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## **Proceedings in matters concerning vital records – the competence of public administration bodies or the jurisdiction of the common court of law?**

### **Summary**

The Act on vital records currently binding and applicable in Poland, also known as the Law on Births, Marriage and Death Certificates, similarly to the solutions of former regulations in this area, provides for two different bodies responsible for matters relating to birth, marriage and death certificates.

Public administration bodies are responsible for making records of the civil status of a person, and for entering necessary amendments to the content of certificates if they are possible to be made by comparing the certificate in question with other certificates. Common courts of civil law are vested with power to conduct detailed evidentiary proceedings (in order to determine the content of a certificate) and proceedings requiring legal intervention (invalidation of a certificate if it confirms an untrue event or otherwise making the necessary amendments/corrections to it). This *status quo* leads to a conclusion that since civil law courts are competent to perform acts in law that are more complicated than merely recording or amending the content of civil status certificates, there are no reasons why they should not as well perform these less complicated acts which are currently vested in administrative bodies. This solution seems to be even more recommendable in the light of the fact that courts today keep other registers of a function similar to that of the register of vital statistics. Leaving all matters relating to birth, marriage and death certificates within the competence of civil courts would be also advisable because it would add to such legal transactions a status of even greater certainty and uniformity. It would also take off the burden of having sometimes to approach two different bodies.

**Keywords:** civil status – civil status certificate – bodies involved in matters related to civil status certificates