

Draft Regulations

Draft Rules

Civil Code of Québec
(1991, c. 64)

Rules respecting the solemnization of civil marriages — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules to amend the Rules respecting the solemnization of civil marriages, the text of which appears below, may be made by the Minister of Justice upon the expiry of 45 days following this publication.

These draft Rules amend the Rules respecting the solemnization of civil marriages in order to take into consideration the amendments made by the Act instituting civil unions and establishing new rules of filiation (2002, c. 6). The Rules must be amended so that marriages and civil unions may be solemnized by notaries authorized by law to execute notarized acts and, within the territory defined in the instrument of designation, all other persons designated by the Minister of Justice among such officials as mayors, members of municipal or borough councils and municipal officers.

The Rules are also amended so that marriages and civil unions may be solemnized by mayors, members of municipal or borough councils and municipal officers in a city hall, whether in a council chamber or any other suitable place in that building.

In addition, the Rules provide that marriages and civil unions may be solemnized by notaries and all other persons designated by the Minister of Justice in a place laid out for that purpose, agreed upon by the intended spouses, and in keeping with the solemn nature of the ceremony.

Further information may be obtained by contacting Mtre. Sylvie Lachance or Mtre. Anne Richard, Direction générale des services de justice, 1200, route de l'Église, 7^e étage, Sainte-Foy (Québec) G1V 4M1, telephone: (418) 644-7700 or (418) 644-7704, fax: (418) 644-9968.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Rules to amend the Rules respecting the solemnization of civil marriages*

Civil Code of Québec
(1991, c. 64, a. 376)

1. The title of the Rules respecting the solemnization of civil marriages is amended by adding “and civil unions” at the end.

2. The following is substituted for section 1:

“**1.** For the purposes of the publication of a marriage or a civil union, the clerk of the Superior Court or the person authorized to solemnize a marriage or a civil union shall use the form in Schedule I or Schedule I.1 and shall post it for 20 days before the date of the ceremony, at the place where the ceremony is to be held or, in the cases referred to in rules 4, 5 and 5.1, at the nearest courthouse or at the city hall, if a municipal officer is to preside at the ceremony.”.

3. Section 2 is amended by substituting “Marriages or civil unions” for “Civil marriages”.

4. Section 3 is amended

(1) by substituting “Where the marriage or civil union is solemnized by the clerk of the Superior Court, the ceremony shall be held” for “The marriage shall be solemnized” at the beginning of the section;

* The Rules respecting the solemnization of civil marriages, made by Minister's Order 1440 dated 6 July 1994 (1994, G.O. 2, 2975), were last amended by the Rules made by Minister's Order 1847 dated 14 June 1999 (1999, G.O. 2, 1649). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

(2) by substituting “the intended spouses” for “the intended husband or the intended wife”; and

(3) by substituting “the ceremony may be held” for “the marriage may be solemnized”.

5. The Rules are amended by inserting the following after section 3 :

3.1. Where the marriage or civil union is solemnized by a mayor, a member of a municipal or borough council or a municipal officer, the ceremony shall be held at the city hall, in the council chamber or in any other suitable place in that building. The ceremony may also be held at the courthouse nearest to the municipality or in one of the places referred to in rules 4, 5 and 5.1, inasmuch as that place is within the territory defined by the instrument of designation of that person and under the conditions referred to in those sections.

3.2. Where the marriage or civil union is solemnized by a notary or any other person, the ceremony shall be held in a place laid out for that purpose and agreed upon by the intended spouses and the officiant. That place shall be in keeping with the solemn nature of the ceremony.”.

6. Section 4 is amended

(1) by substituting “conjoints” for “époux” at the beginning of the section in the French text;

(2) by substituting “ce futur conjoint” for “le futur époux” in the French text;

(3) by substituting “the ceremony may be held” for “the marriage may be solemnized”; and

(4) by substituting “notice of marriage or civil union” for “notice of marriage”.

7. Section 5 is amended

(1) by substituting “conjoints” for “époux” in the French text;

(2) by substituting “the ceremony may be held” for “the marriage may be solemnized”; and

(3) by substituting “notice of marriage or civil union” for “notice of marriage”.

8. Section 5.1 is amended

(1) by substituting “A marriage or civil union may also” for “Under a pilot project, with the permission of the clerk of the Superior Court, a marriage may”; and

(2) by substituting the following for the second paragraph: “A request to that effect shall be submitted at the time of the application for a dispensation from publication of the notice or at the latest at the time the intended spouses submit the forms and documents required for establishing the publication notice to the person authorized to receive their request.”.

9. Section 6 is amended by substituting “the ceremony is held” for “the marriage is solemnized”.

10. Section 7 is amended

(1) by substituting “clerk of the Superior Court” for “officiant”; and

(2) by adding the following paragraph: “The other officiants are exempted from wearing a gown.”.

11. Section 8 is amended

(1) by substituting “During the ceremony” for “When solemnizing the marriage”;

(2) by substituting “conjoints” for “époux” in the French text; and

(3) by adding “or II.1” at the end of the section.

