

Chapter I. General Provisions

Article 1 - Purpose

The purpose of this Law is to form a unified system for registration and recording of civil status acts.

Article 2 - Scope

This Law shall determine the types of civil status acts, the basic conditions for registration thereof, for making changes, corrections and additions to civil records, for re-registration of civil status acts, for annulment of civil records of birth and death, for registration of birth and death, for ascertaining facts of legal significance regarding a person's birth or death at a certain time and in certain circumstances, for issuing a document of civil registration, and shall identify competent authorities in the sphere of civil status acts.

Article 3 - Definition of terms

For the purposes of this Law, the terms used herein shall have the following meaning:

- a) civil status act – a fact of legal significance under this Law: birth, paternity establishment, adoption, marriage, divorce, change of first name and/or surname, death;
- b) civil record – an individual administrative legal act evidencing the fact of legal significance prescribed by this Law;
- c) civil registration – based on the national interests, registration of a fact of legal significance prescribed by this Law for the purpose of protecting the property and personal non-property rights of an individual;
- d) civil registration certificate – a document issued by a competent authority on the basis of a civil record evidencing the registration of a civil status act;
- e) change in a civil record – replacement of current data in a civil record with new data;
- f) correction in a civil record - replacement of incorrect data in a civil record with correct data;
- g) addition to a civil record – completion of incomplete data in a civil record;
- h) database of civil status acts – a collection of data created on the basis of information processed by Legal Entity under Public Law - Public Services Development Agency operating under the governance of the Ministry of Justice of Georgia, by notaries, and by Georgian diplomatic missions and consular offices abroad in the process of exercising their powers under this Law;
- i) electronic database of civil status acts – a database of civil status acts or any part thereof available in electronic form;
- j) child – a person whose birth, paternity establishment, or adoption is to be registered;
- k) legalization – certification by a duly authorized state body of genuineness of a signature on a document, authority of a signatory, and authenticity of a seal or a stamp affixed;
- l) *apostillization* – certification by a duly authorized state body of genuineness, under a simplified procedure, of a signature on a document, authority of a signatory, and authenticity of a seal or a stamp under the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Law of Georgia No 6317 of 25 May 2012– website, 19.6.2012

Article 4 - Civil registration authorities

1. Civil registration authorities are as follows:

- a) Legal Entity under Public Law - Public Services Development Agency operating under the governance of the Ministry of Justice of Georgia (hereinafter – the Agency). It shall exercise powers through its territorial offices
- b) Georgian Diplomatic Mission and Consular Office Abroad (hereinafter – the Consular Office) – within the scope of the delegated powers
- c) notary - within the scope of the delegated powers.

2. The following shall fall within the competence of civil registration authorities:



- a) registration of birth, paternity establishment, adoption, marriage, divorce, change of first name and/or surname, and death;
- b) making a change, correction, and/or addition to a civil record;
- c) re-registration of a civil status act;
- d) annulment of civil records of birth and death;
- e) ascertainment of the following facts of legal significance:
 - e.a) ascertainment of the fact of a person's birth at a certain time and in certain circumstances
 - e.b) ascertainment of the fact of a person's death at a certain time and in certain circumstances
 - e.c) ascertainment of the fact of a person's birth registration
 - e.d) ascertainment of the fact of a person's death registration
- f) issuance of a civil registration certificate and a document evidencing civil registration;
- g) storage of civil records;
- h) issuance of a document to a citizen of Georgia, a stateless person having status in Georgia to evidence that there are no bars to their marriage abroad;
- i) exercise of powers under this Law and other legal acts.

3. The Agency shall be authorized to certify and issue copies of administrative legal acts and other documents issued within the system of the Ministry of Justice of Georgia in the field of civil status acts prior to its establishment.

4. The Consular Office shall exercise all powers under the second paragraph of this article within the scope of the powers delegated to a consular official, unless otherwise prescribed by an international treaty or agreement of Georgia. A joint order of the Minister of Foreign Affairs of Georgia and the Minister of Justice of Georgia shall define the procedure for exercising the delegated powers and the scope of delegation.

5. A notary shall be authorized to conduct the registration of marriage and divorce as well as to issue registration certificates of the same civil status acts as prescribed by this Law and an order of the Minister of Justice.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012

Law of Georgia No 6317 of 25 May 2012 – website, 19.6.2012

Article 5 - Civil records and civil registration certificates

An order by the Minister of Justice of Georgia shall define the forms, reference details, and blank samples of civil records and civil registration certificates as well as the procedure for the storage of civil records and for the issuance of civil registration certificates.

Article 6 - Civil registration certificates

1. A civil registration authority, at the request of an authorized person, shall issue a civil registration certificate on the basis of a civil record stored in the database of civil status acts.
2. A civil registration certificate shall be printed and completed in the official language of Georgia, except as prescribed by an international treaty or agreement of Georgia, or this Law. A civil registration certificate may be printed and/or completed in a foreign language in cases determined by an order of the Minister of Justice of Georgia.

Article 7 - Availability of information

1. Civil registration data shall be available to any capable person of full age with respect to whom such an act has been registered, unless otherwise stipulated by the legislation of Georgia.
2. Death registration data shall be open and available to any person.
3. A ministry of Georgia and its territorial body, a public departmental establishment, a legal entity under public law and its territorial body, a judicial body, a local self-government body, and any person exercising powers under public law in accordance with the legislation of Georgia may receive information about civil registration that is necessary for the exercise of their powers, unless otherwise prescribed by law.
4. A copy of a civil record shall be issued at the request of a person authorized to receive such personal data, except for the copies of civil records of birth and adoption.
5. Where necessary, the civil registration authority shall issue an original copy of a civil record under a decision of an investigative body as well as under



a court judgment. An original copy of a civil record shall be returned to the issuing authority after proper examination and assessment or upon the entry into force of a final judgment on the case.

6. Registration data of a civil status act shall be available to a competent authority of the other country in the case stipulated by an international treaty or agreement of Georgia.

Article 8 - Genuineness of civil records and documents evidencing civil registration

The following shall be considered as genuine in Georgia:

- a) civil records, documents evidencing civil registration, including the copies of civil records certified by the civil registration authority that are drafted in Georgia or by the Consular Office based on the laws effective at the moment of drafting such documents;
- b) civil records and documents evidencing civil registration that are drafted and legalized or apostillized abroad based on the laws of other countries, unless otherwise stipulated by this Law or an international treaty or agreement of Georgia;
- c) documents evidencing civil registration that are drafted in Georgia on the basis of religious rites prior to the creation or restoration of the bodies authorized to register civil status acts in accordance with the laws applicable at the moment of drafting such documents.

Article 9 - Genuineness of data provided in civil records

Where there is discrepancy in the civil records registered with respect to a person, or there is conflict between a civil record and the data provided in a civil registration certificate, the data given in a civil record of birth shall be deemed genuine, unless proved otherwise.

Article 10 - Civil registration with respect to foreign nationals illegally residing in Georgia

Only the birth and death registration shall be carried out with respect to a foreigner illegally residing in Georgia.

Article 11 - Application submission and consideration procedure

1. This Law and an order of the Minister of Justice of Georgia shall define the procedure and conditions for submitting and considering an application for issuance of a legal administrative act or for implementation of an action as well as the procedure and conditions for civil registration.
2. Documents issued by a competent authority of any other country that are to be submitted to the civil registration authority shall require legalization or apostillization, unless otherwise prescribed by the legislation of Georgia.
3. An order of the Minister of Justice of Georgia shall define the procedure for the submission of documents issued in any other country to the civil registration authority.

Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012

Article 12 - Request for information

All individuals and legal entities as well as administrative bodies shall be required to furnish the civil registration authority with any requested information (including the information containing personal data) that is necessary for the exercise of powers prescribed by this Law.

Article 13 - First name and surname recording procedure

First names and surnames shall be recorded in a civil record and a civil registration certificate in the manner prescribed by an order of the Minister of Justice of Georgia.

Article 14 - Language of record-keeping

In exercising the powers under this Law, record-keeping at the civil registration authority shall be conducted in the official language of Georgia.

Article 15 - Recusation

1. Where there are grounds for recusation as laid down in Article 92 of the General Administrative Code of Georgia, the Chairman of the Agency shall review the application for recusation and shall decide on recusation or self-recusation of an official of the Agency's territorial office.
2. If the application for recusation is upheld, the case shall be referred for consideration to another territorial office of the Agency by decision of the



Chairman of the Agency.

3. A joint order of the Minister of Justice and the Minister of Foreign Affairs of Georgia shall define the procedure and conditions for the recusation of a consular official.

Article 16 - Consideration deadline for applications

1. The civil registration authority shall consider an application for issues falling within its competence in the time frame set by the General Administrative Code of Georgia, unless otherwise prescribed by the legislation of Georgia.

2. If there is a precondition for the civil registration authority to refuse to perform an action within its competence or to issue an administrative legal act, the application consideration deadline, established by the legislation of Georgia, may be extended at the request of an applicant and with the consent of all interested parties to an administrative proceeding, provided that the deadline extension is necessary for the provision of the document that may facilitate the satisfaction of an applicant's request. The civil registration authority shall make a justified decision on the deadline extension.

3. The civil registration authority shall continue to consider an application for a reasonable period of time. The whole period of consideration of an application shall not exceed six months.

4. The procedure set out in the second paragraph of this article shall not restrict the right of the civil registration authority to extend the time frame for administrative proceedings on its own initiative as prescribed by the legislation of Georgia.

Article 17 - Suspension of application consideration

The civil registration authority shall be authorized to suspend the consideration of an application on the basis of a justified decision if judicial proceedings are pending on the same issue. Consideration of an application shall be suspended until the court decision comes into force.

Article 18 - Waiver of claim

1. When reviewing an application, the applicant may waive his/her claim before taking a decision.

2. If an applicant waives his/her claim, the civil registration authority shall decide to terminate the application review process.

3. The procedure set forth in this article shall not apply to the review of applications filed for the registration of birth, death, adoption, for making of changes, corrections and additions to civil records as well as for the annulment of civil records.

Article 19 - Refusal of competent authority

Unless otherwise stipulated by the legislation of Georgia, an applicant may be denied to have his/her application satisfied in the following cases:

a) the performance of a relevant action or the issuance of an administrative legal act is requested by an unauthorized person;

b) no documents required by the legislation of Georgia for the performance of a relevant action or for the issuance of an administrative legal act have been provided;

c) his/her request is contrary to the legislation of Georgia.

Chapter II. Registration of Birth

Article 20 - Birth

Birth is a fact of legal significance that is subject to compulsory registration by the civil registration authority.

Article 21 - Documents evidencing birth

1. For birth registration purposes, the following shall be the documents evidencing birth:

a) medical certificate of birth

b) decision of a competent authority for the establishment of a legal significance fact of a person's birth at a certain time and in certain circumstances

c) document of birth issued by a competent authority of the other country based on the laws of the same country.

2. For birth registration purposes, an order of the Minister of Justice of Georgia may also define other documents evidencing birth.



Article 22 - Conditions for birth registration

The civil registration authority shall register the birth of a child of a Georgian citizen, a stateless person having status in Georgia who was born abroad as well as the birth of a child born in Georgia.

Law of Georgia No 6301 of 25 May 2012– website, 12.6.2012

Article 23 - Obligation to apply to civil registration authority for birth registration

1. The following persons shall be required to apply to the civil registration authority for birth registration:

- a) the head of a medical institution or his/her authorized representative, provided a child was born in that institution;
- b) a person authorized to issue a medical certificate of birth but is not employed by any medical institution, provided he/she assisted a child's mother in delivery outside a medical establishment;
- c) a parent of a child, if the persons indicated in subparagraphs (a) and (b) of this article have not announced the child's birth as well as if a child was born in the other country or outside a medical institution without the assistance of a person authorized to issue a medical certificate of birth;
- d) an authorized representative of Local Administrative Body (i.e. Gamgeoba) (City Hall), if a child was born outside a medical institution without the assistance of a person authorized to issue a medical certificate of birth;
- e) the head of a guardianship authority or an educational institution, if the person whose birth has not been registered is the ward of such institution or is under its guardianship.

2. The persons specified in paragraph (1)(a) and (b) of this article shall be required to apply to the civil registration authority for birth registration, regardless of whether other persons fulfill this obligation or not.

3. The persons specified in paragraph 1(a) and (b) of this article shall apply to the civil registration authority for birth registration in the manner prescribed by Article 24 of this Law within five working days after the birth of a child.

4. The guardianship authority, the head of an educational institution and an authorized representative of Local Administrative Body (i.e. Gamgeoba) (City Hall) shall apply, within one month from notification, to the civil registration authority in the manner prescribed by Chapter XII of this Law regarding the absence of birth registration or the birth of a child born outside a medical institution without assistance of a person authorized to issue a medical certificate.

5. A child's parent shall apply to the civil registration authority for a child's birth within one month after birth. If a parent is unable to present a medical certificate of birth, he/she shall apply to the civil registration authority in the manner prescribed by Chapter XII of this Law.

6. If a guardianship authority of the other country applies, the Consular Office shall register birth, provided that the conditions set forth in Article 22 exist.

Article 24 - Submission of medical certificate of birth

1. The head of a medical institution or his/her authorized representative shall submit a medical certificate of birth to the Agency only in electronic form. A medical certificate of birth may be filed in tangible form in the cases stipulated by a joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia.

2. A joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia shall determine the details of a medical certificate of birth and the procedure for drafting and sending thereof.

3. An institution/a person sending a medical certificate of birth to the Agency shall be responsible for the accuracy and completeness of the medical certificate sent, except when it cannot be fully completed due to the failure to obtain appropriate information.

4. The Agency shall be authorized not to register birth if the medical certificate of birth under this article does not include the information prescribed by a joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia.

Article 25 - Determination of child's first name, surname, and place of birth at birth registration

1. An order of the Minister of Justice of Georgia shall establish the procedure for determination of a child's first name, surname, and place of birth when registering birth.

2. The civil registration authority, taking into account the child's sex, shall give a child, through special software, a name randomly selected from the sex-specific names registered in the Agency database unless an authorized person applies for giving a name to a child when registering birth.

