general procedure.



### **Article 17- Registration of birth based on a decision establishing a legally significant fact**

In the course of birth registration based on a decision establishing a legally significant fact of a person's birth at a certain time and under certain circumstances or of a person's birth registration, data in the civil records shall be indicated on the basis of the decision.

### **Article 18 - Registration of birth based on an application submitted by a parent(s) or a body of guardianship and custody**

1. For registering a child's birth, his/her married parents shall submit to a civil registration authority, along with an application, the following documents:

- a) a marriage certificate,
- b) ID documents of both parents (if the application is submitted by one of the parents, an ID of the other parent shall not be submitted),
- c) a document evidencing birth, for birth registration.

2. For registering a child's birth, his/her unmarried parents shall submit, along with a joint application, the following documents:

- a) ID documents of both parents,
- b) a document evidencing birth, for birth registration.

3. If one or both of unmarried parents is/are a minor(s), a written consent of the minor mother's and/or father's parent or other legal representative on registering a person as a father of the child shall be submitted along with an application for birth registration.

4. If one of the unmarried parents fails to submit an application personally, his/her application to a civil registration authority may be submitted as determined by Articles 7 and 11 of these Procedures or in the notarised form.

5. For registering a child's birth, an unmarried mother shall submit, along with an application, the following documents:

- a) an ID document,
- b) a document evidencing birth, for birth registration.

6. For registering a child's birth, a body of guardianship and custody shall submit, along with an application, the following documents:

- a) a document evidencing birth, for birth registration,
- b) a marriage certificate of parents (if any).

### **Article 19 - Birth registration of a child born as a result of in vitro fertilisation**

1. For registering the birth of a child born as a result of in vitro fertilisation, along with the documents defined by the legislation of Georgia, the following documents shall be submitted to a civil registration authority:

- a) a document certifying an in vitro fertilisation, issued by the medical institution upon embryo transfer,
- b) a notarised agreement concluded before the in vitro fertilisation between/among:

b.a) a female giving birth to a child and the child's genetic parents, or

b.b) a female giving birth to a child, the child's genetic parent, a person to be indicated as the child's parent (who is not the child's genetic parent) in the civil birth record and the donor, or

b.c) a female giving birth to a child, a couple, and donors.

2. The following persons shall be deemed to be the parents to a child born as a result of in vitro fertilisation:

- a) the child's genetic parents,
- b) a genetic parent and a person to be indicated as the child's parent in the civil birth record,
- c) a couple.

3. Indicating a donor or 'a surrogate mother' as a child's parent in a civil birth record shall not be permitted.

4. Failure to submit the agreement defined in paragraph 1(b) of this article during the birth registration of a child born as a result of in vitro fertilisation will result in the absence of indication of the child's parents in the civil birth record. In this case, the first name and the surname of the child shall be indicated in the civil birth record based on an application of the body of guardianship and custody.



## **Article 20 - Recording a child's first name and surname during the birth registration**

1. While registering the birth of a child born to an unmarried mother, the first name of the child shall be recorded based on the mother's indication, whereas the mother's surname shall be recorded as the child's surname.
2. While registering the birth of a child born to married parents, the first name and surname of the child shall be recorded based on a mutual agreement of the parents. If the parents have the common surname, the parents' surname shall be recorded as a surname of the child; and if the parents do not have the common surname, one of the parents' surname shall be recorded as the surname of a child under a mutual agreement of the parents. Under a mutual agreement of the parents, a combination of both parents' surnames may be recorded as the child's surname, except for the cases when at least one of the parents has a combined (double) surname.
3. While registering the birth of a child based on a joint application of unmarried parents, the first name and surname of the child shall be recorded under mutual agreement of the parents. The surname of the child shall be recorded according to the surname of either parent. Under a mutual agreement of the parents, a combination of both parents' surnames may be recorded as the child's surname, except for the cases when at least one of the parents has a combined (double) surname.
4. If parents have different surnames and they cannot reach an agreement on the child's first name and/or surname, the issue of recording the first name and the surname of the child shall be decided by a court. Before the court decision is delivered, the child's name shall be recorded as determined by paragraph 7 of this article, and the combination of both surnames shall be recorded as the child's surname. If one of the parents has a combined (double) surname, the mother's surname shall be recorded as the child's surname.
5. While registering the birth of a child born to married parents, if at the time of registration the mother of the child is dead or is declared legally incapable or missing, or has been deprived of parental rights based on a valid court decision, the name and the surname of the child shall be recorded as indicated by the child's father. If the parents have the common surname, the surname of parents shall be recorded as the child's surname; if the parents do not have the common surname, the surname of the child shall be the surname of one of the parents or the combined surname of the parents, except for the cases when one of the parents has a combined (double) surname.
6. While registering the birth of a child born to unmarried parents, if at the time of registration the mother of the child is dead or is declared legally incapable or missing, or has been deprived of the parental rights based on a valid court decision, and there is no joint application of parents submitted to a civil registration authority on establishing paternity with respect to a still unborn child, the child's first name and surname shall be recorded as indicated by the father (a person establishing paternity). The surname of either parent or the combined surname of both parents shall be recorded as the child's surname, except when one of the parents has a combined (double) surname.
7. If an authorised person does not define the first name and/or surname for a child while registering the child's birth, the civil registration authority, taking the child's sex into account, by means of a special software, shall give the child a name, randomly selected from the sex-specific typical names registered in the Agency database. In this case, the mother's surname shall be recorded as the child's surname.
8. Digits, punctuation marks, geometric figures, graphic images, symbols, indecent and offensive words, or words consisting of multiple parts (consisting of more than two names) may not be recorded as a child's first name.
9. While recording a child's surname in the civil birth record, if requested by an applicant, the specificities of a concrete surname associated with gender indication (expression) must be considered.

