

# Officiant's Guide

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## Summary of the Officiant's Guide

### BEFORE THE CEREMONY

- Read the *Officiant's Guide*, which contains all the information needed to officiate a marriage or a civil union. Measures could be taken against an officiant who does not comply with the rules applicable to a marriage or civil union.
- Compile all the official documents of the intended spouses and create a marriage or civil union file.
- Complete the *General Information* form (Optional: complete appendix Ia or Ib to the *Officiant's Guide*).
- Notify the Directeur de l'état civil of any change regarding the marriage or civil union, such as the date or location of the ceremony.

### PUBLICATION

The notice of marriage or civil union must be published by the Directeur de l'état civil on its website for **20 days** prior to the date of the marriage or civil union, which must take place **within three months following the last day of publication**.

**The Directeur de l'état civil suggests that officiant submit the request for publication of a notice several weeks before the scheduled date of the ceremony to meet the various deadlines.**

- Complete an application for publication (using the online service at [www.etatcivil.gouv.qc.ca](http://www.etatcivil.gouv.qc.ca) or the paper form).
- In certain cases, a dispensation from publication can be granted.
- Print a copy of the notice of publication.

### DURING THE CEREMONY

- Read the required articles of the *Civil Code of Québec* (see appendix II or III to the *Officiant's Guide*).
- Receive the personal consent of each of the intended spouses in the presence of two witnesses (see section 3.3.4 of the *Officiant's Guide*).
- Complete the *Declaration of Marriage* form (DEC-50) or the *Declaration of Civil Union* form (DEC-55). **Signatures:** the form must be signed and dated by the officiant, and signed by the spouses and the two witnesses.
- Have the spouses sign and date the *Return of Marriage* form (SP-2) or the *Return of Civil Union* form (SP-7). The officiant must also indicate the date it was signed.

### AFTER THE CEREMONY

- Make a photocopy of the *Return of Marriage* form (SP-2) or the *Return of Civil Union* form (SP-7).
- **Send the Institut de la statistique du Québec**, within eight days following the ceremony, the original copy of the *Return of Marriage* form (SP-2) or the *Return of Civil Union* form (SP-7).

- **Send the Directeur de l'état civil**, at the same time as the original *Declaration of Marriage* form or *Declaration of Civil Union* form, the following documents (consult the *Officiant's Guide* to determine which documents must be sent according to the situation):
  - **Identification documents**  
Photocopies of birth certificates or acts of birth
  - **Divorced**  
Photocopy of the certificate of divorce or absolute decree of divorce (for a divorce between 1968 and June 1, 1986)
  - **Widowed**  
Photocopy of the act of death or the certificate of death
  - **Annulled marriage**  
Photocopy of the judgment annulling the marriage
  - **Spouses who are minors**  
Photocopy of the judgment authorizing the marriage

## Introduction

As the officiant of a marriage or a civil union, you have many legal obligations. You are not only acting as the master of ceremonies! This guide was prepared to help you carry out your various duties. It contains information on the rules and formalities applicable to the solemnization of a marriage or a civil union. Note that this guide is provided for information purposes only and has no legal value.

### Marriage and civil union

In Québec, there are two ways for a couple to officially unite as spouses:

**Marriage** is a commitment by two people who are at least 16 years of age (and have obtained the authorization of the court if they are under 18 years of age) who have publicly expressed their free and enlightened consent to live together and to comply with the rights and obligations related to this civil status. Marriage is a civil act that can be solemnized in either a civil ceremony (example: in a courthouse) or a religious ceremony (example: in a place of worship). In fact, the commonly-used terms “civil marriage” and “religious marriage” refer only to the type of solemnization chosen by the spouses, as the *Civil Code of Québec* recognizes marriage only as a civil institution that gives rise to rights and obligations.

**A civil union** is a commitment by two people who are 18 years of age or older, and who have publicly expressed their free and enlightened consent to live together and to comply with the rights and obligations related to this civil status. Created in 2002 primarily for same-sex couples, this type of union is exclusive to Québec. Moreover, same-sex marriages have been legal in Canada since 2005.

The rights and obligations that stem from these two types of unions are the same. There are differences, however, with respect to the required age and the dissolution process.

The following table summarizes the main differences between a marriage and a civil union.

Type of union	Minimum age required when the union is solemnized	Recognized outside Québec?	To end the union in case of a breakup
Marriage	16 years old Note: With the authorization of the court if 16 or 17 years old	Yes	Divorce
Civil union	18 years old	No	Notarized joint declaration OR Dissolution of civil union

# 1 The officiant

In order for a marriage or a civil union to be valid, it must be performed by a “competent officiant”, which means, a person who is recognized by the law.

Therefore, only the **following people** can solemnize a marriage or a civil union in Québec:

- Ministers of religion, who are authorized to solemnize marriages (or civil unions) according to the chosen religion and who are authorized to do so by a religious society that is recognized by the Directeur de l'état civil;
- Notaries, who are authorized by law to execute notarial acts;
- Clerks and deputy clerks of the Superior Court, who are designated as officiants by the Directeur de l'état civil;
- Mayors, municipal and borough council members, and other municipal officers, who are designated by the Directeur de l'état civil (only for ceremonies in their municipality);
- Any other person who files a request with the Directeur de l'état civil, such as a friend, a loved one or a family member of the intended spouses. This person is commonly called the “designated officiant”.