Article 26 - Recording of child's parents at birth registration



1. Whether a child is born to married parents shall be determined by a joint statement of spouses or a statement of one of the spouses as well as by the documents evidencing the child's birth and the parents' marriage.
2. In case of the death of a father, a child shall be considered born to married parents if he/she was born not later than 10 months after the father's death.
3. Whether a child is born to unmarried parents shall be determined by a joint statement of parents and by a document evidencing the child's birth.
4. If a child was born to an unmarried mother and there is no joint statement of parents or a court decision of paternity establishment, the data of the child's father shall not be specified in the civil record of birth.
5. In case of unmarried parents, the mother's data shall be specified in the civil birth record based on a document of birth and the mother's statement, while the father's data shall be specified based on a joint statement of parents. If a mother is dead, recognized as incapable, missing, or has been deprived of parental rights at the time of birth registration, the mother's data shall be specified in the civil birth record based on a document of birth, while the father's data shall be specified based on the father's statement.
6. A child born during marriage shall not be considered as born to married parents if the child's mother and her spouse file a relevant statement at birth registration.
7. If a child has been registered under a statement of one of the married parents, the parent whose statement was not provided when conducting registration shall have the right to challenge the information specified in the civil birth record within one year from the moment when he/she learns or should have learned about the registration of birth. If a child's parent is under age at the time of origin of the right to appeal, the appeal period shall commence as soon as he/she comes of age.

Article 27 - Assignment of personal identification number

1. A personal identification number is a person's unique identification information that may not be changed except for the cases directly prescribed by the legislation of Georgia.
2. A personal identification number shall be assigned to a person at the moment of birth registration and in cases prescribed by the Law of Georgia on the Procedure for Registration of Georgian Citizens and Foreign Nationals Residing in Georgia, Issuance of Identity Card (Certificate of Residence) and Georgian Citizen's Passport. An order of the Minister of Justice of Georgia shall determine the procedure for assignment of a personal identification number.
3. A consular office may conduct birth registration without assigning a personal identification number in cases stipulated by a joint order of the Minister of Justice of Georgia and the Minister of Foreign Affairs of Georgia.

Article 28 - Birth registration of foundlings

1. Birth registration of foundlings shall be conducted based on the application filed by a guardianship authority for birth registration. The application shall contain a child's first name, surname, and the approximate date and place of birth.
2. A medical report determining the age of a child shall be attached to the application set forth in the first paragraph of this article.

Article 29 - Registration of stillborn children

1. Birth registration of stillborn children shall be conducted under the procedure prescribed by this Law for registration of birth. A stillborn child's death shall not be registered.
2. The first name and surname of a stillborn child shall not be indicated in a civil birth record.

Article 30 - Birth registration of children born as a result of extracorporeal fertilization

Birth registration of children born as a result of extracorporeal fertilization shall be conducted in the manner prescribed by this Law, the Law of Georgia on Health Care and an order of the Minister of Justice of Georgia.

Chapter III. Registration of Paternity Establishment

Article 31 - Paternity establishment

Paternity establishment is a fact of legal significance recognizing a person as the father of a child that shall be registered by the civil registration authority based on an authorized person's application or a court decision.



Article 32 - Competence to apply to civil registration authority for paternity establishment registration

1. The following persons shall be authorized to apply to the civil registration authority for registration of paternity establishment:
 - a) parents jointly who are not married at the moment of the child's birth;
 - b) a child (after coming of age), one of his/her parents, a custodian, or a guardian, provided the paternity has been established by a court decision;
 - c) a child's father, if the child is under age and his/her mother is deceased, recognized as incapable, missing, or has been deprived of the parental right.
2. A joint application of parents for the paternity establishment regarding a child yet unborn may be submitted during the mother's pregnancy. In this case, parents are not required to submit a new application for registration of paternity establishment if both or one of the parents has not withdrawn the previous application.
3. Registration of paternity establishment shall be conducted if:
 - a) a child, with respect to whom the paternity establishment registration is to be conducted, is a Georgian citizen, a person holding the Georgian residence permit, is born in Georgia, or if his/her birth has been registered by a competent authority of Georgia;
 - b) one of the parents of the child is a Georgian citizen or a person holding the Georgian permanent residence permit;
 - c) a Georgian court has passed a decision of paternity establishment;
 - d) a decision of paternity establishment has been rendered by the court of other country and has been recognized in the manner prescribed by the legislation of Georgia.

Article 33 - Court decision of paternity establishment

1. A court shall send its decision of paternity establishment to the civil registration authority within five business days after its entry into force according to the place of passing the decision.
2. The civil registration authority shall conduct registration of paternity establishment based on a decision of paternity establishment presented by the court and shall make relevant changes in the civil birth record.
3. An order of the Minister of Justice of Georgia shall define the procedure for paternity establishment based on a court decision unless otherwise prescribed by this Law.

Article 34 - Special procedure for paternity establishment

1. If a person named as the father in a civil birth record is not a biological father of a child, the civil registration authority shall be authorized to register paternity establishment at a joint request of the persons specified as parents in a civil birth record and the biological father or on the basis of a court decision.
2. If the data of a child's father are entered in a civil birth record based on a court decision of paternity establishment or a civil record of paternity establishment, the paternity establishment shall be registered only by a court decision, except when the registration of paternity establishment was conducted at the time of the child's birth registration.
3. If paternity establishment is registered as prescribed by the first paragraph of this article, the civil record of paternity establishment, drawn up during the child's birth registration, shall be deemed annulled.

Article 35 - Registration of paternity establishment in respect to persons of full age

1. The registration of paternity establishment in respect to a person of full age as well as the changing of his/her surname shall be allowed only with his/her consent and when the person is recognized as incapable by a court judgment.
2. The consent set forth in the first paragraph of this article shall not be required if the registration of paternity establishment is conducted based on a court decision.

Article 36 - Establishing paternity of persons recognized as incapable

If the father of a child is recognized as incapable, the registration of paternity establishment may be conducted only on the basis of a court decision.

Article 37 - Establishing paternity at the time of birth registration

If a person is recognized as the father of a child at the time of birth registration, paternity establishment shall not be registered.



Article 38 - Term for paternity establishment registration

Paternity establishment registration shall be conducted within one business day after the submission of application.

Article 39 - Annulment of civil status act of paternity establishment

A civil record of paternity establishment may be deemed annulled if the court finds that the person named in the civil record of paternity establishment as the father of a child is not actually the father.

Chapter IV. Registration of Adoption

Article 40 - Grounds for registration of adoption

Adoption is a fact of legal significance registered by the civil registration authority based on an application of an authorized person and a court decision, whereas in cases specified in Article 44 of this Law, only based on a court decision.

Article 41 - Right to apply to civil registration authority for registration of adoption

Any adoptive parent, capable and full age adoptee, as well as guardianship authority shall be authorized to apply to the civil registration authority for the registration of adoption.

Article 42 - Changing data of adoptee and/or his/her parent(s)

1. In order to ensure the adoption privacy protection, the first name, surname, place of birth, date of birth of an adoptee, and the data of his/her parent(s) may be replaced with the data of adoptive parent(s) at the time of registration of adoption at the request of adoptive parent(s) and/or on the basis of a court decision.
2. Respective changes shall be made to the adoptee's civil birth record if the data of the adoptee and/or his/her parent(s) are changed.
3. In order to ensure the adoption privacy protection, an adoptee's birth with changed data may be re-registered at the request of an adoptive parent(s).
4. If birth is registered with changed data, the personal identification number of an adoptee under the age of 10 shall be changed at the request of an adoptive parent(s).
5. If a court decision of adoption provides for the maintenance of legal relationship of an adoptee with his/her parent(s), the data of the parent(s) shall not be changed in the adoptee's civil birth record.

Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012

Article 43 - Registration of adoption where civil birth records are not available

If prior to registration of adoption it is identified that an adoptee's civil birth record is not stored in the database of civil status acts, the adoption shall be registered after the adoptee's birth registration.

Article 44 - Court decisions on adoption and annulment of adoption

1. The court shall send its decision on adoption to the civil registration authority according to the place of decision-making, and its decision on annulment of adoption to the civil registration authority according to the place of adoption registration. A court decision shall be sent to the civil registration authority within five business days upon its entry into force.
2. The civil registration authority shall register adoption within 30 days from the receipt of a court decision on adoption and shall make the relevant change(s) in the adoptee's civil birth record.
3. If adoption is registered pursuant to the procedure set out in this article, an adoptive parent, in the manner prescribed by Article 42 of this Law, shall be authorized to request the change of the data of the adoptee or his/her parent(s) within 30 days from the entry into force of a court decision.

Article 45 - Registration of adoption on the basis of a court decision of any other country

Adoption shall be registered based on a court decision of any other country after the decision has been recognized by the Supreme Court of Georgia, unless otherwise stipulated in an international treaty or agreement of Georgia.



Article 46 - Annulment of civil adoption record

1. The respective civil adoption record shall also be deemed annulled from the day when a court decision on annulment of adoption enters into force.
2. The annulment of adoption shall result in the annulment of change(s) made to a civil birth record and in the restoration of original data.
3. If a new civil birth record has been made in order to protect the confidentiality of adoption, the annulment of adoption shall result in the annulment of an adoptee's new civil birth record as well. In this case, the original civil birth record shall be deemed genuine.
4. If a civil adoption record is annulled, an adoptee, on the basis of a court decision, as well as at his/her request or at the request of his/her representative, shall retain the changed data regarding adoption, except for the parents' data. An adoptee that has attained the age of 10 shall retain the changed data by his/her consent.
5. In the case set forth in paragraph 4 of this article, an adoptee or his/her legal representative shall apply to the civil registration authority within the period prescribed by an order of the Minister of Justice of Georgia.

Article 47 - Maintenance of adoption confidentiality

1. No adoption registration data shall be issued without the consent of a biological parent, an adoptive parent, and an adult adoptee, except for the cases directly prescribed by laws.
2. An adoptive parent shall be authorized to receive information on adoption registration without limitation.
3. An adoptee shall be authorized to receive information on adoption without limitation if the data of his/her parents have not been changed as a result of adoption. An order of the Minister of Justice of Georgia shall define the procedure and conditions for the issuance of adoption certificate to an adoptee.
4. Adoption registration details may be issued at the request of the guardianship authority, based on a resolution of an investigative body or a court decision.

Chapter V. Marriage Registration

Article 48 - Origin of marriage

For the origin of marriage, it is mandatory that the civil registration authority register the marriage.

Article 49 - Marriage registration place

1. Marriage shall be registered at the place chosen by the persons wishing to get married.
2. Registration of marriage for the person in prison facility shall take place in a specially designated area within the facility.

Article 50 - Marriage registration conditions

In order to register marriage, the persons wishing to marry shall be of marriage age and shall give their consent to marriage.

Article 51 - Marriage age

1. Marriage shall be permitted from the age of 18.
2. Marriage of a minor who has attained the age of 16 shall be allowed with the prior written consent of the parents or the guardian. If the parents or the guardian refuses to give consent, or if it is impossible to obtain such consent, marriage of a minor who has attained the age of 16 shall be allowed on the basis of a court decision.
3. Marriage of adult persons with limited abilities shall be allowed with the prior written consent of the guardian. If the guardian refuses to give his/her consent, or if it is impossible to obtain such consent, marriage of an adult person with limited ability shall be allowed on the basis of a court decision.

Article 52 - Marriage registration

1. In order to register marriage, an application of persons wishing to marry shall be submitted to the civil registration authority.



2. Persons wishing to marry shall submit an application to the civil registration authority in person or through a representative. Representation powers shall be confirmed in the manner prescribed by the legislation of Georgia.
3. Persons wishing to marry shall confirm in their application that there are no bars to their marriage as prescribed in Article 54 of this Law and that they are aware of each other's health and marital status, know how many times each of them has been married before, and whether they have children.
4. Marriage registration shall be conducted with the attendance of persons wishing to marry and at least of two capable witnesses of full age. Marriage registration through a representative of the person wishing to marry shall not be permitted.
5. Marriage registration may be held in a festive atmosphere if requested so by the persons wishing to marry.
6. An order of the Minister of Justice of Georgia shall define the procedure for marriage registration.

Article 53 - Surname change by person wishing to marry

1. At marriage registration the spouses have the right to take one of their surnames as their common surname. Both or one of them may also assume the surname after combining his/her own surname with his/her spouse's surname.
2. Surnames of spouses may not be combined at marriage registration if one of the spouse's premarital surname consists of two parts (double surname).
3. If a married person gets married again without terminating the previous marriage and changes his/her surname, the surname indicated in the last civil record of marriage shall be deemed his/her genuine surname until the annulment of his/her second marriage.

Article 54 - Bars to marriage

1. Marriage shall not be allowed:
 - a) between persons of whom at least one is already married;
 - b) between direct ascendants and descendants;
 - c) between biological and non-biological sisters and brothers;
 - d) between adoptive parents and adoptees;
 - e) between persons of whom at least one has been recognized by court as incapable due to his/her mental illness or dementia.
2. Paragraph 1(b-d) of this article shall be applied even if the kinship relationship is terminated as a result of adoption.

Chapter VI. Divorce Registration

Article 55 - Divorce registration

1. In order to make divorce effective, it shall be registered by the civil registration authority.
2. An authorized person's application for divorce registration shall be filed to the civil registration authority. Divorce may also be registered on the basis of a court decision on divorce presented in accordance with Article 58 of this Law.
3. The civil registration authority shall conduct divorce registration if one of the spouses is a citizen of Georgia or holds a Georgian residence permit, as well as if a competent authority of Georgia has registered the marriage.
4. An order of the Minister of Justice of Georgia shall define the procedure for divorce registration.

Article 56 - Authority to apply to the civil registration authority for divorce registration

1. The following persons shall be authorized to apply to the civil registration authority for divorce registration:
 - a) jointly divorcing spouses
 - b) one of the spouses, if:
 - b.a) a court judgment on divorce is available;
 - b.b) the other spouse is recognized as missing by the court;
 - b.c) the other spouse is recognized as incapable by the court;



b.d) the other spouse has been sentenced to at least 3 years in prison for committing a crime.

2. Any representative of a divorcing spouse(s) may apply to the civil registration authority for divorce registration in cases prescribed by the legislation of Georgia. The representative authority shall be evidenced as prescribed by the legislation of Georgia.

Article 57 - Procedure for divorcing the spouse convicted of a crime or recognized as incapable

1. A divorce from spouse convicted of a crime or recognized as incapable shall be registered if there is no dispute between the spouses regarding the division of their common property, payment of alimony in favour of an incapable spouse, or with respect to children they have in common.

2. In order to examine the absence of the grounds for refusing to register a divorce from spouse convicted of a crime or recognized as incapacitated, the civil registration authority shall notify the convicted spouse or the custodian of the incapable spouse about the divorce application filed and shall define a reasonable time frame for a written reply.