## **Article 21 - Determining the birth place during the birth registration**

1. The name of the country and administrative-territorial unit (in Georgia – a self-governing unit), where the child was born shall be recorded as the place of the child's birth in the civil birth record.
2. At the parents' discretion, the place of registration of one of the parents may be specified as the child's place of birth, unless the actual place of the child's birth or the parent's place of registration is a foreign state.

## **Article 22 - Birth registration of foundlings**

1. While registering the birth of a foundling, the child's name, surname, date, and place of birth shall be entered in the civil birth record based on a written application by the body of guardianship and custody, and a medical report establishing the child's age.
2. The civil birth record of a foundling shall specify 'An abandoned child of unknown parentage'.

## **Article 23 - Assigning a personal identification number and registration at an address during the birth registration**

1. The territorial office shall assign a personal identity number to a person during the birth registration.
2. Assigning two or more personal identity numbers to the same person or assigning the same personal identity number to different persons shall not be permitted.
3. Changing or revoking a personal identity number, lawfully assigned to a person, shall be inadmissible, unless otherwise provided for by the legislation.
4. Changing or reusing a personal identity number of a deceased person shall not be permitted.



5. If two or more personal identity numbers are assigned to a person, or the same personal identity number is assigned to two or more persons, the issue of either retaining or revoking a personal identity number shall be resolved based on a substantiated resolution by the head of the territorial office.
6. A personal identity number shall consist of eleven digits. The first two digits (from 01 to 99) shall be an administrative unit code, the subsequent one digit (from 1 to 9) shall be a check digit obtained by a certain formula from the remaining ten digits. The next two digits (from 01 to 99) shall be the code of the territorial office of the Agency that has assigned the personal identity number to a person, and the last six digits shall be the serial number of the record on assigning the personal identification number to a person (from 000001 to 999999), except for the combinations 666XXX, X666XX, XX666X, and XXX666.
7. The first two digits of a personal number assigned to a citizen of Georgia staying abroad shall denote the Ministry of Foreign Affairs of Georgia, the subsequent one digit (from 1 to 9) shall be a check digit, the next two digits shall be indicative of the diplomatic mission or consulate of Georgia abroad that has assigned the personal identity number to the person, and the last six digits shall be the serial number of the record for assigning the personal identity number to a person, except for the combinations 666XXX, X666XX, XX666X, and XXX666.
8. The Chairperson of the Agency shall define the formula for calculating the check digit.
9. Assigning a personal identity number shall be recorded in the database of the Agency.
10. If a birth civil record is declared void, the person may still retain the personal identity number specified in the civil record, if there are no other grounds for its revocation.
11. The procedure for registering a child at an address during birth registration shall be defined by the Law of Georgia on the Procedures for Registration of Citizens of Georgia and Aliens Residing In Georgia, Issuance of Identity (Residence) Cards and Passports of a Citizen of Georgia, and by Order No 98 of the Minister of Justice of Georgia of 27 July 2011 on Approval of the Procedures for Registration and Deregistration of Citizens of Georgia and Aliens Residing in Georgia, and Issuance of Identity (Residence) Cards, Passports, Travel Passports, and Travel Documents.

#### **Article 24 - Birth registration of twins**

In the case of birth of twins, each child's birth shall be registered separately. The sequence of the births of the children must be specified in the civil birth record.

#### **Article 25 - Birth registration of dead children**

If a child has died before the birth registration, and the parent has not applied for assigning the first name and/or surname for the child, the child's first name shall be recorded as determined by Article 20(7) of this Procedures and the mother's surname shall be recorded as the child's surname. Child's death shall be registered under the general procedure.

#### **Article 25<sup>1</sup> - Birth registration timeframe**

Birth shall be registered following an application filed by an authorised person not later than the following working day, unless otherwise provided for by the legislation. *Order No 159 by Minister of Justice of Georgia of 11 September 2012 – website, 11.9.2012*

### **Chapter III - Paternity Establishment**

#### **Article 26 - Grounds for the registration of paternity establishment**

1. Paternity establishment shall be registered upon the application of an authorised person or by a court decision.
2. The documents provided for by these Procedures shall be attached to the application for paternity establishment.
3. The Chairperson of the Agency shall approve the application form for paternity establishment.