**In this latter case**, a person who wishes to solemnize the marriage or civil union of a loved one must also:

- Be of full age and not under protective supervision (such as a tutorship or a curatorship);
- Be a Canadian citizen or reside in Québec;
- Be able to speak English or French;
- Having complied with all the conditions concerning the substance and form of the marriage or civil union during prior solemnization ceremonies.

The Directeur de l'état civil **does not** grant citizens general designations to act as officiants. A maximum of three specific designations can be granted to a person who has been asked to personally officiate a marriage or a civil union. However, the Directeur de l'état civil may grant additional authorizations to a citizen if the request pertains directly to one of his or her parent, brother, sister or child.

## 1.1 The authorization

When an officiant is granted an authorization to solemnize a marriage or a civil union, he or she will receive a letter from the Directeur de l'état civil containing an authorization number composed of a series of five alphanumeric characters.

Notaries who are authorized to execute notarized acts do not receive any documentation from the Directeur de l'état civil. Rather, it is the notary's registration number, which is found on the roll of the Chambre des notaires du Québec, that serves as the authorization number to solemnize marriages or civil unions. This number is composed of one letter and four digits.

Since the Directeur de l'état civil does not have jurisdiction to designate an officiant for a marriage or civil union contracted outside Québec, the authorization granted by the Directeur de l'état civil is valid only in Québec.

## 1.2 Competency of the officiant

Before solemnizing a marriage or a civil union in Québec, the officiant must hold a valid authorization (authorization number) and ensure that this authorization will still be in force on the day of the ceremony and valid for the location where the ceremony will take place.

### Scope and duration of the authorization

- **Ministers of religion** are authorized to act as officiants in the province of Québec for the period of time indicated on their instrument of designation;
- **Clerks and deputy clerks** of the Superior Court can act as officiants in the province of Quebec for as long as the Directeur de l'état civil authorizes them to do so;
- In the case of **mayors, municipal and borough council members, and municipal officers**, the authorization falls within their duties, is valid only in the territory of their municipality and automatically ceases at the end of their term in office or on each election date;
- **Notaries** can solemnize marriages and civil unions throughout Québec, provided they are authorized by law to execute notarial acts;
- The authorization granted to a "**designated officiant**" is valid only in the judicial district in question and solely for the marriage or civil union indicated on the authorization.

You can verify the validity of an officiant's authorization to solemnize a marriage or a civil union by consulting the Register of officiants at [www.etatcivil.gouv.qc.ca](http://www.etatcivil.gouv.qc.ca).

## 2 Before the ceremony

### 2.1 Compliance with conditions for the formation of a marriage or civil union

Before performing the ceremony, the officiant must ensure that the intended spouses meet all the requirements provided for by law. To do so, the officiant may schedule a meeting with the intended spouses in order to obtain all the information that he or she is required to verify (surnames, given names, addresses, age, civil status, civil status documents) as well as complete, if desired, the *General Information* form (see Appendix I). Note that these verifications should be made no later than when completing the application for the publication of a notice of marriage or civil union.

### 2.1.1 Identity of the intended spouses

The law requires the officiant to verify the identity of the intended spouses. To meet this legal formality, the officiant must ask each of them to present the two following documents:

- Their **original** birth certificate or act of birth or, if either one was born outside Québec, their original birth certificate or equivalent document **indicating the names of their parents** and certified to be a true copy by the officer of civil status of the country or province in which the birth was registered; AND
- A **valid** photo ID, such as:
  - Québec health insurance card;
  - Driver's licence issued in Québec, another Canadian province or a U.S. state;
  - Canadian or foreign passport;
  - Canadian citizenship card (issued since 2002);
  - U.S. Permanent Resident Card (Green Card);
  - Federal immigration documents (IMM 1442, for a situation covered by this document);
  - Official ID issued to members of the military, police officers or diplomats posted in Canada;
  - Certificate of Indian Status;
  - ID card issued by a Canadian province;
- If the intended spouses live abroad:
  - A **valid** photo ID (foreign passport, driver's licence, ID card).

### 2.1.2 Ages of the intended spouses

#### For marriage

- The intended spouses must be **at least 16 years of age** on the day of the ceremony. This must be verified by asking them to each provide two pieces of **valid ID**;
- If one of the intended spouses is a **minor** (over 16 years of age but under 18 years of age on the day of the ceremony), the officiant must ensure that the **Superior Court** has authorized the solemnization of the marriage. The judgment must be provided to the officiant **before** the marriage, further to which he or she must send the document to the Directeur de l'état civil no later than when the declaration of marriage form is sent. Note that the solemnization of a marriage with the knowledge that one of the intended spouses is under 16 years of age is an indictable offence.

#### For a civil union

- The intended spouses must be **at least 18 years of age**. This must be verified by asking them to each provide two pieces of **valid ID**.

### 2.1.3 Family relationship between the intended spouses

The officiant must be certain that the intended spouses are not related in the following way:

- Brother and sister;
- Parent and child;

- Grandfather or grandmother and grandchild;
- Half-brother and half-sister.

This must be verified with the birth certificates of the intended spouses, or any other equivalent document from their place of birth and issued by an authorized officer of civil status. Note that such family relationships can be created by blood, adoption or marriage (spouse of a member of the biological or adoptive family).

#### **2.1.4 Civil status of the intended spouses**

The intended spouses must be free of any previous bonds of marriage or civil union, which means they must be single, divorced or widowed. An intended spouse who has obtained the annulment of a previous marriage is also considered to be free of any previous bonds of matrimony.