3. The time frame for a reply shall not exceed one month from the day of notification if the custodian of spouse recognized as incapable is in Georgia or if the convicted spouse is serving the sentence in Georgia. If the custodian of spouse recognized as incapable is in any other country or if the convicted spouse is in prison in any other country, the time frame specified above shall not exceed six months.

4. If the convicted spouse or the custodian of incapable spouse declares that there is no dispute under the first paragraph of this article between the spouses or fails to submit a written reply, the civil registration authority shall register divorce.

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Article 58 - Court decision on divorce

1. The court shall forward its decision on divorce to the civil registration authority within five days from the entry into force according to the place of the decision delivered.

2. The civil registration authority shall register divorce on the basis of a court decision on divorce submitted by the court.

3. The civil registration authority shall be authorized not to register divorce if the court decision on divorce does not ascertain the personal identification number (if any), first name, surname, date of birth, marriage registration date of each spouse, or the name of the registering authority.

4. An order of the Minister of Justice of Georgia shall define the procedure for divorce registration on the basis of a court decision, unless otherwise stipulated in this Law.

Article 59 - Retention of surname and reversion to premarital surname at divorce registration

A spouse having changed his/her surname after marriage may bear the surname changed after marriage or apply for the reversion to his/her premarital surname at registration of divorce.

Article 60 - Term of divorce registration

1. In cases prescribed by Article 56 (1)(a)-(b.b) of this Law, divorce shall be registered upon the lapse of five days after the submission of application unless the spouse submitting the application, and in case of joint application, at least one of the spouses refuses to divorce within this term.

2. Divorce with spouse recognized as incapable or sentenced to at least three years shall be registered within two business days upon the receipt of the reply under Article 57 of this Law, and if the civil registration authority fails to provide a reply within the set deadline, upon the lapse of the above time frame.

Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012

Article 61 - Termination of marriage

In case of divorce, marriage shall be deemed terminated upon the registration of divorce.

Chapter VII. First Name and/or Surname Change Registration

Article 62 - Right to change first name and/or surname

1. Any citizen of Georgia as well as a stateless person having status in Georgia, whose birth has been registered in Georgia (except for the birth



registration conducted in accordance with Article 85 of this Law), shall have the right to change his/her first name and/or surname.

2. In order to change first name and/or surname, it shall be required that the civil registration authority register the change of first name and/or surname.

3. The change of first name and/or surname shall be registered on the basis of an authorized person's application and in the circumstances provided for by this Chapter.

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Article 63 - First name and/or surname change for incapable persons or persons with limited ability

1. The first name and/or surname of a minor aged from 16 to 18 may be changed under an application of the person and with the consent of his/her parent(s) or any other authorized representative.

2. The first name and/or surname of a minor under the age of 16 shall be changed by his/her parents' agreement. If parents fail to reach agreement, the court shall decide the issue of first name and/or surname change, bearing the minor's interests in mind.

3. If an unmarried mother changes her surname in the manner prescribed by this Chapter, and if a parent changes his/her surname born by his/her underage child and parents have different surnames, the family name of the minor under the age of 10 shall be changed along with the change of his/her parent's surname.

4. If a minor attains the age of 10, his/her first name and/or surname may be changed only with his/her consent.

5. The first name and/or surname of an incapable adult may be changed at the request of his/her custodian.

6. The first name and/or surname of an incapable adult with limited ability may be changed at the request of the person and with his/her guardian's consent.

Article 64 - Conditions for first name and surname change

1. First name may be changed as desired by the applicant.

2. A person may change his/her surname and take:

a) the surname of a direct ascendant

b) the parents' combined surname

c) the surname of an actual caregiver

d) the surname of an adopting parent

e) the surname of a spouse

f) the surname granted by a competent authority of any other country.

3. If the conditions set forth in paragraph (2)(f) of this article exist, the surname may be changed provided the person's civil status act of birth has been registered in Georgia and he/she acquired Georgian citizenship after having been assigned a surname by a competent authority of any other country.

4. The surname may also be changed if a person wants to take his/her surname combined with his/her spouse's surname, to reverse to his/her premarital surname or to restore his/her historical surname.

Article 65 - Restoration of historical surname

1. Any person may apply for the restoration of his/her historical surname if a body of evidence confirms that his/her surname comes from the transformation of other surname or the adoption of other surname by a historical surname bearer.

2. Along with other evidence, scientifically substantiated assumption may also be used as the basis for the restoration of any historical surname that proves the existence of circumstances specified in the first paragraph of this article.

3. An order of the Minister of Justice of Georgia shall define the procedure for the restoration of a historical surname.

Article 66 - Recognition of surnames as valid

1. A surname specified in a person's identification or other documents that do not correspond to the surname specified in his/her civil birth record may be recognized as valid if reverting to the surname specified in his/her civil birth record (obtaining identification or other documents) is associated with disproportionate expenses and effort.



2. A surname may be recognized as valid if a person, within at least five years before the enactment of this Law, held an identification or any other official document specifying the surname that does not correspond to the surname defined in his/her civil birth record.

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Article 67 - Surname establishment

1. The surname of a direct ascendant or other surname born for at least five years prior to the enactment of this Law may be established, if requested, for any person whose surname is not specified in his/her civil birth record. This shall be evidenced by the documents drawn up in his/her name and by other evidence.

2. If it is impossible to establish a surname in accordance with the first paragraph of this article, the person's surname derived from his/her first name or the first name of his/her direct ascendant may be established with or without any suffix.

Article 68 - Refusal to register first name and/or surname change

1. First name may not be changed if an applicant chooses the name that contains digits, punctuation marks, geometrical shapes, graphic images, symbols, indecent words, or words consisting of multiple parts (consisting of more than two names).

2. Surnames of spouses or parents may not be combined if either surname consists of two parts (double surname).

3. The change of first name and surname, the recognition of surname as valid, and the establishment of surname shall be prohibited if a person is suspected of committing a crime and is wanted by Georgian law enforcement authorities.

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Article 69 - Deadline for application consideration

The deadline for making a decision on the change of first name and/or surname, as well as on the establishment of surname and the conduction of respective civil registration may not exceed 45 calendar days from the submission of application.

Chapter VIII. Death Registration

Article 70 - Conditions for death registration

1. Registration of death of any Georgian citizen, stateless person having status in Georgia, and any person deceased in Georgia shall be mandatory as prescribed by this Law.

2. Death of a person holding Georgian permanent residence permit but deceased in any other country shall be registered only upon the application of the person concerned.

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Article 71 - Application for death registration

1. The following entities shall be required to apply to the civil registration authority for a person's death registration:

a) the head of a medical, anatomic pathology (clinical pathology) or forensic institution or his/her authorized representative, within five business days from a person's death, provided he/she died at the above mentioned institution or the fact of death was established/confirmed by the same institution;

b) the individual who is authorized to issue a medical certificate of death but is not employed by any medical, anatomic pathology (clinical pathology) or forensic institution, within five business days from a person's death, provided that the individual has issued a medical certificate of death or established the fact of death;

c) the representative of Local Administrative Body (i.e. Gamgeoba) (City Hall), within five business days from the notification of a person's death;

d) the Ministry of Internal Affairs of Georgia, with respect to an officer killed in any military action or natural calamity, within 30 calendar days from the notification of a person's death;

e) the Ministry of Defense of Georgia, with respect to an officer killed under martial law, or during the participation in any mission for the preservation and restoration of international peace and safety, or during other peacekeeping missions, within 30 calendar days from the notification of a person's death;

f) a parent (an adoptive parent), a spouse or a child (an adoptee) if he/she can assume that the persons specified in this paragraph are not aware of the fact of a person's death.