#### **Article 27- Registration of paternity establishment upon a joint application of parents**

1. Parents shall submit a joint application for paternity establishment in person.
2. If a parent fails to submit an application in person, an authorised person (representative) of his/hers may do it on his/her behalf.
3. An application for paternity establishment may also be submitted in electronic form, as provided for by Article 7 of these Procedures.
4. The following documents shall be attached to a joint application of parents for paternity establishment:
  - a) identity documents of both parents



- b) the child's birth certificate
- c) a written consent by both parents of the minor mother and/or minor father or other legal representative
- d) the child's minor parent's birth certificate.

#### **Article 28 - Registration of paternity establishment upon a father's application**

The following documents shall be attached to the father's application for paternity establishment:

- a) an identity document of the father
- b) the child's birth certificate
- c) a written consent by the parent of the child's minor father or other legal representative
- d) the child's minor father's birth certificate
- e) one of the following documents:
  - e.a) a death certificate of the child's mother;
  - e.b) a valid court decision recognising the child's mother as missing;
  - e.c) a valid court decision depriving the child's mother of the parental rights;
  - e.d) a valid court decision recognising the child's mother as incapable.

#### **Article 29 - Registration of paternity establishment upon a court decision**

1. A civil registration authority shall register paternity establishment on the 30<sup>th</sup> calendar day from the delivery of a court decision on paternity establishment, and make the respective changes in the child's civil birth record.
2. While registering the paternity establishment under a court decision, the data of the child's father shall be specified in the civil record of paternity establishment based on the valid court decision.
3. Paternity establishment shall not be registered as provided for by paragraph 1 of this article, if the paternity establishment has already been registered based on the above decision, at the request of an authorised person.

#### **Article 30 - Registration of paternity establishment for a person of full legal age**

1. For registration of paternity establishment for a person of full legal age, his/her written consent shall be submitted to the civil registration authority together with other documents, except when paternity establishment is registered based on a court decision.
2. If a person of full legal age, for whom the paternity establishment is being registered, fails to appear in person to express his/her consent, the consent shall be submitted to a civil registration authority as determined by Article 7(9) of these Procedures or in a notarised form.

#### **Article 31 - Introducing changes to a civil birth record**

A civil registration authority shall enter the respective changes in a child's birth record based on the registration of paternity establishment.

### **Chapter IV - Registration of Adoption**

#### **Article 32 - Grounds for the registration of adoption**

1. Grounds for the registration of adoption shall be an authorised person's application and a valid court decision on the adoption.
2. Adoption may also be registered based on a submitted court decision.

#### **Article 33 - Registration of adoption at the request of an authorised person**

1. For registration of adoption, an authorised person shall submit an application to a civil registration authority. The Chairperson of the Agency shall approve the application form.



2. The following documents shall be attached to the application for registration of adoption:

a) a valid court decision on the adoption

b) the adoptee's birth certificate

c) an identity document of the adoptive parent (applicant)

d) a consent by a 10-year-old adoptee, if the adoptive parent requests making changes to the child's name, surname, place or date of birth, as well as to the parental data in the child's birth record, while the court decision does not specify the changes to the above data.

3. Adoption shall be registered at the request of an authorised person not later than the following working day from submitting an application and attached documents in due form.

#### **Article 34 - Registration of adoption based on a court decision**

1. A civil registration authority shall register an adoption on the 30<sup>th</sup> calendar day from submitting a decision on adoption by the court, based on the data specified in the decision.

2. If an authorised person submits an application for the registration of adoption, the adoption may be registered before the timeframe, provided for by paragraph 1 of this article, elapses, according to Article 33 of these Procedures.

3. Adoption shall not be registered according to paragraph 1 of this article, if the adoption has already been registered at the request of an authorised person.

#### **Article 35 - Change of an adoptee's personal data**

For protecting the secrecy of adoption, the adoptee's birth record may be amended and the birth may be re-registered according to the amended data, if the above is expressly specified in a court decision or in the application on registration of adoption of an authorised person.

#### **Article 36 - Voidance of adoption**

1. If a civil registration authority receives a court decision on declaring an adoption null and void, it shall enter notes in the civil records of adoption and birth on declaring the adoption, as well as the changed birth registration data null and void.

2. The data existing in the birth record before adoption must be restored as a result of declaring the data, changed in relation to the adoption, null and void, unless otherwise provided for by the law or these Procedures.

3. If an adoption is declared void, the personal data of the adoptee shall remain unchanged, if this is expressly specified in the court decision or if the adoptee or his/her legal representative submits such request to a civil registration authority, not later than on the 30<sup>th</sup> calendar day from the entry into force of the court decision.

4. If a new civil birth record with changed data has been executed for protecting the secrecy of adoption, the above record shall be deemed null and void after declaring the adoption null and void; while if the personal data (personal number, name, surname, date or place of birth) of the adoptee are retained, the respective changes shall be introduced in the initial birth registration record of the adoptee.

