

1983 BILL 79

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 79

MARRIAGE AMENDMENT ACT, 1983

MR. McPHERSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 79
Mr. McPherson

BILL 79

1983

MARRIAGE AMENDMENT ACT, 1983

(Assented to _____, 1983)

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

- 1 *The Marriage Act is amended by this Act.*
- 2 *Section 1 is amended*
 - (a) *by repealing clause (a);*
 - (b) *by adding the following after clause (c):*
 - (d) "member of the clergy" means a person qualified to be registered under section 3;
 - (e) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act.
- 3 *Section 7 is amended*
 - (a) *by repealing subsection (1) and substituting the following:*

7(1) The Minister may appoint adult persons resident in Alberta as marriage commissioners for Alberta or any district of Alberta for terms of up to 5 years.
 - (b) *in subsection (3) by striking out "certificate of the marriage" and substituting "proof of marriage document".*
- 4 *Section 9(1) is amended by adding "who are adults" after "witnesses".*
- 5 *Section 10 is amended by striking out "certificate of the marriage" and substituting "proof of marriage document".*

Explanatory Notes

1 This Bill will amend chapter M-6 of the Revised Statutes of Alberta 1980.

2 Section 1 presently reads:

1 In this Act,

(a) "clergyman" means a person qualified to be registered under section 3;

(b) "Director" means the Director of Vital Statistics appointed under the Vital Statistics Act;

(c) "issuer" means an issuer of marriage licences appointed under section 11.

3 Section 7 reads in part:

7(1) The Lieutenant Governor in Council may appoint adult persons resident in Alberta as marriage commissioners for Alberta or any district of Alberta.

(3) If the parties to a marriage solemnized by a marriage commissioner desire a religious ceremony in addition thereto, a certificate of the marriage given by the marriage commissioner who solemnized it is sufficient authority for a clergyman to perform the religious ceremony.

4 Section 9 reads in part:

9(1) No person shall solemnize a marriage without the presence of the parties and at least 2 credible witnesses.

5 Section 10 presently reads:

10 In addition to registering the marriage as required by the Vital Statistics Act, the person who solemnizes a marriage shall give the parties a signed certificate of the marriage specifying the names of the parties, the date and place of the marriage and the names of the witnesses.

6 *Section 11 is amended*

(a) *by repealing subsection (1) and substituting the following:*

11(1) The Minister may, for any district of Alberta, appoint adult persons as issuers of marriage licences for terms of up to 5 years.

(b) *in subsection (2)*

(i) *by striking out “As” and substituting “An”;*

(ii) *by striking out “3” and substituting “12”.*

7 *Section 13(2) is amended by striking out “justice of the peace or”.*

8 *Section 22(3) is amended by striking out “\$2” and substituting “the fee prescribed for that service by regulation under the Alberta Health Care Insurance Act”.*

9 *Section 25 is amended by striking out “\$500” and substituting “\$1000”.*

10 *Section 26 is amended by striking out “\$100” and substituting “\$500”.*

11 *Section 27 is amended in subsection (4) by striking out “\$500” and substituting “\$1000”.*

6 Section 11 presently reads in part:

11(1) The Lieutenant Governor in Council may appoint for any district issuers of marriage licences.

(2) As issuer may appoint in writing and for a period of not more than 3 months a deputy to act for him in his absence, and the deputy issuer possesses all the powers of the issuer appointing him, and shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner:

A.B.,

Issuer of Marriage Licences,

per C.D.,

Deputy Issuer.

7 Section 13 presently reads in part:

(2) The affidavit referred to in subsection (1) must be sworn to by each applicant before the issuer, except that if either of the applicants is unable to swear the affidavit before the issuer, the issuer may permit the affidavit to be made before a justice of the peace or notary public, in which case the affidavit shall state the reason relied on to excuse personal attendance before the issuer.

8 Section 22 presently reads in part:

(3) The person who takes a blood specimen pursuant to this section is entitled to receive from the person whose blood is taken a fee not exceeding \$2.

9 Section 25 presently reads:

25 If any person who, having been a clergyman, marriage commissioner or other person having the right to solemnize marriage, has been deposed from his ministry, or deposed or removed from the office by virtue of which he was authorized to solemnize marriage, thereafter solemnizes or undertakes to solemnize a marriage, he is guilty of an offence and liable to a fine of \$500 or to imprisonment for a term of not more than 12 months, or to both fine and imprisonment.

10 Section 26 presently reads:

26 A person who

(a) issues a marriage licence, or

(b) solemnizes a marriage,

contrary to this Act is guilty of an offence and liable to a fine of not more than \$100 and in default of payment to imprisonment for a term not exceeding 30 days.

11 Section 27 presently reads in part:

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

12 Section 28 is amended by striking out “\$100” and substituting “\$500”.

13 Section 29 is amended by striking out “Lieutenant Governor in Council” and substituting “Minister”.

14 The following provisions are amended by striking out “clergyman” and substituting “member of the clergy”:

section 2(a);
section 3(4)(d)(iii);
section 5(1);
section 5(2)(a);
section 7(3);
section 25.

15 The following provisions are amended by striking out “clergymen” and substituting “members of the clergy”:

section 3(3);
section 6(1)(a).

*In accordance with section 4(1) of the Interpretation Act,
this Bill comes into force on the date it receives Royal
Assent.*

12 Section 28 presently reads:

28 A person who knowingly makes a false statement in any document required under this Act, for which he is not otherwise punishable on conviction, is guilty of an offence and liable to a fine of not more than \$100 and in default of payment to imprisonment for a term not exceeding 30 days.

13 Section 29 presently reads:

29 The Lieutenant Governor in Council may make regulations

(a) prescribing the fees to be paid for marriage licences;

(b) prescribing the forms to be used in carrying out the provisions of this Act;

(c) prescribing the duties of, the procedures to be followed by, and the fees payable to issuers of marriage licences;

(d) authorizing the filing of special returns by an issuer of marriage licences in exceptional cases;

(e) authorizing every Indian agent in Alberta to act by virtue of his office as issuer of marriage licences for the Indians under his jurisdiction;

(f) authorizing every Supervisor of a Metis Colony in Alberta to act by virtue of his office as issuer of marriage licences for the Metis under his jurisdiction;

(g) authorizing the waiving of the requirement of blood tests under certain conditions;

(h) prescribing the fee that may be charged for a marriage ceremony performed by a marriage commissioner;

(i) for the purpose of effectively securing the due observance of this Act, and generally for the better carrying out of the provisions hereof and obtaining the information required hereby.

14 Consequential.

15 Consequential.