

Gouvernement du Québec

O.C. 781-2015, 2 September 2015

An Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27)

Civil Code of Québec

Change of name and of other particulars of civil status
—Amendment

Regulation to amend the Regulation respecting change of name and of other particulars of civil status

WHEREAS articles 71 and 72 of the Civil Code, as amended by sections 3 and 4 of the Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27), empowers the Government to determine by regulation the other conditions a person must meet to obtain a change of the designation of sex in the person's act of birth and to prescribe the documents to be provided with the application for the change;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting change of name and of other particulars of civil status was published in Part 2 of the *Gazette officielle du Québec* of 17 December 2014 with a notice that it may be made by the Government on the expiry of 45 days following that publication;

WHEREAS section 43 of the Act to amend the Civil Code as regards civil status, successions and the publication of rights provides that the first regulation made under articles 71 and 72 of the Civil Code, as amended by sections 3 and 4 of that Act, must be examined by the competent committee of the National Assembly before it is made by the Government;

WHEREAS on 15 and 16 April and on 13 and 14 May 2015, the draft Regulation was the subject of special consultations and public hearings before the Committee on Institutions, whereas on 21 May 2015 that committee tabled its report containing three recommendations in the National Assembly, and whereas on 4 June 2015 last, the National Assembly took the report into consideration;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting change of name and of other particulars of civil status, attached hereto, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting change of name and of other particulars of civil status

An Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27), ss. 3 and 4)

Civil Code of Québec, arts. 64, 71, 72 and 73

1. The Regulation respecting change of name and of other particulars of civil status (chapter CCQ, r. 4) is amended by inserting the following after section 23:

“**23.1.** If an applicant's affidavit required under section 1 is in support of an application for a change of the designation of sex that appears in the person's act of birth, the affidavit must also attest that

(1) the designation of sex requested is the designation that best corresponds to the applicant's sexual identity;

(2) the applicant assumes and intends to continue to assume that sexual identity;

(3) the applicant understands the seriousness of the undertaking; and

(4) the applicant's undertaking is voluntary and his or her consent is given in a free and enlightened manner.

23.2. An application for a change of the designation of sex that appears in an act of birth must be accompanied by, in addition to the documents referred to in section 4, an affidavit of a person of full age who attests to having known the applicant for at least one year and who confirms that the applicant is fully aware of the seriousness of the application.

23.3. If the applicant has already obtained a change of the designation of sex that appears in his or her act of birth, the application, in addition to the documents referred to

in sections 4 and 23.2, must also be accompanied by a letter from a physician, a psychologist, a psychiatrist or a sexologist authorized to practise in Canada or in the State in which the applicant is domiciled who declares having evaluated or followed the applicant and is of the opinion that the change of the designation is appropriate, having regard to the affidavit made by the applicant in support of the initial application.”

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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