

1975 Bill 51
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

THE MARRIAGE AMENDMENT ACT, 1975

MR. HYLAND

First Reading

Second Reading

Third Reading

Bill 51
Mr. Hyland

BILL 51

1975

(Second Session)

THE MARRIAGE AMENDMENT ACT, 1975

(Assented to , 1975)

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

1. The Marriage Act is hereby amended.

2. The following section is added after section 4:

4.1 (1) Notwithstanding sections 3 and 4, where

(a) an incorporated Local Spiritual Assembly of the Baha'i Faith has received the approval of the National Spiritual Assembly of the Baha'is of Canada to appoint a marriage registrar, and

(b) a person is designated as a marriage registrar by that Assembly,

the Director may register that person under this section to exercise the powers conferred and to carry out the duties imposed by this Act and *The Vital Statistics Act* upon a person authorized by this Act to solemnize marriage.

(2) A marriage is not invalid by reason only of the fact that it was authorized by an incorporated Local Spiritual Assembly, conducted in accordance with the rites and usages of the Baha'i Faith and registered by a marriage registrar described in subsection (1).

(3) Nothing in this section requires the marriage to be celebrated or solemnized by the person designated as a marriage registrar and registered under this section.

(4) Nothing in this section authorizes the marriage of a person under the age of 18 years except as provided in this Act.

Explanatory Notes

- 1.** This Bill will amend chapter 226 of the Revised Statutes of Alberta 1970.
- 2.** New section.

3. Section 27 is struck out and the following section is substituted:

27. (1) No person shall issue a marriage licence or solemnize a marriage where he knows or has reason to believe that there is in effect with respect to a party to the intended marriage

- (a) a declaration under *The Mentally Incapacitated Persons Act* that the party is of unsound mind or is incapable of managing his affairs, or
- (b) a certificate of incapacity under *The Mental Health Act, 1972*,

unless there is delivered to him a certificate under subsection (2) and, where there is a committee of the estate of a party to the intended marriage, proof that the committee has been given at least 14 days' prior notice of the issuance of the licence or the solemnization of the marriage, as the case may be.

(2) A duly qualified medical practitioner may certify in writing that in his opinion a party described in subsection (1), clause (a) or (b) has the capacity to understand the nature of the contract of marriage and the duties and responsibilities relating thereto.

(3) No person shall

- (a) issue a marriage licence, or
- (b) solemnize a marriage,

where he knows or has reason to believe that either of the parties to the intended marriage or to the marriage is, at the time of the application for the licence or at the time of the solemnization, as the case may be, under the influence of alcohol or a drug.

(3) A person who contravenes subsection (1) or (3) is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 30 days.

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

3. Marriage of mentally handicapped.

Section 27 presently reads:

27. A person who

(a) issues a licence, or

(b) solemnizes a marriage,

knowing or having reason to believe that either of the parties to the intended marriage or to the marriage is mentally defective or mentally ill or is under the influence of intoxicating liquor or narcotic drugs, is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding one year.