**Spouses who are already in a civil union** with each other and then decide to marry do not have to annul their civil union, as their marriage automatically ends the civil union.

The law requires officiants to verify the civil status of the intended spouses **before** the ceremony. The following documents can be used by officiants to meet this formality:

- **If the intended spouse is single**

An attestation issued by the Directeur de l'état civil and, where applicable, by the officer of civil status of the intended spouse's previous place of residence, stating that no marriage or civil union is entered for that intended spouse in the Québec register of civil status and, where applicable, in the register of civil status of the spouse's previous place of residence.

- **If the intended spouse is widowed**

The original death certificate or act of death of the former spouse. If the death occurred outside Québec, the original death certificate or equivalent document certified to be a true copy by the officer of civil status of the country or province in which the death was registered.

- **If the intended spouse is divorced**

A certified true copy of the *absolute* decree of divorce or certificate of divorce.

The officiant must also ensure that the divorce is **final and not appealed from** as at the date of the ceremony. A judgment of divorce takes effect on the **31st day after** the date on which the judgment is rendered, except in the following situations:

- the judgment states that the divorce takes effect immediately; or
- the judgment is appealed from during the said 30-day interval.

- **If the intended spouse is free of any previous bond of marriage or civil union further to an annulment**

A certified true copy of the judgment annulling the marriage or the civil union.

The officiant must also ensure that the judgment is **final and not appealed from** as at the date of the ceremony. A judgment of nullity of a marriage or a civil union takes effect on the date of the judgment, unless it is appealed from.

- **If the intended spouse had a previous civil union dissolved**

A certified true copy of the judgment of dissolution of the civil union, if dissolved by means of a judgment, or a certified true copy of the notarized declaration of dissolution of the civil union, if dissolved by means of a notarized declaration.

The officiant must also ensure that the judgment **is final and not appealed from** as at the date of the ceremony. A judgment of dissolution of a civil union takes effect on the date of the judgment, unless it is appealed from. A notarized joint declaration, which includes a transaction contract, takes effect on the date when the documents are received before the notary. This date is indicated in the declaration.

**Note:** The documents listed above are indicated for information purposes only and it is possible that certain situations may not be presented. It is the **officiant's responsibility** to determine, according to the situation at hand, which documents are needed in order to fulfil his or her obligations. The officiant may consult a **legal advisor** as needed to ensure the validity of the documents obtained.

## **2.2 Compliance with the formalities prescribed by law**

### **2.2.1 Date, time and place of the ceremony**

The officiant must determine, with the intended spouses, the date, time and place where the celebration of the marriage or the civil union will take place. The law provides for certain formalities in this regard, which must be respected.

If the marriage or civil union is solemnized by a clerk or deputy clerk of the Superior Court or in a courthouse, the ceremony must take place between 9:00 a.m. and 4:30 p.m., but cannot be held on the following days:

- Sundays;
- January 1 or 2;
- Good Friday;
- Easter Monday;
- June 24 (National Holiday);
- July 1 (Canada Day);
- First Monday of September (Labour Day);
- Second Monday of October (Thanksgiving Day);
- December 24, 25, 26 and 31;
- Day fixed by proclamation of the Governor General for the celebration of the birthday of the Sovereign (Victoria Day or National Patriots' Day);
- Any other day fixed by order of the Government as a public holiday or a day of thanksgiving.

All other officiants (notaries, elected officials, municipal council members and "designated officiants") can officiate marriages and civil unions on any day of the year and at any time of day (unless the ceremony is to take place in a courthouse).

Of course, the location where the ceremony will be held can be chosen according to the tastes and values of the intended spouses. In all cases, however, the selected location must be a place accessible or made accessible to the public, reflect the **solemn nature** of the ceremony, have a layout that is suitable for such an event and make it possible to carry out, in a dignified and serious manner, the formalities of a marriage or a civil union, which include:

- Reading the specific articles of the *Civil Code of Québec* to the intended spouses, in the presence of their two witnesses;
- Reception of the free and enlightened consent of the intended spouses to enter the bonds of marriage or civil union, in the presence of their two witnesses;
- Preparation of the declaration and the return of marriage or civil union; and
- Signature of the declaration and the return of marriage or civil union by the spouses, their two witnesses and the officiant.

### **2.2.2 Publication of the notice of marriage or civil union**

The publication of a notice of marriage or civil union is a legal obligation that serves to publicly announce the intention of the intended spouses to marry or enter into a civil union. The publication of such a notice makes it possible, under certain conditions, for individuals to oppose the marriage or civil union if they have valid reasons to do so. Notices of marriage or civil union are published on the website of the Directeur de l'état civil.

Note that it is very important that the notice of marriage or civil union be published on the website of the Directeur de l'état civil. Failure to meet this requirement without prior dispensation could lead to a breach in the officiant's file. If the spouses are already joined together in a civil union, however, it is not necessary to publish a notice of marriage.

Also note that when the Directeur de l'état civil receives an application for the publication of a notice of marriage or civil union, it verifies whether the officiant is competent to solemnize the ceremony.

#### **Application for the publication of a notice of marriage or civil union**

The officiant must file the following form with the Directeur de l'état civil **at least 21 days before** the date of the ceremony: *Application for publication or for a dispensation from publication of a notice of marriage or civil union* (PFO-21-11).

