



Officiants

- » An officiant who performs a marriage or civil union acts as an officer of civil status, and is responsible for receiving the free and enlightened consent of the intended spouses.



The officiant ensures that all the formalities prescribed by law are observed.

Any departure from the prescribed rules and formalities could affect the validity of the marriage or civil union

- [Who may solemnize a marriage or a civil union?](#)
- [What are an officiant's duties and responsibilities before the solemnization?](#)
- [Does notice of a marriage or civil union need to be published?](#)
- [What are the rules governing the solemnization of a marriage or civil union?](#)
 - [Place](#)
 - [Day and time](#)
 - [The ceremony](#)
 - [File](#)
 - [Fees](#)
- [For more information](#)

» Who may solemnize a marriage or a civil union?¹

Clerks and **deputy clerks of the Superior Court** who have been specially designated for that purpose, and **notaries** authorized to execute notarized acts, may solemnize marriages and civil unions.

Mayors, members of municipal or borough councils and **municipal officers** designated by the Minister of Justice may also solemnize marriages and civil unions, but only within the territory defined in the instrument of designation.

Some couples may wish to have their marriage or civil union solemnized by someone special to them who does not fall into one of the categories defined above. When this is the case, the **person concerned must be authorized by the Minister of Justice** to perform the ceremony. The intended spouses and the person they have chosen as officiant must complete the form entitled [Request for the Designation of an Officiant of a Marriage or Civil Union](#) (available in courthouses) and send it to the [Direction générale des services de justice²](#) of the Ministère de la Justice, preferably three months before the date of the ceremony.

A person who agrees to act as officiant at a single marriage or civil union ceremony must be a Canadian citizen or permanent resident of Québec, be of full age and have the full exercise of all his or her civil rights. In addition, the person must not have been convicted of a criminal offence in the three years preceding the request for designation or have been found guilty of a summary conviction offence in the year preceding the request. The person must be able to speak French or English and must agree to comply with all the substantive and formal requirements of the marriage or civil union ceremony.

After the Minister has signed the instrument of designation, it is forwarded to the designated officiant who then has full responsibility for the legal aspects of the ceremony. The officiant will also receive an [information kit](#).

A copy of the authorization is forwarded to the [Registrar of Civil Status](#)  who will assign an authorization number (officiant code) that must appear on the declaration of marriage or civil union.

» What are an officiant's duties and responsibilities before the solemnization?

People who wish to marry or enter into a civil union must meet certain requirements and comply with certain conditions. If the intended spouses do not satisfy all the requirements and conditions, there is an impediment to the solemnization, in which case the officer of civil status cannot legally solemnize the marriage or civil union.

A marriage or civil union that is not solemnized in accordance with the prescriptions of the Civil Code of Québec and in compliance with the conditions necessary for its formation may be declared null ([art. 380 and art. 521.10](#),  C.C.Q.).

The rights and obligations arising out of [civil union](#)³ are the same as those arising out of marriage, except for the following:

- persons who choose civil union must be 18 years of age or older;
- civil union is available to both same-sex and opposite-sex couples;
- a civil union may be dissolved before a notary when no children have resulted from the union. A civil union is also dissolved when the two spouses marry each other.

The officiant must verify the identity of the intended spouses.

For a marriage, the officiant must ensure that:

- the intended spouses are at least 16 years of age, based on the birth certificate or a copy of the act of birth of each intended spouse;
- written consent has been given by the person having parental authority where one of the intended spouses is between 16 and 18 years of age;
- an intended spouse who has been declared incapable by a judgment prescribing the institution of protective supervision has been released from protective supervision;
- the intended spouses are free from any previous bond of marriage or civil union, except in the case where intended spouses joined in a civil union decide to marry each other. This can be verified by means of the death certificate or a copy of the act of death in the case of an intended spouse who is widowed; the divorce certificate or the decree absolute of divorce in the case of a divorced individual; an authentic copy of the joint declaration of dissolution executed before a notary or a certified true copy of the judgment dissolving the civil union in the case of an individual whose previous civil union was dissolved; or a certified true copy of the judgment annulling the marriage or the civil union of an individual whose previous marriage or civil union was annulled;
- the intended spouses are not related to a degree that would prohibit marriage.

For a civil union, the officiant must ensure that:

- the intended spouses are least 18 years of age, based on the birth certificate or a copy of the act of birth of each intended spouse;
- an intended spouse who had been declared incapable by a judgment prescribing the institution of protective supervision has been released from protective supervision;
- the intended spouses are free from any previous bond of marriage or civil union, which can be verified by means of the death certificate or a copy of the act of death in the case of a widowed individual; the divorce certificate or the decree absolute of divorce in the case of a divorced individual; an authentic copy of the joint declaration of dissolution executed before a notary or a certified true copy of the judgment dissolving the civil union in the case of an individual whose previous civil union was dissolved; or a certified true copy of the judgment annulling the marriage or the civil union of an individual whose previous marriage or civil union was annulled;
- the intended spouses are not related to a degree that would prohibit civil union.

If the above documents cannot be obtained, other proof may be accepted (e.g., passport, record of civil status, or letter issued by a consulate) if it evidences the facts that must be established. A sworn statement (affidavit) may replace any document that cannot be obtained.

A document issued by a foreign public official is valid in the same way as a document issued in Québec. Documents written in a language other than French or English must be accompanied by an official translation, which is a translation prepared by a member of the Ordre des traducteurs, terminologues et interprètes agréés du Québec, accompanied by a sworn statement from the translator that the translation is accurate.



» Does notice of a marriage or civil union need to be published?