5. A civil registration authority shall perform the actions provided for in article not later than on the 30<sup>th</sup> calendar day from receiving a court decision on declaring the adoption null and void. Actions under paragraphs 1, 2 and 4 of this article may be performed before the above timeframe elapses, if the adoptee or his/her legal representative requests so.

### **Chapter V - Marriage Registration**

#### **Article 37 - Grounds for marriage registration**

1. Grounds for marriage registration shall be an application of intending spouses.

2. The Chairperson of the Agency shall approve the application form for intending spouses.

#### **Article 38 - Persons authorised to make a request**

Intending spouses shall apply jointly to a civil registration authority for marriage registration. A representative of one of or both intending spouses may apply to a civil registration authority for marriage registration on behalf of one of or both intending spouses.



### **Article 39 - Documents to be submitted for marriage registration and procedure for their submission**

1. The following documents must be attached to the application of intending spouses:

- a) identity documents of intending spouses,
- b) documents evidencing the termination of any previous marriage (if an intending spouse has been married before),
- c) documents evidencing the representation powers and identity documents of the representative, if the application is submitted by a representative of an intending spouse.

2. In the case of marriage registration of a person aged between 16-18, the birth certificate of the intending spouse and the written consent of his/her parents, a document evidencing the powers of a guardian and his/her written consent, or a court decision on consent to marriage must be submitted to a civil registration authority, along with an application, in addition to documents provided for by paragraph 1 of this article.

3. In the case of marriage registration of a person of full legal age with limited legal capacity, a document evidencing the powers of a guardian and his/her written consent or a court decision on consent to marriage shall be submitted to a civil registration authority, along with an application, in addition to documents provided for by paragraph 1 of this article.

4. Intending spouse(s) or his/her/their representative(s) shall sign the application submitted for marriage registration at a civil acts registration authority premises.

### **Article 40 - Marriage registration**

1. Before registering the marriage, an authorised representative of a civil registration authority shall explain to intending spouses the circumstances precluding from marriage and the legal consequences for neglecting them.

2. Each intending spouse and the witnesses shall read and sign the marriage record in person.

### **Article 40<sup>1</sup> - Marriage registration by a notary**

1. A notary shall register marriage according to the general procedure considering the specificities as determined by this article.

2. A notary shall have the right to accept an application for marriage registration both on and outside the premises of a notary office.

3. Marriage may be registered outside a notary office, if specified so in the application for marriage registration.

*Order No 151 by the Minister of Justice of Georgia of 23 August 2012 – website, 24.8.2012*

### **Article 41 - Marriage registration timeframe**

1. A civil registration authority shall register marriage, as a rule, at the time specified in an application.

2. The civil registration authority may refuse to register marriage on the day of application on the grounds of numerous pending applications for marriage registration.

3. The civil registration authority shall be obliged to register marriage on the day of application, at the request of intending spouses, if special circumstances, such as the birth of a child, real threat to the life of any of the intending spouses or other similar circumstances exist.

4. An application for marriage registration shall be valid during two months from the date of filing it with a civil registration authority.

## **Chapter VI - Divorce Registration**

### **Article 42 - Grounds for divorce registration**

1. The basis for divorce registration shall be an application of authorised persons or a court decision on divorce.

2. The Chairperson of the Agency shall approve the form of divorce application for authorised persons.

### **Article 43 - Documents to be submitted for divorce registration and procedure for their submission**

1. A person(s) authorised to apply for divorce registration shall submit an application to a civil registration authority. The following documents must be attached to the application:



- a) identity documents of a divorcing spouse, or in case of a joint application of spouses – identity documents of both spouses,
  - b) an identity document and a power of attorney of a representative, if the divorce application is submitted by a representative of a divorcing spouse,
  - c) a certificate of the marriage to be terminated.
2. If one of the spouses applies to a civil registration authority for divorce registration on the grounds as determined by the Law of Georgia on Civil Status Acts, in addition to the documents provided for in paragraph 1 of this article, he/she must attach one of the following documents to an application:
- a) a valid court decision on the divorce,
  - b) a valid court decision on recognising the other spouse as missing,
  - c) a valid court decision recognising the other spouse as legally incapable,
  - d) a valid court sentence at least three years on imprisonment of the other spouse for at least three years.
3. An application to be submitted for divorce registration shall be signed by a divorcing spouse or his/her representative at the respective territorial office premises.
- 3<sup>1</sup>. The application to be submitted for divorce registration shall be signed by a divorcing spouse or his/her representative on or outside of the notary office premises, if the applicant applies to the notary for divorce registration.
4. If one of or both of the spouses cannot appear before a civil registration authority to sign an application for divorce in person, his/her/their signature(s) must be notarised.