2. Any legally capable person of full age or an administrative body may apply to the civil registration authority for the registration of a person's death.
3. If a person dies in other country, any competent authority in the country of residence of the deceased person may also apply to the consular office for the registration of a person's death.
4. An order of the Minister of Justice of Georgia shall define the documents to be presented by the entities being required to apply to the civil registration authority for the registration of a person's death.

Article 72 - Documents evidencing death

1. For death registration purposes, the following shall be the documents evidencing a person's death:
 - a) a medical certificate of death
 - b) a decision of a competent authority establishing the legal significance fact of a person's death
 - c) a court decision of declaring a person as dead
 - d) a report drafted by the representative of Local Administrative Body (i.e. Gamgeoba) (City Hall) confirming the death of a person
 - e) a certificate issued by a competent authority for the death of a person subjected to repressions under the decision of the court or the administrative body of the Soviet Socialist Republic of Georgia (the Ministry of Internal Affairs or the Ministry of foreign Affairs)
 - f) a notification of the Ministry of Defense of Georgia or the Ministry of Internal Affairs of Georgia regarding the death of an officer during peacekeeping missions, in war or combat operations, as well as during natural disaster
 - g) a document issued by a competent authority of any other country under the laws of the same country evidencing the death.
2. The death of a person killed as a result of a natural disaster or a catastrophe may also be registered under a relevant legal act issued by the President of Georgia.
3. An order of the Minister of Justice of Georgia shall define the details of a report to be drafted by the representative of Local Administrative Body (i.e. Gamgeoba) (City Hall) and the procedure for drafting and submission thereof to the civil registration authority.
4. If the representative of Local Administrative Body (i.e. Gamgeoba) (City Hall) does not have sufficient or reliable information on the fact of a person's death and if it is impossible to draft a report in the form established by an order of the Minister of Justice of Georgia, he/she shall be required to inform the civil registration authority about the fact of a person's death without drafting a report.
5. For the purposes of death registration, an order of the Minister of Justice of Georgia may define other documents evidencing a person's death.

Article 73 - Submission of medical certificate of death

1. The head of any medical, anatomic pathology (clinical pathology), or forensic institution, or his/her authorized representative, as well as a person authorized to issue a medical certificate of death, not being, however, employed by any of the above mentioned institutions, shall be required to submit a medical certificate of death to the Agency in electronic form. A medical certificate of death may be submitted in tangible form in cases defined in a joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia.
2. A joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia shall define the details of a medical certificate of death and the procedure for drafting and sending thereof.
3. An entity/person sending a medical certificate of death to the Agency shall be responsible for the accuracy and completeness of the medical certificate sent except when it is impossible to fully complete the certificate due to the failure to obtain the relevant information.

Article 74 - Registration of death of unknown persons

If a medical, anatomic pathology (clinical pathology), or forensic institution, or any other competent authority fails to identify a person deceased, the death registration shall be conducted as the registration of death of an unknown person.

Article 75 - Court decision of declaring a person as deceased

1. The court shall send its decision of declaring a person as deceased to the civil registration authority within five days from its entry into force according to the place of delivering the decision.
2. The civil registration authority shall register death on the basis of the court decision of declaring a person as deceased.
3. When registering the death of a person declared by the court as deceased, the date of the entry into force of the court decision shall be deemed as the date of death, unless otherwise specified in the decision.



4. The civil registration authority shall be authorized not to register death if a court decision of declaring a person as deceased does not establish the personal identification number (if any), name, surname, date or place of birth of the person declared deceased.

Chapter IX. Making Changes, Corrections and/or Additions to Civil Records

Article 76 - Making changes, corrections, and/or additions to civil records

1. Existence of the relevant circumstances specified in Articles 78-80 of this Law and an application of an authorized person shall be the basis for making changes, corrections, and/or additions to civil records.
2. The civil registration authority shall be authorized, provided the circumstances specified in Articles 78-80 of this Law are identified, to make a respective change, correction and/or addition to the civil record on its own initiative.

Article 77 - Persons authorized to submit an application for making changes, corrections and/or additions to civil records

1. A person with respect to whom the relevant civil record has been drawn up shall be authorized to apply to the civil registration authority for making any change, correction, and/or addition to the civil record.
2. A parent/an adoptive parent of a person specified in the first paragraph of this article may also submit an application for making any change, correction, and/or addition to their own data in the civil record registered with respect to their child/adoptee.
3. Any change, correction, and/or addition to a civil record registered with respect to a legally incapable adult or a minor under the age of 18 may be made on the basis of an application of his/her parent, adoptive parent, custodian, or guardian.
4. Any change, correction, and/or addition to a civil record registered with respect to a person whose legal capacity has been restricted by a court decision, may be made on the basis of an application of the person concerned and with the consent of his/her custodian.
5. Any change, correction, and/or addition to a civil record of a deceased person may be made on the basis of an application of any person concerned.

Article 78 - Changes to civil records

The existence of one of the following circumstances shall be the basis for making changes to a civil record:

- a) adoption registration, provided the data specified in an adoptee's civil birth record are to be changed under a court decision of adoption or at an adoptive parent's request;
- b) registration of paternity establishment;
- c) registration of a parent's marriage, provided the parent changes his/her surname at the time of marriage registration;
- d) registration of a parent's divorce, provided the parent changes his/her surname at the time of divorce registration;
- e) registration of the change of first name and/or surname;
- f) establishment of surname;
- f¹) recognition of surname as valid;
- g) sex change, provided a person desires to change his/her first name and/or surname because of sex change;
- h) a court decision of making changes to a civil record;
- i) identification of a deceased person, provided the civil registration authority has registered his/her death as the death of an unknown person;
- j) a person's citizenship status change, provided the person has been granted Georgian citizenship or has ceased to be a citizen of Georgia, or if a person forfeited citizenship of Georgia.

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Article 79 - Making corrections to civil records

The existence of one of the following circumstances shall be the basis for making corrections to civil records:

- a) detection of an error made at the moment of civil registration
- b) a court decision of identifying inaccuracy of the data specified in a civil record



c) a decision of any competent authority establishing a fact of legal significance.

Article 80 - Making additions to civil records

The civil registration authority shall be authorized to make an addition to any civil record if it has been identified that any data are missing or incomplete data are entered when conducting civil registration.

Article 81 - Consideration of applications for making changes, corrections, and/or additions to civil records

The civil registration authority shall complete consideration of an application for making changes, corrections, and/or additions to civil records within not later than 15 calendar days from the submission of an application. If the civil registration authority makes changes, corrections, and/or additions to civil records on its own initiative, the consideration of the above application shall be completed within one month from the commencement of administrative proceedings, unless otherwise prescribed by the legislation of Georgia.

Article 82 - Making changes, corrections, and/or additions to civil records registered by competent authority of any other country

The civil registration authority may not make changes, corrections, and/or additions to civil records registered by a competent authority of any other country.

Chapter X. Civil Re-registration

Article 83 - Civil re-registration

1. The civil registration authority shall conduct civil re-registration provided:

- a) a civil record has been lost or destroyed and there is a decision of any competent authority establishing the legal significance fact of civil registration;
- b) civil registration has been conducted by a competent authority of any other country not registered in Georgia with respect to a Georgian citizen or a person holding Georgian permanent residence permit.

