

No. 21

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 21

A Bill to amend The Solemnization of Marriage Act

HON. DR. ROSS

Explanatory Note

2. Section 23(5) was amended by 1949, chapter 94, section 3 to provide for a notice period of seven clear days, but section 6, subsection (1) still provides for two clear days' notice. This is being changed to correspond with the time prescribed in section 23, subsection (5). Section 6, subsection (1) reads:

"6. (1) Except only when it is by this Act expressly provided to the contrary, no marriage licence shall be issued until the third day after the day upon which the application for the licence in Form B in the Schedule is delivered to the licence issuer."

3. See note to clause 4. Section 25(2) presently reads:

"(2) Notwithstanding subsection (1), no such order shall be made in respect of a person under the age of sixteen years unless such person is a female and is shown to be pregnant by a certificate from a legally qualified medical practitioner."

4. A marriage licence may not be issued to a person under the age of sixteen years except in the case of a pregnant female who has obtained parental consent or an order dispensing with such consent under section 25. However, if the child is born before the marriage the exception under this section does not apply. Similarly where such a person applies for an order dispensing with consent, the order cannot be made if the child is born. This anomalous situation is being remedied by the amendments to this section and section 25. Section 26 presently reads:

"26. (1) No licence shall be issued where either of the parties to an intended marriage is under the age of sixteen years, and no banns shall be published in respect of any such marriage, nor shall a marriage be solemnized when either of the contracting parties is under the age of sixteen years.

(2) This section does not apply in the case of a female who is shown to be pregnant by the certificate of a duly qualified medical practitioner and who has obtained the consents required by section 23 or an order made pursuant to section 25 dispensing with any such consent."

5. This amendment is complementary to the amendment made by clause 2 of this Bill. The amended paragraphs in Form B presently read:

"I hereby give you notice that I and the other party hereunder mentioned intend to enter into a contract of marriage on or after the expiration of three days from this date.

.....

The licence must not be issued until the third day after the day upon which the application is received by the issuer, that is the fourth day."

BILL

No. 21 of 1960

An Act to amend The Solemnization of Marriage Act

(Assented to _____, 1960)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Solemnization of Marriage Act*, being chapter 319 of the Revised Statutes, is hereby amended.

2. Section 6, subsection (1) is amended by striking out the word "third" and by substituting the word "eighth".

3. Section 25 is amended by striking out subsection (2) and by substituting the following:

(2) No order shall be made under this section in respect of a person under the age of sixteen years, unless that person is a female and is shown by a certificate of a qualified medical practitioner to be either pregnant or the mother of a living child.

4. Section 26 is amended by striking out subsection (2) and by substituting the following:

(2) This section does not apply in respect of a female under the age of sixteen years who

(a) is shown by a certificate of a qualified medical practitioner to be either pregnant or the mother of a living child, and

(b) has obtained the consents required by section 23 or an order under section 25 dispensing with any such consent.

5. Form B in the Schedule is amended

(a) by striking out the word "three" and by substituting the word "eight",

(b) by striking out the word "third" and by substituting the word "eighth",

(c) by striking out the word "fourth" and by substituting the word "ninth".

6. This Act comes into force on the day upon which it is assented to.

~~NO. 21~~

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Solemnization
of Marriage Act

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. ROSS