**The Directeur de l'état civil suggests that officiant submit the request for publication of a notice several weeks before the scheduled date of the ceremony to meet the various deadlines.**

The *Application for publication or for a dispensation from publication of a notice of marriage or civil union form* contains several sections. For the publication of a notice, sections 1 to 6 must be filled out jointly by the officiant and one witness.

#### **Online service**

The *Application for publication or for a dispensation from publication of a notice of marriage or civil union form* is available 24/7 on the website of the Directeur de l'état civil in the **Publish** section on the homepage.

To access the online service, the officiant must enter the authorization number he or she was assigned for the solemnization of the marriage or civil union, the phone number and postal code in his or her file.

The form may be fill out and submitted online. If the officiant submits the application for publication online, he or she must ensure that the status of the application is indicated as “Transmitted” in the file.

### **Other means of transmitting the application form**

The officiant can choose to file the form in two other ways:

- Fill it out onscreen, print it, sign it and mail it;
- Print it, fill it out, sign it and mail it.

You can also obtain a copy of the *Application for publication or for a dispensation from publication of a notice of marriage or civil union form* at the by contacting a Directeur de l'état civil customer service representative.

### **Processing time**

The officiant must take into account the time required by the Directeur de l'état civil to process the *Application for publication or for a dispensation from publication of a notice of marriage or civil union form*. The notice must appear on the website of the Directeur de l'état civil for a period of **20 days** prior to the date of the marriage or civil union, which itself must take place within **three months of the last day of publication**. Note that forms are processed during office hours, that is, Monday to Friday, from 8:30 a.m. to 4:30 p.m., and those submitted outside of office hours are deemed to have been received when the office opens on the following business day. **The Directeur de l'état civil suggests that officiant submit the request for publication of a notice several weeks before the scheduled date of the ceremony to meet the various deadlines.**

### **Identity of the intended spouses**

Before submitting the *Application for publication or for a dispensation from publication of a notice of marriage or civil union form*, the officiant must ensure that all information provided on the form concerning the identity of the intended spouses is **identical** to the information found on their birth certificates or, where applicable, the equivalent document issued by the officer of civil status of the country or province in which the birth was registered.

### **The witness**

The role of the witness is to certify that the information on the *Application for publication or for a dispensation from publication of a notice of marriage or civil union form* is accurate. To do so, the witness must sign the form by hand, if it is filled out manually. If the form is filled out onscreen, the witness must be present and then sign electronically. Note that the officiant must verify the identity and age of the witness, who must be 18 years of age or older, using a valid photo ID.

The officiant must also have the witness certify the accuracy of the information in the *Application for publication or for a dispensation from publication of a notice of marriage or civil union form*. Note that this witness does not have to be one of the two people who will be acting as witnesses at the ceremony.

### **Publication period**

The notice **will be published before the solemnization of the marriage or civil union, for a period of 20 consecutive days**, on the website of the Directeur de l'état civil in the section entitled "Register of notices of marriage or civil union".

If an error is observed in the notice of marriage or civil union once it is published, the officiant must contact the Directeur de l'état civil to find out how to proceed. Depending on the situation, it is possible that a new application for publication is necessary, in which case the 20-day period required by law must still be respected.

That's why the Directeur de l'état civil suggests that officiant submit the request for publication of a notice several weeks before the scheduled date of the ceremony to meet the various deadlines.

Lastly, the officiant is responsible for ensuring that the marriage or civil union is solemnized within **three months** of the twentieth day of the publication of the notice; otherwise, another notice must be published. If the officiant is authorized to solemnize a single marriage or civil union, he or she must also notify the Directeur de l'état civil.

### **Proof of publication**

When the notice of marriage or civil union is published, the officiant must print and keep a copy of the notice as proof of its publication.

#### **2.2.3 Dispensation from publication**

The Directeur de l'état civil may, further to a request by the intended spouses and the officiant, and given **serious cause**, grant a dispensation from publication of the notice. In such cases, sections 1 to 5 and section 7 of the *Application for publication or for a dispensation from publication of a notice of marriage or civil union form* must be filled out jointly by the officiant and the intended spouses.

The *Application for publication or for a dispensation from publication of a notice of marriage or civil union form* can be completed using the online service on the website of the Directeur de l'état civil in the **Publish** section, which is on the homepage. You can also obtain a copy of the form by contacting a Directeur de l'état civil customer service representative.

### **Decision of the Directeur de l'état civil**

Applications for dispensation from publication are analyzed by the Directeur de l'état civil on a case-by-case basis, taking the unique facts of each situation into account. Note that in the context of analyzing such applications, a telephone interview may be held with the officiant or the intended spouses, and supporting documents may be requested. After

studying the application, the Directeur de l'état civil will issue a written decision explaining the reasons why the dispensation is being granted or refused, and send it to the officiant and to the intended spouses.

### **Urgent requests**

If a marriage or a civil union must be solemnized urgently because the life of one of the intended spouses is in danger and it is not possible to obtain a dispensation from publication from the Directeur de l'état civil in time, the officiant can grant the couple such a dispensation. In such cases, the officiant must send the Directeur de l'état civil, at the same time as the declaration of marriage or civil union, a written document attesting to and describing the reasons justifying the dispensation.

### **If the intended spouses are already in a civil union**

If the intended spouses are already in a civil union and wish to marry, it is not necessary to publish a notice of marriage. However, this exception does not apply to common-law partners, regardless of the length of their cohabitation.

