

M.O., 2003**Order of the Minister of Transport dated
5 March 2003**

Highway Safety Code
(R.S.Q., c. C-24.2; 2002, c. 62)

Designation of the territory of a municipality as an area where making a right turn on a red light will be prohibited

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 359.1 of the Highway Safety Code (R.S.Q., c. C-24.2), replaced by section 4 of chapter 62 of the Statutes of 2002;

CONSIDERING the need to designate the territory of Ville de Montréal as an area where making a right turn on a red light is prohibited as of 13 April 2003;

ORDERS:

THAT the territory of Ville de Montréal be designated as an area where making a right turn on a red light will be prohibited as of 13 April 2003.

SERGE MÉNARD,
Minister of Transport

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M.O., 2003**Order 2152 of the Minister of Justice dated
21 February 2003**

Civil Code of Québec
(1991, c. 64; 2002, c. 6)

Rules respecting the solemnization of civil marriages and civil unions

WHEREAS, under article 376 of the Civil Code (1991, c. 64), amended by section 25 of chapter 6 of the Statutes of 2002, the Minister of Justice may prescribe rules for the solemnization of marriages;

WHEREAS, under article 521.3 of the Civil Code, enacted by section 27 of chapter 6 of the Statutes of 2002, the solemnization of a civil union is subject to the same rules, with the necessary modifications, as are applicable to the solemnization of a marriage, including the rules relating to prior publication;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft amendment of the Rules respecting the solemnization of civil marriages and civil unions was published in Part II of the *Gazette officielle du Québec* of 6 November 2002, with a notice that they could be made by the Minister of Justice upon the expiry of 45 days following that publication;

WHEREAS, following that publication, comments were received;

WHEREAS it is expedient to make the Rules respecting the solemnization of civil marriages and civil unions, taking the comments into account;

IT IS ORDERED, therefore:

THAT the Rules respecting the solemnization of civil marriages and civil unions, attached to this Order, be made.

Québec, February 21 2003

NORMAND JUTRAS,
Minister of Justice

**Rules respecting the solemnization
of civil marriages and civil unions**

Civil Code of Québec
(1991, c. 64, a. 376; 2002, c. 6, s. 25)

1. The publication of a civil marriage or a civil union shall be made using the form in Schedule I or Schedule II, as the case may be, which must be posted for 20 days before the date of the ceremony, at the place where the ceremony is to be held and at the courthouse nearest to that place.

2. Marriages and civil unions solemnized by a clerk or deputy clerk of the Superior Court or in a courthouse must be solemnized between 9:00 a.m. and 4:30 p.m. They may not be solemnized on

- (1) Sundays;
- (2) 1 and 2 January;
- (3) Good Friday;
- (4) Easter Monday;
- (5) 24 June, the National Holiday;

- (6) 1 July, the anniversary of Confederation;
- (7) the first Monday of September, Labour Day;
- (8) the second Monday of October;
- (9) 24, 25, 26 and 31 December;

(10) the day fixed by proclamation of the Governor General for the celebration of the birthday of the Sovereign; or

(11) any other day fixed by order of the Government as a public holiday or as a day of thanksgiving.

Marriages and civil unions solemnized by any other competent officiant under article 366 of the Civil Code elsewhere than in a courthouse must be solemnized between 9:00 a.m. and 10:00 p.m. and they may be solemnized on any day, including the days referred to in the first paragraph.

3. The clerk or deputy clerk of the Superior Court may solemnize a marriage or civil union in a courthouse or at the places referred to in sections 4 and 5.

Any other officiant may solemnize a marriage or civil union in a courthouse, in a place referred to in section 4 or in any other place agreed upon by the intended spouses. That place shall be in keeping with the solemn nature of the ceremony and be laid out for that purpose.

4. If one of the intended spouses is physically unable to move about, and that inability is attested to in a medical certificate, the ceremony may take place, with the permission of the officiant, at the place where that intended spouse is, provided that a request to that effect is submitted to the officiant before the posting of the notice of marriage or civil union or at the time of the application for a dispensation from publication of the notice.

5. If one of the intended spouses is confined in a correctional facility or penitentiary, the ceremony may take place at the correctional facility or penitentiary, provided that a request to that effect is submitted to the clerk or deputy clerk of the Superior Court before the posting of the notice of marriage or civil union or at the time of the application for a dispensation from publication of the notice.

6. If the ceremony takes place in a courthouse, the Québec flag must be displayed in the room in which the ceremony takes place.

7. A male clerk or deputy clerk of the Superior Court shall wear a black gown with a dark suit, a white shirt, and dark tie or a black gown, closed in front, with a raised neck opening and long sleeves. A female clerk or deputy clerk shall wear a black gown with a dark skirt and a white long-sleeved blouse or dark clothing.