2. Re-registration of birth and paternity establishment registered by a competent authority of any other country may also be conducted with respect to an underage child of a Georgian citizen.

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Article 84 - Civil re-registration based on a decision establishing the fact of legal significance

1. In case of the loss or destruction of a civil record (except for civil records of birth and death), civil re-registration shall be conducted on the basis of a court decision establishing the relevant fact of legal significance.

2. Re-registration of birth or death shall be conducted on the basis of a decision by a competent authority establishing the fact of legal significance.

3. If the decision under this article does not contain the data required for the relevant civil registration, the civil registration authority shall be authorized not to conduct the civil re-registration.

4. The civil registration authority shall be authorized not to conduct civil re-registration where:

a) the following have not been identified by the decision establishing the legal significance fact of paternity establishment registration:

- a.a) the personal identification numbers (if any) of a child and a father
- a.b) the name, surname, and date of birth of a father
- a.c) the name, surname (prior to and after the registration of paternity establishment), and date of birth of a child,
- a.d) the date of paternity establishment registration

b) the following have not been identified by a decision establishing the legal significance fact of adoption registration:

- b.a) the personal identification numbers (if any) of an adoptive parent and an adoptee
- b.b) the name, surname, and date of birth of an adoptive parent
- b.c) the name, surname, date and place of birth (prior to and after the adoption) of an adoptee



b.d) the parents of an adopted child (prior to and after the adoption)

b.c) the adoption registration date

c) the following data of spouse(s) have not been identified by a decision establishing the legal significance fact of marriage or divorce registration:

c.a) the personal identification number (if any)

c.a) the name and/or surname (prior to and after the marriage (divorce))

c.b) the date of birth

c.c) the marriage or divorce registration date

d) the following data of a person have not been identified by the decision establishing the legal significance fact of first name and/or surname change registration:

d.a) the personal identification number (if any)

d.b) the first name and/or surname prior to and after the first name and/or surname change

d.c) the date of birth

d.d) the date of registration of the first name and/or surname change

d.e) the name of the authority having registered the first name and/or surname change.

Article 85 - Re-registration of civil status acts registered by a competent authority of other country

1. Civil re-registration by a competent authority of any other country with respect to a Georgian citizen or a person holding a Georgian permanent residence permit may be conducted at the request of a person with respect to whom the civil registration took place in the other country. And if the person concerned is deceased, the same may be done at the request of any person.

2. Re-registration of civil status acts registered by a competent authority of any other country shall be conducted on the basis of a certified copy, an extract therefrom, or a civil registration certificate.

3. An order of the Minister of Justice of Georgia may define additional grounds for re-registration of civil status acts registered by a competent authority in any other country.

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Chapter XI. Annulment of Civil Records

Article 86 - Authority competent to annul civil records

1. Any civil record (except for civil records of birth and death) shall be annulled by the court.

2. Civil records of birth and death may be annulled by the decision of the civil registration authority in the manner prescribed by the General Administrative Code of Georgia.

Article 87 - Annulment of civil records of birth and death

1. Civil records of birth and death shall be annulled by the civil registration authority that has conducted the respective civil registration.

2. The civil registration authority shall annul a civil record following an application of a person concerned or on its own initiative.

3. If the authority having conducted the civil registration no longer exists, the issue of the civil record annulment shall be resolved by the civil registration authority within the jurisdiction where the civil registration took place.

4. If the authority having conducted the civil registration no longer exists and if the jurisdiction area of the authority is not a part of the jurisdiction area of any other civil registration authority, the issue of annulment of any civil record shall be resolved by any civil registration authority.

Article 88 - Special conditions for civil record annulment

1. Where there are several civil records due to the multiple registration of birth and death of one and the same person, including as a result of the restoration of civil records of birth and death prior to the enactment of this Law, the civil registration authority, upon application of a person concerned or on its own initiative, shall be authorized to annul one of the civil records.



2. In the case defined in the first paragraph of this article, where the grounds for civil registration is a court decision, the annulment of the civil record registered on the above grounds shall be allowed only with the consent of a person concerned.

3. The Agency shall apply to the court for annulment of the court decision and the civil record unless the consent of a person concerned is not available.

4. Where the civil registration authority annuls a civil record registered on the basis of a court decision, the civil re-registration based on the same court decision shall be prohibited.

Article 89 - Procedure for the submission and consideration of applications for civil record annulment

1. The civil registration authority shall consider an application for civil record annulment in the manner prescribed by Chapter VI of the General Administrative Code of Georgia.

2. The civil registration authority shall be authorized to hold an oral hearing in accordance with the procedure under Articles 108-112 of the General Administrative Code of Georgia, having due regard to the special characteristics stipulated in this Law, if getting explanations from the parties or the questioning of witnesses or experts is required for the establishment of essential circumstances of the case.

3. When holding an oral hearing in administrative proceedings for the annulment of a civil record, the chairman of the meeting may further act as a secretary of the meeting, provided the civil registration authority is made up of only one officer.

4. The procedures under Article 92 of this Law shall be applied while obtaining and examining evidence during administrative proceedings regarding the civil record annulment.

Chapter XII. Establishment of Some Facts of Legal Significance

Article 90 - Facts of legal significance to be established by the civil registration authority

1. The civil registration authority shall establish the following facts of legal significance in the manner prescribed by this Chapter:

a) the fact of a person's birth at a certain time and in certain circumstances

b) the fact of a person's death at a certain time and in certain circumstances

c) the fact of registration of a person's birth

d) the fact of registration of a person's death.

2. The civil registration authority shall be authorized to establish any fact of legal significance that took place in the territory of Georgia.

3. The civil registration authority shall establish any fact of legal significance that occurred abroad only with respect to a citizen of Georgia, an underage child thereof, a stateless person having status in Georgia and a person having the refugee or humanitarian status in Georgia.

4. The civil registration authority shall be authorized to establish the facts of legal significance set forth in paragraph 1(a) and (c) of this article with respect to the person residing in Georgia whose civil status is uncertain at the moment of consideration of the application for establishing the fact of legal significance, provided, however, there is a reasonable assumption that the Georgian citizenship of a person may be established.

5. The civil registration authority shall establish any fact of legal significance only in cases where it is impossible to obtain the documents evidencing such fact under any other procedure or it is impossible to restore a lost document or the restoration thereof is associated with disproportionate expenses and efforts.

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Article 91 - Persons authorized to submit applications for establishment of facts of legal significance

Any interested person shall be authorized to apply to the civil registration authority for the establishment of a fact of legal significance.

Article 92 - Evidence for the proceedings on establishing facts of legal significance

1. While establishing a fact of legal significance, the civil registration authority shall be authorized to use and rely on the explanations provided by the parties, witness testimonies and other evidence along with the written and material evidence.

2. When establishing a fact of legal significance, unless otherwise prescribed by the General Administrative Code of Georgia, the provisions of Section III of the Civil Procedure Code of Georgia shall be applied for the obtaining, examination and assessment of evidence, except for Articles 102(3), 103, 104(2), 106, 109(2), 110, 116(2), 118, 119, 126, 131-133, 134 (2)(2¹), 136, 145(1), 146, 155-157 and 169 (4)(5) of the same Code.

3. The civil registration authority shall apply the rules prescribed by the Civil Procedure Code of Georgia in the process of establishing a fact of legal



significance, taking into account the specificities stipulated in this Law and other primary and secondary legislation regulating the Agency activity.