*Order No 151 by the Minister of Justice of Georgia of 23 August 2012 –website 24.8.2012*

#### **Article 44 - Divorce registration based on a court decision**

1. On the 30<sup>th</sup> calendar day from the submission of a court decision on divorce, the territorial office shall register the divorce, according to the data specified in the court decision.
2. If an authorised person files a divorce application, the divorce registration may take place before the term provided for in paragraph 1 of this article expires, under Article 43 of these Procedures. In this case, the divorce shall be registered on the day of application.
3. A divorce shall not be registered as provided for in paragraph 1 of this article, if the divorce has already been registered based on the above decision, at the request of an authorised person.

#### **Article 45 - Divorce registration**

1. A divorce record shall be read and signed by the spouse(s) who attend(s) the divorce registration.
2. If a person marries for the second time without terminating the previous marriage, the previous marriage shall be deemed terminated from the day of registering the following marriage, by a joint request of spouses of the previous marriage, and this shall be specified in the civil divorce record.
3. The fact and the date of the marriage shall be specified in the civil marriage record upon the divorce registration.
4. A convicted spouse or a guardian of a legally incapable spouse must be informed of the divorce registration, if the divorce has been registered due to the failure of the convicted or legally incapable person to submit a written response in due timeframe.

### **Chapter VII - Registration of First Name and/or Surname Change**

#### **Article 46 - Grounds for first name and/or surname change**

1. The basis for the registration of first name and/or surname change shall be an application of a citizen of Georgia or a stateless person having a status in Georgia, whose birth was registered in Georgia. The Chairperson of the Agency shall approve the application form.
2. The surname change shall be registered if the circumstances provided for in Articles 64-67 of the Law of Georgia on Civil Status Acts exist.

*Order No 159 by the Minister of Justice of Georgia of 11 September 2012 – website, 11.9.2012*

#### **Article 47 - Documents to be submitted for first name and/or surname change**

The following shall be attached to an application for the first name and/or surname change:

<http://www.matsne.gov.ge>



- a) an identity document of an applicant;
- b) a birth certificate (copy) of an applicant;
- c) a marriage certificate (copy) of an applicant, if he/she is married;
- d) birth certificates (copies) of an applicant's minor children, if the applicant has minor children;
- e) a written consent by a parent(s) or other legal representative of an applicant on the first name and/or surname change, if the applicant is a minor aged between 16– 18;
- f) a consent by a minor of 10 years of age, if the minor changes his/her surname together with the parent
- g) documents evidencing one of the circumstances defined in Articles 64-67 of the Law of Georgia on Civil Status Acts.

#### **Article 48 - Restoration of historic surnames**

1. To restore a historic surname, a person shall apply to a civil registration authority.
2. A civil registration authority shall consider an application on restoration of the historic surname under the Law of Georgia on Civil Status Acts, Chapter VI of the General Administrative Code, and these Procedures.
3. While considering an application, a civil registration authority shall be authorised to request information essential for the case from other administrative authorities, as well as from natural or legal persons.
4. If there are grounds for restoring a historic surname, the civil registration authority shall make a decision on restoring the historic surname.
5. Based on the decision on restoring a historic surname, the civil registration authority having made the decision shall register the surname change.

#### **Article 49 - Procedure for registering a first name and/or surname change**

1. If there are grounds for a first name and/or surname change (including legal recognition or establishment of a surname), the territorial office shall take a substantiated decision on the first name and/or surname change (on the legal recognition of surnames or establishment of surnames).
2. Based on the decision on the first name and/or surname change (including legal recognition or establishment of a surname), the territorial office having made the decision, shall register a civil act.
3. In the case of a first name and/or surname change (including the legal recognition of or establishment of a surname), the respective changes shall be made to the other registered civil records of the person concerned.

*Order No 159 by the Minister of Justice of Georgia of 11 September 2012 – website, 11.9.2012*

#### **Article 50 - Changing parental data in the birth certificate of a child**

1. A parent's first name and/or surname change shall result in the change of the parental data in the civil birth record of his/her minor child.
2. If an unmarried mother changes her surname under the procedure determined by this chapter, as well as if a parent, whose minor child bears his/her surname, changes his/her surname, and the parents have different surnames, the surname of the minor child under the age of 10 shall be changed accordingly in his/her civil birth record.
3. Parental data shall be changed in the adult child's birth record at the request of a parent or an adult child, under the procedures determined for introducing changes and amendments to civil status acts.

### **Charter VIII - Death Registration**

#### **Article 51 - Grounds for death registration**

The basis for death registration shall be a document certifying the person's death that in cases provided for by these Procedures shall be accompanied by the respective documents.