## **2.3 Opposition to the marriage or civil union**

Any person, including a minor, may oppose the solemnization of a marriage or a civil union. This could be the case, for example, if a given person believes that the consent of one of the intended spouses may not be free or enlightened, or if the intended spouses have a family relationship that prevents them from marrying or entering into a civil union under the law.

Opposition to a marriage or a civil union must be formally expressed by means of a **judicial application filed with the court and served on the officiant, the Directeur de l'état civil and the intended spouses**.

In the event that an opposition is served on the officiant, he or she must contact the clerk of the Superior Court in the judicial district where the application was filed to see if the opposition has been admitted by a judge. If admitted, the ceremony must be **postponed**, and the marriage or civil union cannot be solemnized unless the officiant receives one of the following documents:

- A certified copy of the judgment dismissing the opposition;
- A certified copy of a default certificate issued by a clerk, in the event that the opposition was not presented on the specified date;
- A discontinuance of the opposition proceeding.

If, as a result of legal proceedings, the ceremony is postponed and another notice must be published. If the officiant is authorized to solemnize a single marriage or civil union, he or she must also notify the Directeur de l'état civil.

For information on the legal processes surrounding an opposition to a marriage or a civil union, please consult a legal advisor.

### 3 The celebration of a marriage or a civil union

While the celebration of a marriage or a civil union can be adapted according to the tastes and values of the intended spouses, the law nevertheless provides for certain formalities in this regard, which must be respected.

In addition to the obligations provided for under the *Civil Code of Québec*, the Minister of Justice has also set out regulation applicable to the celebration of marriages and civil unions. The officiant plays an important role with respect to compliance with these legal requirements and is responsible for ensuring that they are met.

In fact, if legal requirements are not met, it could have serious consequences with respect to the validity of the marriage or civil union and also incur the officiant's civil liability.

Finally, in the event of non-compliance by the officiant with the regulation relating to the celebration of the marriage or civil union, measures such as suspension or revocation of his or her authorization to perform marriages may be taken.

#### 3.1 Presence of two witnesses

**Two** witnesses must attend the ceremony in order to attest to the exchange of consent by the intended spouses as well as to sign the declaration of marriage or civil union.

#### 3.2 Reading of articles of the *Civil Code of Québec*

##### For a marriage

During the ceremony, the officiant must read in full and out loud, in the presence of the intended spouses and the **two** witnesses, articles 392 to 396 of the *Civil Code of Québec* in the manner provided for in **Appendix II**.

##### For a civil union

The officiant must read in full and out loud, in the presence of the intended spouses and the **two** witnesses, articles 521.6 and 393 to 396 of the *Civil Code of Québec* in the manner provided for in **Appendix III**.

##### English or French

Whether in the case of a marriage or a civil union, the articles may be read in either English or French, as preferred by the intended spouses. If the officiant or one of the intended spouses does not understand the chosen language, the officiant must ask him or her to obtain and pay for the services of an interpreter who can not be a parent of one of them in a direct line (one of his or her parent, grandparent, grandchild), or online collateral (brother, sister, uncle, aunt, cousin, nephew, niece) until third degree inclusively. The interpreter must perform his or her functions impartially and accurately.

#### 3.3 Consent of the intended spouses

The intended spouses must be able to give their **free and enlightened consent**. The officiant must therefore be attentive toward the **quality** of the consent expressed during the celebration of the marriage or civil union.

### **3.3.1 Ability to give consent**

It is possible that one of the intended spouses may be under some form of protective supervision, such as tutorship, curatorship or assistance from an advisor.

In such cases, the officiant must consult a legal advisor to verify if the intended spouse in question can consent alone to the marriage or civil union.

If necessary, the officiant can also consult the registers of protective supervision ([www.curateur.gouv.qc.ca/registres/en/criteres.jsp](http://www.curateur.gouv.qc.ca/registres/en/criteres.jsp)) or contact the Curateur public du Québec ([www.curateur.gouv.qc.ca](http://www.curateur.gouv.qc.ca)) in this regard.

### **3.3.2 Free consent**

Free consent means that a person is not being forced to marry or enter into a civil union, whether by the intended spouse or any other individual (such as a parent). Note that the solemnization of a marriage with the knowledge that one of the intended spouses has not given his or her free consent is an indictable summary.

### **3.3.3 Enlightened consent**

Enlightened consent means that it is given by a person who has all the information pertaining to his or her situation and who has full knowledge of the facts. Such consent cannot be based on a misrepresentation of the facts, such as a person's identity or the reasons for the marriage or the civil union.

### **3.3.4 Exchange of consents**

#### **For a marriage**

The officiant must ask for and receive, from each of the intended spouses, a declaration of their wish to take the other as their spouse, in English or in French. If the officiant or one of the intended spouses does not understand the chosen language, the officiant must ask him or her to obtain and pay for the services of an interpreter who can not be a parent of one of them in a direct line (one of his or her parent, grandparent, grandchild), or online collateral (brother, sister, uncle, aunt, cousin, nephew, niece) until third degree inclusively. The interpreter must perform his or her functions impartially and accurately.

Each of the intended spouses must make this declaration stating their free and informed consent to take the other as their spouse in the presence of the **two witnesses**. The officiant then declares the couple united in the bonds of marriage.