12. Section 9 is amended

(1) by substituting “conjoints” for “époux” at the end of the first sentence in the French text;

(2) by substituting “them” for “the intended spouses” at the beginning of the second sentence; and

(3) by substituting “conjoints” for “époux” at the end of the second sentence in the French text.

13. Section 10 is amended

(1) by substituting “conjoints” for “époux” in the French text; and

(2) by adding “or III.1” at the end of the section.

14. Section 11 is amended

(1) by inserting “or civil union” after “marriage”; and

(2) by adding “or II.1” after “Schedule II”.

15. Schedule I is amended

(1) by inserting the following after “Superior Court” in the first paragraph: “(or).....”;
(name and position of officiant)

(2) by substituting “(signature) (profession or position)” for “(signature) (duty, profession or quality)”;

(3) by substituting “20” for “19” and by inserting the following before the word “at” in the last paragraph: “(or).....”; and
(name and position of authorized person)

(4) by substituting the following for “Clerk” at the end of the Schedule:
“(signature) Clerk or authorized person”.

16. The Rules are amended by inserting the following after Schedule I:

“SCHEDULE I.1

NOTICE OF CIVIL UNION

A civil union will be solemnized by the clerk of the Superior Court (or) at
(name and position of officiant) (name or address of building and place)
in the judicial district of
on
between
(intended spouse’s surname, given name and domicile)
born on
at
(place, province, country)
and
(intended spouse’s surname, given name and domicile)
born on
at
(place, province, country)

I, the undersigned, acting as witness, declare that I am of full age and that I have taken cognizance of the above information. I solemnly affirm that those statements are true.

Witness
Address
Declared before me at
this

(signature) (profession or position)

This notice of civil union has been posted, this
day of 20 by me
clerk of the Superior Court in the judicial district of
(or).....
(name and position of authorized person)
at
(name of building and place)

(signature) Clerk or authorized person
..

17. Schedule II is amended by inserting “Form used for a civil marriage” under “SCHEDULE II”.

18. The Rules are amended by inserting the following after Schedule II:

“SCHEDULE II.1

FORM USED FOR A CIVIL UNION

“.....
(name of one spouse) (name of other spouse)

before uniting you in the bonds of civil union, I am required to read to you certain articles of the Civil Code of Québec which set out the rights and duties of spouses :

Article 521.6. The spouses in civil union have the same rights and obligations.

They owe each other respect, fidelity, succour and assistance.

They are bound to live together.

The effects of the civil union as regards the direction of the family, the exercise of parental authority, contribution towards expenses, the family residence, the family patrimony and the compensatory allowance are the same as the effects of marriage with the necessary modifications.

Whatever their civil union regime, the spouses may not derogate from the provisions of this article.

(Under article 393) In civil union, both spouses retain their respective names and exercise their civil rights under those names.

(Under article 394) The spouses together take in hand the moral and material direction of the family, exercise parental authority and assume the tasks resulting therefrom.

(Under article 395) The spouses choose the family residence together.

In the absence of an express choice, the family residence is presumed to be the residence where the members of the family live while carrying on their principal activities.

(Under article 396) The spouses contribute towards the expenses of the civil union in proportion to their respective means.

The spouses may make their respective contributions by their activities within the home.””.

19. Schedule III is amended by inserting “Form used for a civil marriage” under “SCHEDULE III”.

20. The Rules are amended by adding the following schedule at the end:

“SCHEDULE III.1

FORM USED FOR A CIVIL UNION

“....., do you take
(name of intended spouse)
....., here present,
(name of intended spouse)

to be your spouse?

Answer: “I do”.”

The intended spouse declares: “I do”.”

“....., do you take
(name of intended spouse)
....., here present,
(name of intended spouse)

to be your spouse?

Answer: “I do”.”

The intended spouse declares: “I do”.”

The spouses then join hands and the officiant pronounces the following words:

“By virtue of the powers vested in me by law, I now declare you,

....., and you,
(name of intended spouse)

....., united
(name of intended spouse)

in the bonds of civil union.”

The spouses then exchange rings. The officiant may then address the new spouses:

“You are now legally united. Allow me, on my own behalf and on behalf of all those present, to offer you our best wishes for your happiness.””.

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Draft Regulation

Public Service Act
(R.S.Q., c. F-3.1.1)

Public servants not governed by a collective agreement

— Appeals procedure
— Amendments

Notice is hereby given, in accordance with section 128 of the Public Service Act (R.S.Q., c. F-3.1.1), that the Regulation to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement, the text of which appears below, may be made by the Government, with or without amendment, upon the expiry of a 30-day period following this publication.

The purpose of the draft Regulation is to update the list of directives from the Conseil du trésor under which any public servant not governed by a collective agreement who considers himself or herself aggrieved by a decision rendered in his or her respect may file an appeal before the Commission de la fonction publique.