#### **Article 52 - Application for death registration**

1. A natural person (including a parent (adoptive parent), spouse, and child (adoptee) of the deceased) shall submit an application for death registration in writing to a civil registration authority. The following shall be attached to the application:



- a) an identity document of the applicant,
  - b) an identity document of the deceased person (if any),
  - c) a document evidencing death.
2. An application of an administrative authority for death registration shall be accompanied by a document evidencing death.
3. For registering death, persons defined by Article 71 1(a) and (b) of the Law of Georgia on Civil Status Acts shall provide a medical death certificate.
4. For registering death, a trustee of the Gamgeoba (City Hall) shall provide a protocol, drafted according to Appendix No 1 of this Order that shall contain:
- a) the date of drafting the protocol
  - b) the place of drafting the protocol
  - c) the name, surname, sex, date and place of birth , citizenship, and personal number of the deceased person
  - d) the series and number of the identity document of the deceased person
  - e) the last registration address of the deceased person
  - f) the summary of testimony/explanations of witnesses:
    - f.a) the place of death
    - f.b) the date of death
    - f.c) the cause of death
    - f.d) other information about the deceased person
  - g) the names and surnames of witnesses
  - h) the personal numbers of witnesses
  - i) the series and numbers of personal identity documents of witnesses
  - j) the kinship with the deceased person
  - k) the signatures of witnesses
  - l) information on the person, who drafted the protocol:
    - l.a) the name and surname
    - l.b) the personal number
    - l.c) the position
  - m) a field for adding notes
  - n) the signature of the person who drafted the protocol.
5. Authorities provided for by Article 71(1)(d) and (e) of the Law of Georgia on Civil Status Acts shall submit a notification for registering the death of a military servant during peacekeeping missions, and hostilities, as well as as a result of natural disasters.
6. In the cases provided for by paragraphs 1 and 2 of this article, a certificate of death of a person in the Second World War, issued by an authorised administrative authority may be considered as a document evidencing death.

*Order No 159 by the Minister of Justice of Georgia of 11 September 2012 – website 11.9.2012*

### **Article 53 - Procedure for death registration**

1. Based on a document evidencing death, the territorial office shall draw up a civil death record.
2. If a document certifying death does not contain sufficient information for the person's identification, the territorial office shall be authorised to request additional documents from the applicant.
3. If identification of a deceased person is impossible, the territorial office shall register death without specifying the identification data (death registration of an unknown person).
4. A note on a person's death shall be made in the civil birth record of the deceased person that is stored in the electronic database.



5. While registering a married person's death, the information about the termination of marriage due to the spouse's death shall be made in the civil marriage record stored in the electronic database.

#### **Article 54 – Timeframe for death registration**

Death shall be registered not later than on the following working day from the receipt of the document evidencing death.

#### **Article 55 - Procedure for the issuance of death certificate**

A death certificate shall be issued upon death registration; and if death has been registered based on a request by an institution having issued the document certifying death, the death certificate shall be issued on the day of submitting a request.

### **Chapter IX - Introducing Changes, Amendments, and/or Additions to Civil Records**

#### **Article 56 - Initiation of an administrative proceeding to introduce changes, amendments, and/or additions to civil records**

1. A civil registration authority shall initiate an administrative proceeding on introducing changes, amendments, or additions to civil records on the basis of an application by an authorised person.
2. If preconditions, provided for by the Law of Georgia on Civil Status Acts, for introducing changes, amendments, and/or additions to a civil record occur, a civil registration authority shall initiate an administrative proceeding to introduce changes, amendments, and/or additions to a civil record, on which it shall make a substantiated decision.

#### **Article 57 - Involvement of an interested person in an administrative proceeding for introducing changes, amendments, and/or additions to civil records**

1. A civil registration authority shall be obliged to notify the person(s), with respect to whom the respective civil status act is registered, of initiation of an administrative proceeding for introducing a change, amendment, and/or addition to the civil record.
2. The rights and obligations of an interested person shall be defined by the General Administrative Code of Georgia.

#### **Article 58 – Making a decision on introducing changes, amendments, and/or additions to a civil record**

1. To ascertain and evaluate the circumstances essential for a case, if necessary, a civil registration authority shall request copies of documents maintained with other administrative authorities.
2. Based on evaluation and reconciliation of evidence, a civil registration authority shall make a substantiated decision on introducing a change, amendment, and/or addition to a civil record or on refusal to do so.
3. An authorised person of a civil registration authority shall sign and seal the decision. A copy of the decision shall be furnished to the parties to the administrative proceeding.

#### **Article 59 – Introducing a change, amendment, and/or addition to a civil record**

1. A change, amendment, or addition to a civil record maintained in the electronic database shall be made by the civil registration authority having made the decision, whereas, in the case of civil records stored in tangible form – by the territorial office, where the civil records are stored.
2. A change, amendment, and/or addition to a civil record stored in tangible form shall be introduced based on a notification of the civil registration authority having made a decision.
3. A new certificate of the respective civil registration shall be issued, at the request of the applicant, immediately after introducing a change, amendment, and/or addition to a civil record.

### **Chapter X - Civil Re-registration**

#### **Article 60 - Grounds for civil re-registration**

Grounds for civil re-registration shall be:



- a) a court decision or a decision by a civil registration authority on establishing the respective fact of legal significance;
- b) an application by a citizen of Georgia or a permanent residence permit holder for re-registration of a civil status act registered in another state in Georgia.