There is no mandatory formulation to receive the exchange of consent from the intended spouses. For example, the formulation presented in Appendix IV can be used.

#### **For a civil union**

The officiant must ask for and receive, from each of the intended spouses, a declaration of their wish to take the other as their spouse, in English or in French. If the officiant or one of the intended spouses does not understand the chosen language, the officiant must ask him or her to obtain and pay for the services of an interpreter who can not be a parent of one of them in a direct line (father, mother, grandparent, grandchild), or online collateral (brother, sister, uncle, aunt, cousin, nephew, niece) until third degree inclusively. The interpreter must perform his or her functions impartially and accurately.

Each of the intended spouses must make this declaration stating their free and informed consent to take the other as their spouse in the presence of the **two witnesses**. The officiant then declares the couple united in the bonds of civil union.

There is no mandatory formulation to receive the exchange of consent from the intended spouses. For example, the formulation presented in Appendix X can be used.

### 3.4 The declaration of marriage or civil union

Only the Directeur de l'état civil may enter a marriage or a civil union in the Québec register of civil status. The act of marriage or civil union is drawn up based on the information in the declaration form. **It is therefore imperative for the officiant to comply with the legal and regulatory formalities pertaining to the registration of the act.**

In fact, spouses can only obtain a **certificate** or a **copy of the act**, which constitutes proof of their marriage or civil union, once it has been entered in the Québec register of civil status.

On the day of the ceremony, the officiant must complete the *Declaration of Marriage* form (DEC-50) or the *Declaration of Civil Union* form (DEC-55), as the case may be. These forms are available in English and French from the Directeur de l'état civil.

As of June 1, 2022, all acts of civil status are drawn up in French, in accordance with the *Act respecting French, the official and common language of Québec*. Certificates or copies of acts will therefore be issued in the language in question.

The officiant must fill out all sections of the form and then verify the accuracy of the information with the spouses. This verification is made using the documents discussed in Section 2 of this guide.

### 3.5 Signature of the declaration and return of marriage or civil union

At the end of the ceremony, the officiant, the spouses and the two witnesses must **sign** the *Declaration of Marriage* form (DEC-50) or the *Declaration of Civil Union* form (DEC-55), as the case may be, which has just been filled. The officiant will then give the spouses their respective copies of the form.

The officiant and the spouses must also sign the *Return of Marriage* form (SP-2) or the *Return of Civil Union* form (SP-7), as the case may be, which is on the second page of the declaration.

## 4 After the ceremony

### 4.1 Filing the declaration of marriage or civil union

In the case of a marriage, the officiant must send the Directeur de l'état civil, **within 30 days of the marriage ceremony**, the **original** copy of the first page of the *Declaration of Marriage* form (DEC-50), duly completed and signed. Failure to comply with this legal obligation may have serious consequences for the spouses and may result in additional delay in registration, as the Registrar of Civil Status may need to contact you to

obtain additional information or documents. In addition, actions could be taken against the celebrant.

In the case of a civil union, the officiant must send the Directeur de l'état civil, **without delay**, the **original** copy of the first page of the *Declaration of Civil Union* form (DEC-55), duly completed and signed.

The Directeur de l'état civil will then draw up the act of marriage or civil union and enter it in the Québec register of civil status. The spouses will subsequently receive a letter confirming that their marriage or civil union is entered in the register, which letter will also contain a rapid and secure access number that the spouses can use to request a certificate or copy of their act of marriage or civil union using the online service *DEClic! Express*.

### **Minor spouse**

If one of the spouses is a minor, the officiant must also send the Directeur de l'état civil, no later than when the declaration of marriage or civil union form is sent, the judgment authorizing the ceremony, if this document was not already submitted.

### **Dispensation by the officiant**

Lastly, if the officiant granted the couple a dispensation from publication because the life of one of the spouses was in danger, he or she must send, at the same time as the declaration of marriage or civil union, a written document justifying the reasons for the dispensation and detailing the urgent situation that required the ceremony to be performed right away.

## **4.2 Filing the return of marriage or civil union**

The officiant must send the Institut de la statistique du Québec, **within eight days of the ceremony**, the original copy of the *Return of Marriage* form (SP-2) or the *Return of Civil Union* form (SP-7), as the case may be, duly completed and signed. It is recommended to make a copy of this document before it is transmitted as it will not be possible to obtain a copy of this document later from the Institut de la statistique du Québec.

## **4.3 Records management**

**Reminder:** If a judgment is rendered to authorize the marriage of a minor or if a dispensation from publication is granted by the officiant, the corresponding documents must be **sent** to the Directeur de l'état civil no later than when the declaration of marriage or civil union form is sent.

### **4.3.1 Designated officiants**

**The designated officiant** must send the following documents to the Directeur de l'état civil with the declaration of marriage or civil union:

- A copy of the publication of the notice of marriage or civil union, or the dispensation from publication, as the case may be;

- A copy of the *Return of marriage* form (SP-2) or the *Return of Civil Union* form (SP-7)<sup>1</sup>;
- The original copy of page “4 – Officiant” in the *Declaration of Marriage* form (DEC-50) or the *Declaration of Civil Union* form (DEC-55);
- A copy of any other document used to attest to the accuracy of the information provided by the spouses, such as: birth certificates or acts of birth, release from protective supervision, absolute decree of divorce or certificate of divorce, act of death, joint declaration or judgment dissolving or annulling a marriage or civil union, passports, civil status records, etc.

