



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 59
(2004, chapter 23)

An Act to amend the Civil Code as regards marriage

Introduced 16 June 2004
Passage in principle 17 June 2004
Passage 4 November 2004
Assented to 10 November 2004

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EXPLANATORY NOTES

This bill amends certain provisions of the Civil Code of Québec to allow couples in a civil union to continue their life together as a married couple. It authorizes the officiant to solemnize their marriage despite their civil union, and provides that the marriage dissolves the civil union while maintaining its civil effects, which are considered to be effects of the marriage from the date of their civil union.

The bill also amends articles 71 and 73 of the Civil Code, under which persons who have undergone a sex change are allowed to change the designation of sex and given name on their acts of civil status, to remove the restrictions concerning married persons.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec (1991, chapter 64).

Bill 59

AN ACT TO AMEND THE CIVIL CODE AS REGARDS MARRIAGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Article 71 of the Civil Code of Québec (1991, chapter 64) is amended by replacing “an unmarried person” in the second paragraph by “a person”.

2. Article 73 of the said Code is amended by striking out the second paragraph.

3. Article 120 of the said Code is amended by inserting “, the fact that the spouses were already in a civil union” after “the fact of a dispensation from publication”.

4. Article 135 of the said Code, amended by chapter 47 of the statutes of 1999 and by chapter 6 of the statutes of 2002, is again amended by inserting the following paragraph after the second paragraph:

“Upon receiving a declaration of marriage indicating that the spouses were already in a civil union, the registrar shall make a notation of the declaration in the computerized version of the act of civil union.”

5. Article 368 of the said Code is amended by adding the following sentence at the end of the first paragraph: “No publication is required if the intended spouses are already in a civil union.”

6. Article 373 of the said Code, amended by chapter 6 of the statutes of 2002, is again amended by inserting “, except in the case of a civil union between the same spouses,” after “civil union”.

7. Article 521.12 of the said Code, enacted by chapter 6 of the statutes of 2002, is amended by adding the following paragraph:

“A civil union is also dissolved by the marriage of the spouses to one another. The sole consequence of the dissolution is the severing of the bond of civil union. The effects of the civil union are maintained and are considered to be effects of the marriage from the date of the civil union, and the civil union regime of the spouses becomes the marriage regime, unless they have made changes to it by marriage contract.”

8. In the regulations subject to the Regulations Act (R.S.Q., chapter R-18.1), even if the text indicates otherwise, the term “married spouse” and equivalent terms, as well as the term “widower” or “widow” apply equally to spouses of the same sex and spouses of opposite sex.

9. This Act comes into force on 10 November 2004.