#### **Article 61 - Civil re-registration based on a court decision or a decision by a civil registration authority**

1. A civil registration authority shall re-register a civil act based on a valid court decision on establishing the respective fact of legal significance.
2. If a decision on establishing a legally significant fact of civil registration does not contain the data necessary for civil registration, which makes it impossible to identify the person who is subject to civil registration or makes it impossible to establish the exact time of a legally significant fact, the civil registration authority shall make a decision to refuse civil re-registration.
3. A civil act, based on a decision on establishing a legally significant fact of birth or death registration, shall be re-registered as determined by Article 74 of these Procedures.

#### **Article 62 - Civil re-registration based on an application by an authorised person**

1. To re-register a civil status act registered by a competent authority of other state, an authorised person shall apply to a civil acts registration authority.
2. The following shall be attached to an application for re-registration in Georgia of a civil status act registered by a competent authority of other state:
  - a) a document evidencing the civil registration by a competent authority of another state (a certified copy of a civil record, an extract of the above record, or a civil registration certificate);
  - b) a notarised Georgian translation of a document evidencing civil registration by a competent authority of other state;
  - c) an identity document of an applicant.
3. A document provided for in paragraph 2(a) of this article shall be submitted to a civil registration authority either apostilled or legalized.

#### **Article 63 - Timeframe for civil re-registration**

A civil act shall be re-registered within five working days from submitting an application or a decision by an authorised body, unless otherwise provided for by legislation.

#### **Article 64 - Introducing changes, amendments, and/or additions to civil records**

1. The civil registration authority having re-registered the civil act shall ensure that the respective changes, amendments, and/or additions are introduced to other civil records.
2. Changes, amendments, and/or additions to a civil record registered as determined by this Chapter shall be introduced, and a civil registration certificate shall be issued under the general procedure.

### **Chapter XI - Declaring Civil Records Null and Void**

#### **Article 65 - Initiation of an administrative proceeding on declaring a civil record null and void**

1. A civil registration authority shall initiate an administrative proceeding on declaring a civil record null and void based on an application by an interested person.
2. If preconditions for declaring civil records null and void occur, a civil registration authority shall initiate an administrative proceeding for declaring the civil record void. A person, in whose regard a civil record is prepared, shall be notified of the commencement of an administrative proceeding.

#### **Article 66 – Scheduling oral hearings**

If obtaining explanations from the parties involved and from interrogating witnesses or experts is necessary for establishing the circumstances of essential significance for the case, an authorised person of a civil registration authority shall schedule an oral hearing, by adopting a written decision.

#### **Article 67 - Special conditions for declaring a civil record null and void**



To declare a civil birth record registered by a civil registration authority null and void, based on a court decision, a written consent from the person in whose regard the civil birth record has been prepared shall have to be obtained.

2. If a person in whose regard a civil record is prepared is a minor or is declared legally incapable, the consent to declare the civil record null and void shall be required from both of his/her parents, a guardian, or a custodian.

3. A civil registration authority shall define a reasonable timeframe (not longer than 30 calendar days) for the persons provided for in paragraphs 1 and 2 of this article to express their consent to declaring a civil record null and void, not later than on the second working day from initiating an administrative proceeding on declaring the civil record registered on the basis of a court decision null and void.

4. A civil registration authority shall apply to the court for declaring a court decision and a civil record null and void, unless the consent is given within the timeframe determined in paragraph 3 of this article.

5. If the court declares a civil record null and void, the civil registration authority shall, immediately after the court decision enters into force, enter the respective note in the civil record, declared null and void.

## **Chapter XII - Establishing Legally Significant Facts**

### **Article 68 - Application for establishing a legally significant fact**

1. To establish a legally significant fact of a person's birth or death at a certain time and in certain circumstances, as well as a legally significant fact of civil registration of birth or death, the interested person shall apply to a civil registration authority in writing.

2. An application for establishing a legally significant fact, in addition to data provided for in Article 78 of the General Administrative Code of Georgia, must contain:

a) information on the circumstances that make it impossible for an applicant to obtain the documents evidencing a legally significant fact through other procedures, or to restore a lost document or information about the disproportionate expenses or efforts associated with obtaining the documents evidencing a legally significant fact through other procedures;

b) detailed information about the evidence through which an applicant substantiates the facts to be proved;

c) first names, surnames, and addresses of witnesses, if the circumstances significant for the case are to be established through witness testimony.

3. Applications for establishing a legally significant fact of a person's birth at a certain time and under certain circumstances and of his/her birth registration shall be accompanied by photos of the persons in whose regard the legally significant fact must be established, except for the cases when such persons are deceased.

### **Article 69 - Examining application admissibility**

1. A civil registration authority shall examine the compliance of an application with the requirements of Article 68 of these Procedures within three days from submission of the application.