#### 4.3.2 Other types of officiants

**Ministers of religion, notaries, mayors, municipal and borough council members, other municipal officers, clerks and deputy clerks** must keep, in an appropriate location, a copy of the publication of the notice of marriage or civil union<sup>2</sup>, a copy of the declaration of marriage or civil union, a copy of the return of marriage or civil union and a copy of any other document used to attest to the accuracy of the information provided by the spouses.

**Note:** The Directeur de l'état civil may contact the officiant in order to obtain additional information or documents that are needed to enter the marriage or civil union in the Québec register of civil status. The officiant is required to cooperate with the Directeur de l'état civil by providing, as needed, any requested information or documentation that may be required.

In order to be able to process documents more quickly, we ask those officiants who are not mentioned in section 4.3.1 to also include the following documents with the *Declaration of Marriage* form or the *Declaration of Civil Union* form:

- Photocopies of the spouses' birth certificates or acts of birth;
- If either spouse was divorced, a photocopy of the certificate of divorce or absolute decree of divorce (depending on the year of the divorce);
- If either spouse was widowed, a photocopy of the act of death or the certificate of death;
- If the previous marriage was annulled, a photocopy of the judgment annulling the marriage;
- If either spouse is a minor, a photocopy of the judgment authorizing the marriage.

## 5 Consequences of non-compliance with conditions pertaining to the solemnization of a marriage or civil union

The officiant must comply with all the formalities and conditions prescribed by law for the celebration of a marriage or a civil union. Failure to do so can have serious consequences. In fact, the Directeur de l'état civil can **refuse to draw up** the marriage act or the civil union act in the Québec register of civil status. In addition, a marriage or a civil union that is not

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<sup>1</sup> Please take note that the Institut de la statistique du Québec is not authorized to send a copy of this document once it has been received. It is therefore imperative to take a copy of it before sending the document by mail.

<sup>2</sup> Please take note that the Institut de la statistique du Québec is not authorized to send a copy of this document once it has been received. It is therefore imperative to take a copy of it before sending the document by mail.

solemnized according to the prescriptions of the *Civil Code of Québec* can be **declared null** further to a decision by the court.

The officiant's **civil liability** could also be incurred if, because of a failure to meet his or her obligations, the marriage or civil union in question cannot be entered in the Québec register of civil status or is declared null by the court, thereby causing the spouses to sustain a prejudice.

In addition, the **Criminal Code** provides for sanctions against anyone who knowingly and wilfully solemnizes a marriage or a civil union in contravention of the laws of the province in which the ceremony is held.

### **5.1 Measures that may be taken against an officiant**

In addition, measures may be taken by the Directeur de l'état civil against an officiant in case of non-compliance with the regulation relating to the celebration of marriage and civil union. These measures are determined by the *Regulation respecting the solemnization of marriage and civil union*.

Thus, if, following a summary investigation, the Directeur de l'état civil is unable to draw up the marriage or civil union act, the designation or authorization of the officiant will be revoked. This officiant will have to wait two years before being able to submit a new application, in addition to making a commitment in writing, not to derogate from the regulation relating to the celebration of marriage or civil union. His or her new application will then be assessed on the basis of the derogation that led to his revocation. If the officiant derogates from the regulation again, his or her designation or authorization will be revoked and he or she will not be able to reapply.

In cases where, following a summary investigation, the breach does not prevent the Director from drawing up the marriage or civil union act, the designation or authorization of the officiant shall be suspended for six months. The officiant must also undertake in writing not to repeat the alleged breach before the suspension is lifted. Failing this, his or her authorization or designation will be revoked. If the officiant derogates again from the regulation relating to the celebration of the marriage or the civil union, his or her designation or authorization will be revoked.

In addition, the Directeur de l'état civil retains a general power to revoke or suspend a designation or authorization when he considers that the situation warrants it, for example in case of serious or repeated derogation from the obligations of the celebrant.

## Appendix I – General Information form

### ▶ SECTION A - To be filled out by the future spouse

Family name		Given names ( <i>underline the one you use most</i> )					
Current address ( <i>civic number, street, apartment number, city, province, country</i> )							
		Postal	Area code	Home telephone number	Area code	Work telephone number	
Date of birth Y   M   D		Place of birth ( <i>city, province, country</i> )					
Place of registration of birth ( <i>parish, city, province, country</i> ) or registration number in the register of civil status							
Family name and given names of father at birth							
Family name and given names of mother at birth							
Civil status:		Former spouse holder of:					
<input type="radio"/> single		<input type="radio"/> a judgment of divorce		<input type="radio"/> an annulment of civil marriage			
<input type="radio"/> widow or widower		<input type="radio"/> an annulment of civil union		<input type="radio"/> a dissolution of civil union			
Kinship with future spouse		<input type="radio"/> None or specify the nature					
For statistical purposes							
Mother tongue <sup>1</sup>		<input type="radio"/> English		<input type="radio"/> French		Other (specify)	
Number of years of schooling successfully completed							
Spouses' home address after the civil union (if it is not known, indicate the municipality, province or foreign country where you plan to live)							

### ▶ SECTION B - To be filled out if you are a widow or widower

Family name and given names of deceased spouse			
Place of burial ( <i>city, province, country</i> )			Date of spouse's death Y   M   D

### ▶ SECTION C - To be filled out if you have been married or in a civil union before

My previous union was		This union ended in		
<input type="radio"/> a marriage		<input type="radio"/> a divorce		<input type="radio"/> a dissolution
<input type="radio"/> a civil union		<input type="radio"/> an annulment		
Family name and given names of former spouse				
Place where the union legally ended (by judgment, by notarial dissolution, etc.) ( <i>city, province, country</i> )				

### ▶ SECTION D - Attestation

I ATTEST THAT ALL THE INFORMATION GIVEN IN THIS FORM IS TRUE.