Any other officiant is exempt from wearing the gown.

8. During the ceremony, the officiant shall address the intended spouses using the text in Schedule III or Schedule IV, as the case may be. If the officiant solemnizes more than one marriage or civil union at the same time, the appropriate text shall be read only once.

The text shall be read in French or in English, as determined by the intended spouses. If either spouse does not understand French or English, the officiant shall ask that the intended spouses provide the services of an interpreter at their expense.

9. The officiant shall then receive from the intended spouses a statement of their consent in the manner provided for in Schedule V or Schedule VI, as the case may be.

10. The officiant must keep, in an appropriate place, a copy of the notice of marriage or civil union, or of the dispensation from publication, where applicable, of the declaration of marriage or civil union, and a copy of the certificate of marriage or civil union, and of any other document that was used to certify the accuracy of the information provided by the spouses.

If the officiant is not a notary, a mayor, a member of a municipal or borough council or a municipal officer, the copy of the documents required in the first paragraph must be filed with the clerk of the Superior Court in the judicial district where the ceremony took place.

11. These Rules replace the Rules respecting the solemnization of civil marriages made by Ministerial Order 1440 of the Minister of Justice dated 6 July 1994.

However, if the intended spouses had already agreed with a clerk or deputy clerk of the Superior Court, before the date of coming into force of these Rules, that the solemnization of their marriage or civil union would take place at one of the places provided for in section 5.1 of the replaced Rules, the clerk or deputy clerk may solemnize the marriage or civil union at that place.

12. These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

SCHEDULE I

(s. 1)

NOTICE OF CIVIL MARRIAGE

A civil marriage will be solemnized by the clerk or deputy clerk of the Superior Court

or _____
(name and quality of officiant)

at _____
(address of the place and name of the municipality where the ceremony will take place)

in the judicial district of _____

on _____

between _____
(name and address of intended husband's domicile)

born on _____

at _____
(municipality, province or territory, country)

and _____
(name and address of intended wife's domicile)

born on _____

at _____
(municipality, province or territory, country)

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

Witness _____

Address _____

Declared before me at _____

this _____

(signature) (function, profession or quality)

This notice of marriage has been posted, this _____ day of _____, 20 ____, by me, _____, clerk or deputy clerk of the Superior Court in the judicial district of _____

or _____
(name and quality of officiant)

at _____
(address of the place and name of the municipality where the ceremony will take place and identification of the nearest courthouse)

signature (officiant)

SCHEDULE II

(s. 1)

NOTICE OF CIVIL UNION

A civil union will be solemnized by the clerk or deputy clerk of the Superior Court

or _____
(name and quality of officiant)

at _____
(address of the place and name of the municipality where the ceremony will take place)

in the judicial district of _____

on _____

between _____
(name and address of intended spouse's domicile)

born on _____

at _____
(municipality, province or territory, country)

and _____
(name and address of other intended spouse's domicile)

born on _____

at _____
(municipality, province or territory, country)

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

Witness _____

Address _____

Declared before me at _____

this _____

(signature) (function, profession or quality)

This notice of civil union has been posted, this _____ day of _____ 20 ____ by me _____, clerk or deputy clerk of the Superior Court in the judicial district of _____

or _____
(name and quality of officiant)

at _____
(address of the place and name of the municipality where the ceremony will take place and identification of the nearest courthouse)

signature (officiant)

SCHEDULE III

(s. 8)

FORM USED FOR A CIVIL MARRIAGE

(name of wife)

(name of husband)

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

Article 392. The spouses have the same rights and obligations in marriage.

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

They are bound to live together.

Article 393. In marriage, both spouses retain their respective names and exercise their civil rights under those names.

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.

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.

Article 396. The spouses contribute towards the expenses of the marriage in proportion to their respective means.

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

SCHEDULE IV

(s. 8)

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 which set out the rights and duties of spouses :

Article 521.6. The spouses in a 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 a 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.

SCHEDULE V

(s. 9)

FORM USED FOR A CIVIL MARRIAGE

“ _____, do you take
(name of husband)

_____, here present,
(name of wife)
to be your wife?

Answer: “I do”.”

The intended husband declares: “I do.”

“ _____, do you take
(name of wife)

_____, here present,
(name of husband)
to be your husband?

Answer: “I do”.”

The intended wife 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, _____

(name of husband)
and you _____
(name of wife)

united in the bonds of marriage.”.

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

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

SCHEDULE VI

(s. 9)

FORM USED FOR A CIVIL UNION

“ _____, do you take
(name of one spouse)

_____, here present,
(name of other spouse)
to be your spouse?

Answer: “I do”.”

The intended spouse declares: “I do”.

“ _____, do you take
(name of one spouse)

_____, here present,
(name of other 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, _____

(name of one spouse)

and you _____
(name of other spouse)

united 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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