2. If an application does not comply with the requirements provided for in Article 68(2) of these Procedures, or if a photo under paragraph 3 of the same article is not attached to the application, the civil registration authority shall determine a reasonable timeframe to the applicant to eliminate the incompliance, as determined by the legislation.

3. The timeframe for considering the application shall be deemed suspended until the incompliance has been eliminated.

4. A civil registration authority shall make a decision to leave the application without consideration, unless the incompliance has not been eliminated within the specified timeframe.

### **Article 70 - Prolongation of timeframe for considering an application**

If during an administrative proceeding it is revealed that for the establishment of the circumstances essential for the case a longer timeframe than the timeframe provided for by the law is required, the civil registration authority shall make a substantiated decision on the prolongation of the timeframe for considering the application. The total timeframe for considering an application shall not exceed two months.

### **Article 71 - Decision on establishing a legally significant fact**

1. A decision on establishing legally significant facts of birth shall contain a person's name, surname, date of birth, place of birth, and parental data, unless otherwise provided for by the legislation.

2. A decision on establishing a legally significant fact of death shall contain a person's name, surname, date of birth, place of birth, date and place of death, unless otherwise provided for by the legislation.

3. Decisions on establishing legally significant facts of birth and death registration, in addition to the information provided for in paragraphs 1 and 2 of



this article, shall also contain the registration date and the name of the registration authority.

#### **Article 72 - Procedure for establishing the month and date of birth of a person**

If during the proceeding for establishing a legally significant fact of birth on a specific date and under specific circumstances, due to the absence of sufficient evidence, it is impossible to establish the month and the date of birth of a person, 30 June of the respective year shall be considered as the person's date of birth.

#### **Article 73 - Delivery of a decision to an applicant**

If an applicant does not apply, within 10 calendar days after a decision has been made by a civil registration authority, to the civil registration authority to obtain a decision on establishing of a legally significant fact or refusal of establishing of a legally significant fact, the respective decision shall be sent to him/her by mail.

#### **Article 74 - Procedure for civil registration based on a decision on establishing a legally significant fact**

1. A civil registration authority making a decision on establishing a legally significant fact shall register a civil act on the 30<sup>th</sup> calendar day from making the decision, unless the applicant requests that a civil act be registered before the expiry of this term.

2. If a decision of a civil registration authority on establishing a legally significant fact is appealed within the timeframe provided for in paragraph 1 of this article, a civil status act shall not be registered until the superior administrative authority has made the respective decision.

### **Chapter XIII - Transitional Provisions**

#### **Article 75 - Death registration based on a protocol prepared by a civil registration authority**

Until 30 December 2018, the death of a citizen of Georgia that has been assigned a personal number and his/her details are recorded in the electronic database of the Agency may, in addition to the general procedure established by Chapter VIII of the Procedures, also be registered by a civil registration authority based on the protocol prepared according to Annex No 1 to this Order.

**Annex No 1**

#### **Protocol**

#### **Certifying the Fact of Death of a Person**

1. Date of the Protocol \_\_\_\_\_

Day Month Year

2. Place of preparing the Protocol \_\_\_\_\_

City/district, municipality, village, address

#### **Information about the deceased person**

3. Name \_\_\_\_\_ 4. Surname \_\_\_\_\_ 5. Gender \_\_\_\_\_

M F

6. Date of birth \_\_\_\_\_ 7. Place of birth \_\_\_\_\_

Day Month Year

8. Citizenship \_\_\_\_\_ 9. Personal number -----



10. ID, passport or other document series and number

\_\_\_\_\_

11. Last place of registration \_\_\_\_\_

**Summary of witness/witnesses testimony/explanation**

The deceased persons':

12. Place of death \_\_\_\_\_

13. Date of death \_\_\_\_ \_\_\_\_\_ 14. Cause of death \_\_\_\_\_

Day Month Year

15. Other information about the deceased person \_\_\_\_\_

**Identity of a witness (a person confirming the fact of death)**

I.

16. Name \_\_\_\_\_ 17. Surname \_\_\_\_\_ 18. Personal number -----

19. ID series and number \_\_\_\_\_

20. Relationship to the deceased person: \_\_\_\_\_

II.

21. Name \_\_\_\_\_ 22. Surname \_\_\_\_\_ 23. Personal number -----

24. ID series and number \_\_\_\_\_ 25. Relationship to the deceased person: \_\_\_\_\_

26. Signature of witnesses (persons confirming the fact of death):

*The information provided by me with respect to the facts and circumstances of death is true. I have been warned about the criminal liability for perjury that I confirm by affixing my signature hereto.*

I. \_\_\_\_\_ II. \_\_\_\_\_

**Data of the person having drafted the protocol**

27. Name \_\_\_\_\_ 28. Surname \_\_\_\_\_ 29. Personal number -----

30. Position \_\_\_\_\_

31. Notes \_\_\_\_\_

\_\_\_\_\_

(The reasons for not filling out any of the fields of this protocol may be indicated in the space for 'Notes')

32. Signature of the official having drafted the protocol \_\_\_\_\_