Date

Signature

<sup>1</sup> Indicate the first language you learned as a child and still understand. If you no longer understand that language, indicate the second language you learned as a child and still understand.

**▶ SECTION E - To be filled out by the future spouse**

Family name		Given names ( <i>underline the one you use most</i> )					
Current address ( <i>civic number, street, apartment number, city, province, country</i> )							
		Postal	Area code	Home telephone number	Area code	Work telephone number	
Date of birth Y   M   D		Place of birth ( <i>city, province, country</i> )					
Place of registration of birth ( <i>parish, city, province, country</i> ) or registration number in the register of civil status							
Family name and given names of father at birth							
Family name and given names of mother at birth							
Civil status:		Former spouse holder of:					
<input type="radio"/> single		<input type="radio"/> a judgment of divorce		<input type="radio"/> an annulment of civil marriage			
<input type="radio"/> widow or widower		<input type="radio"/> an annulment of civil union		<input type="radio"/> a dissolution of civil union			
Kinship with future spouse		<input type="radio"/> None or specify the nature					
For statistical purposes							
Mother tongue <sup>1</sup>		<input type="radio"/> English		<input type="radio"/> French		Other (specify)	
Number of years of schooling successfully completed							
Spouses' home address after the civil union (if it is not known, indicate the municipality, province or foreign country where you plan to live)							

**▶ SECTION F - To be filled out if you are a widow or widower**

Family name and given names of deceased spouse		
Place of burial ( <i>city, province, country</i> )		Date of spouse's death Y   M   D

**▶ SECTION G - To be filled out if you have been married or in a civil union before**

My previous union was		This union ended in	
<input type="radio"/> a marriage <input type="radio"/> a civil union		<input type="radio"/> a divorce <input type="radio"/> an annulment <input type="radio"/> a dissolution	
Family name and given names of former spouse			
Place where the union legally ended (by judgment, by notarial dissolution, etc.) ( <i>city, province, country</i> )			

**▶ SECTION H - Attestation**

I ATTEST THAT ALL THE INFORMATION GIVEN IN THIS FORM IS TRUE.

Date \_\_\_\_\_ Signature \_\_\_\_\_

## Appendix II – Formulation used for a marriage

Instructions to the officiant:

In accordance with article 374 of the *Civil Code of Québec* and section 8 of the *Regulation respecting the solemnization of marriages and civil unions* (chapter C.C.Q., r. 3.1), the officiant is required to read the passages set out in Schedule I to the above-mentioned regulation to the intended spouses as follows:

“ \_\_\_\_\_ (*name of wife*)

and

\_\_\_\_\_ (*name of husband*),

before uniting you in the bonds of marriage, I am required to read to you certain articles of the *Civil Code of Québec*, 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.”

## Appendix III – Formulation used for a civil union

### Instructions for the officiant

In accordance with articles 374, 521.3 and 521.6 of the *Civil Code of Québec* and section 8 of the *Regulation respecting the solemnization of marriages and civil unions* (chapter C.C.Q., r. 3.1), the officiant is required to read the passages prescribed in Schedule II of the above-mentioned rules to the intended spouses as follows:

“ \_\_\_\_\_ (*name of spouse*)

and

\_\_\_\_\_ (*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 of Québec*, 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.”

## Appendix IV – Declaration by the intended spouses (marriage ceremony)

Instructions for the officiant

In accordance with article 374 of the *Civil Code of Québec* and section 9 of the *Rules respecting the solemnization of civil marriages and civil unions* (chapter C.C.Q., r. 3), the officiant is required to receive the statement of consent from the intended spouses.

There is no mandatory formulation to receive the exchange of consent from the intended spouses. For example, the following formulation can be used.

“ \_\_\_\_\_ (*name of husband*), do you take  
\_\_\_\_\_ (*name of wife*), here present, to be your wife?

Answer: “I do”.

The intended husband then declares: “I do”.

“ \_\_\_\_\_ (*name of wife*), do you take  
\_\_\_\_\_ (*name of husband*), here present, to be your husband?

Answer: “I do”.

The intended wife then 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.”

## Appendix V – Declaration by the intended spouses (civil union ceremony)

Instructions for the officiant

In accordance with articles 374 and 521.3 of the *Civil Code of Québec* and section 9 of the *Rules respecting the solemnization of civil marriages and civil unions* (chapter C.C.Q., r. 3), the officiant is required to receive the statement of consent from the intended spouses.

There is no mandatory formulation to receive the exchange of consent from the intended spouses. For example, the following formulation can be used.

“ \_\_\_\_\_ (*name of spouse*), do you take  
 \_\_\_\_\_ (*name of other spouse*), here present, to be your spouse?”

Answer: “I do”.

The intended spouse then declares: “I do”.

“ \_\_\_\_\_ (*name of spouse*), do you take  
 \_\_\_\_\_ (*name of other spouse*), here present, to be your spouse?”

Answer: “I do”.

The intended spouse then 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 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.”