Article 93 - Liability for misleading the civil registration authority

1. Any concerned party, expert and/or witness giving false explanation or testimony to, or misleading the civil registration authority when establishing a fact of legal significance shall be held liable respectively.
2. A person summoned as a witness shall be required to testify with respect to the issues related to the establishment of a fact of legal significance.

Article 94 - Procedure for consideration of applications for establishing facts of legal significance

1. The civil registration authority, in the process of administrative proceedings for establishing a fact of legal significance shall be required to hold an oral hearing to which an applicant, other persons concerned and witnesses shall be summoned. The applicant, persons concerned and witnesses shall be notified of the oral hearing at least five calendar days prior to the hearing and shall be summoned for participation in the proceeding.
2. The procedures established by Chapters VI and VIII of the General Administrative Code of Georgia, taking into account the provisions of this Law, shall be applied in administrative proceedings for establishing a fact of legal significance, unless otherwise prescribed by law.
3. When holding an oral hearing in administrative proceedings for establishing a fact of legal significance under this Chapter, the chairman of the meeting may further act as a secretary of the meeting, provided the civil registration authority is made up of only one officer.
4. The decision for establishing a fact of legal significance or for the refusal to establish a fact of legal significance shall be made within one month after the submission of the relevant application. The civil registration authority may render a decision on the extension of time frame if a longer time frame than defined in this Law is required for the establishment of essential circumstances of the case.
5. The entire time frame for making a decision for the establishment of a fact of legal significance shall not exceed two months.

Article 95 - Decisions for the establishment of facts of legal significance

1. The decision for the establishment of a fact of legal significance, in addition to the details specified in Article 52 of the General Administrative Code of Georgia, shall also contain the information necessary for drafting the respective civil record.
2. The civil registration authority shall be authorized, in the process of establishing the legal significance fact of a person's birth at a certain time and in certain circumstances, as well as of birth registration, provided that sufficient evidence is available, to ascertain the parents' data, except when there is a dispute between the parties to administrative proceedings with respect to the parents' identity.
3. Any failure to establish the data necessary for civil registration may not serve as unconditional grounds for the refusal to establish the fact of legal significance. The civil registration authority shall be authorized to render a decision on the establishment of a fact of legal significance without a certain piece of information if it cannot be established due to the lack of sufficient evidence or for other reasons.
4. In case of the failure to establish the month and day of birth due to the absence of sufficient evidence in the administrative proceedings for the establishment of a legal significance fact of birth at a certain time and in certain circumstances, the above data shall be defined as prescribed by an order of the Minister of Justice of Georgia.
5. A fact of legal significance may not be established provided:
 - a) it is impossible to ascertain a person's name, surname or date (year) of birth in the administrative proceedings for the establishment of a legal significance fact of birth at a certain time and in certain circumstances;
 - b) it is impossible to ascertain an approximate date of birth registration, registering authority or any of the data under subparagraph (a) of this paragraph in the administrative proceedings for the establishment of a legal significance fact of birth registration.
 - c) it is impossible to ascertain a person's name, surname, date of birth or death in the administrative proceedings for the establishment of a legal significance fact of death at a certain time and in certain circumstances;
 - d) it is impossible to ascertain an approximate date of a person's death registration, registering authority or any of the data under subparagraph (c) of this paragraph in the administrative proceedings for the establishment of a legal significance fact of death registration.
6. The civil registration authority shall be authorized to render a decision on the establishment of a fact of legal significance without indicating the surname of a deceased person provided it is impossible to ascertain the surnames of the person's parents when establishing a fact of legal significance with respect to the deceased person, and moreover, provided no official documents with reference to his/her surname have been issued thereto.
7. The civil registration authority shall be authorized to refuse to establish a fact of legal significance provided it finds that the testimony of witnesses and other evidence presented is insufficient or unreliable.

Article 96 - Termination of administrative proceedings

1. If administrative proceedings have been initiated at the civil registration authority with a view to establish a fact of legal significance and later it has been identified that it is possible to obtain documents evidencing such fact in another manner or to restore the lost document, the civil registration



authority shall terminate administrative proceedings at any stage and shall render a justified decision to this effect.

2. If an applicant has no interest in the fact of legal significance to be established, he/she shall be authorized to apply to the civil registration authority at any stage of administrative proceedings and request the termination of proceedings.

3. The civil registration authority shall be authorized to refuse to terminate administrative proceedings if there is a public interest in the establishment of a fact of legal significance and/or the establishment of a fact of legal significance is important for the improvement of the civil database.

Article 97 - Civil registration based on the decision for establishment of facts of legal significance

An order of the Minister of Justice of Georgia shall define the procedure for the civil registration based on a decision for the establishment of a fact of legal significance under this Chapter.

Chapter XIII. Transitional and Final Provisions

Article 98 - Transitional provisions

1. Both copies of a civil record drafted prior to the enactment of this Law shall have equal legal effect. In case of discrepancy between the two copies of a civil record, the civil registration authority shall decide on the preferential use of the data of one of the copies.

2. If it is impossible to recognize a civil record as genuine under the procedure set out in the first paragraph of this article, a competent authority shall establish a legal significance fact of civil registration upon the application of any person concerned in the manner prescribed by law.

3. The copy of a civil record stored in the civil database and drafted prior to the enactment of this Law shall have the same legal force as the original one.

4. If a person re-marries without getting divorced prior to the enactment of this Law, then at the joint application of spouses from the previous marriage, their marriage shall be deemed terminated from the date of the next marriage registration.

5. A civil marriage record registered prior to 30 January 2006 that does not contain the signatures of witnesses shall be deemed genuine if the data entered therein are correct and/or other rules for marriage registration are not violated.

6. A civil record drafted prior to 11 September 2009 that is not certified by the signature of an authorized person and/or the appropriate seal shall be deemed genuine if the details entered therein are correct and/or other procedures for civil registration are not violated. This paragraph shall not apply to the civil record according to which a new civil record has been registered based on the establishment of a fact of legal significance.

7. If a civil record of birth or death does not specify the registration date and the establishment thereof is impossible in any other manner, the registration date shall be deemed to be the date of a child's birth or a person's death respectively. This procedure shall apply to civil records of birth and death drafted prior to the enactment of this Law.

8. A joint order of the Minister of Foreign Affairs of Georgia and the Minister of Justice of Georgia shall define the procedure for the exercise of powers delegated by the Agency to a consular official as well as the delegation limits prior to 1 February 2012.

9. A joint order of the Minister of Labour, Health and Social Affairs of Georgia and the Minister of Justice of Georgia shall define the details of medical certificates of a child's birth and of a person's death, the procedure for drafting and sending thereof prior to 1 February 2012.

10. The Minister of Justice of Georgia shall ensure the issuance of the normative acts prescribed by this Law prior to 1 February 2012.

Article 99 - Final Provisions

1. The Civil Registration Law of Georgia of 15 October 1998 (Legislative Herald of Georgia, No 3, 1998, Art. 30) be declared invalid.

2. This Law, except for Articles 1-97, Article 98 (1) - (7) and Article 99 (1) become effective upon publication.

3. Articles 1-97, Article 98 (1) - (7) and Article 99 (1) of this Law become effective from 1 February 2012.

President of Georgia **M. Saakashvili**

Tbilisi

20 December 2011

№5562-ES