Marriages and civil unions are public, not private, ceremonies. That is why the law requires, in the case of both marriages and civil unions, that the intended spouses announce their upcoming union by means of a posted notice (publication). The notice of marriage or civil union is very important and bypassing this step may result in the nullity of the marriage or civil union. However, no notice is required if the intended spouses are already joined in a civil union.

The notice must include the name, domicile address and date and place of birth of the intended spouses. The accuracy of that information must be confirmed by a **witness of full age**.

The [notice](#) must be posted for 20 days before the date of the marriage or civil union at the place where the ceremony is to be held and at the nearest courthouse. If a marriage or civil union is not solemnized within **three months from the twentieth day after publication**, the officiant must post a new notice. The officiant must also post a new notice if there is an error in the information that must appear on the notice, such as the name of one of the spouses.

As a general rule, the documents needed to confirm the identity and marital status of the intended spouses must be received before the notice is posted. The notice may, however, be posted even if one of the substantive requirements has not yet been met (before the divorce is official or before full age is reached, for example), but proof must be provided that the requirement has been met **before the solemnization**.

If there is a change in the date or time of the ceremony, the officiant may amend the existing notice. The 20-day publication period applies to an amended notice, and the marriage or civil union must be solemnized within three months from the expiry of the 20-day period. When there has been a change in the time or date, the notice should be

kept posted until the date of the solemnization.

An officiant may grant a dispensation from publication where a serious reason is brought forward by the couple. The law leaves the decision as to what constitutes a serious reason to the discretion of the officiant, but it is acknowledged that the officiant must exercise that discretion with reserve, based on moral and humanitarian grounds, not pecuniary considerations. The law does not provide a procedure for applying for a dispensation; it is recommended that the application be made in writing by both partners, supported by a solemn declaration.

The Civil Code suggests that the intended spouses undergo a premarital medical examination ([art. 368, 2nd par.](#) ). Although the examination is not mandatory, it is the officiant's duty to inform the intended spouses of the advisability of the examination.

» What are the rules governing the solemnization of a marriage or civil union?

The basic rule governing the solemnization of marriages or civil unions is that the ceremony must be public and take place before an authorized officiant, in the presence of two witnesses.

Many rules apply to the solemnization of a marriage or civil union, but only the main ones will be examined here, relating to the place, day and time of the ceremony, the procedure for the ceremony itself, the file that must be established by the officiant, and the related fees.

Place

Intended spouses who are domiciled or have a residence in Québec may marry or enter into a civil union in a judicial district other than their district of residence, and any person, even a non-resident, may marry or enter into a civil union in Québec.

A marriage or civil union solemnized by a clerk or deputy clerk of the Superior Court may take place:

- in the [courthouse](#) in the [judicial district](#) for which the clerk or deputy clerk has been appointed;
- at the place of residence of an intended spouse who is mobility impaired. This is an exception for which permission must be obtained before the posting of the notice of marriage or civil union or at the time of the application for a dispensation from publication. If a person other than the officiant grants permission, the permission must be confirmed by the person solemnizing the marriage or civil union; or
- in the correctional facility where an intended spouse is confined, with the permission of the clerk or deputy clerk. Permission must be obtained before the posting of the notice of marriage or civil union or at the time of the application for a dispensation from publication.

A marriage or civil union may be solemnized by an officiant other than a clerk or deputy clerk at the place of residence of an intended spouse who is mobility impaired or in any other place agreed on by the intended spouses, provided that **the place is in keeping with the solemn nature of the ceremony** and has a suitable layout.

An officiant other than a clerk or deputy clerk may also perform a marriage or civil union in a courthouse; in this case, the Québec flag must be displayed in the room in which the marriage or civil union takes place.

Day and time

The solemnization of a marriage or civil union in a courthouse take place **between 9:00 a.m. and 4:30 p.m., on any day from Monday to Saturday**. The [Rules respecting the](#)

[solemnization of civil marriages and civil unions](#) (2003, G.O. 2, 1217) specify that no solemnization may take place on

- Sundays;
- January 1 and 2;
- Good Friday;
- Easter Monday;
- June 24, the National Holiday;
- July 1, the anniversary of Confederation;
- the first Monday of September, Labour Day;
- the second Monday of October;
- December 24, 25, 26 and 31;
- the day fixed by proclamation of the Governor General for the celebration of the birthday of the Sovereign; or
- any other day fixed by order of the Government as a public holiday or as a day of thanksgiving.

A marriage or civil union may be solemnized by an officiant other than a clerk or deputy clerk, elsewhere than in a courthouse, **between 9:00 a.m. and 10:00 p.m. on any day of the year.**

The ceremony

The officiant must comply with four legal requirements during the ceremony.

1. In the presence of two witnesses, the officiant must read to the intended spouses articles [392 to 396](#)  of the Civil Code of Québec in the case of a marriage, or articles [521.6 and 393 to 396](#)  in the case of a civil union, with such modifications as are necessary. If the officiant is uniting two couples during the same ceremony, the relevant articles are read only once.

The text may be read in French or in English, as determined by the couple. If either intended spouse does not understand French or English, the officiant will ask the couple to provide the services of an interpreter at their expense.

2. The officiant must receive the consent of each intended spouse in person. Marriage or civil union by proxy is not recognized in Québec.
3. The officiant must ask the spouses and witnesses to sign, and the officiant must also sign, the [Declaration of Marriage](#)  (DEC-50) or the [Declaration of Civil Union](#)  (DEC-55) that has been prepared by the officiant. The witnesses present must attest to the exchange of consent between the intended spouses, and not to their identity. It is therefore not necessary to know the couple to be a witness.

If a person is physically unable to sign the declaration of marriage or civil union, that fact should be indicated on the signature line of the declaration (for example, “the spouse has consented to the marriage but is unable to sign”), and the file should state the reason why the person was unable to sign.

The officiant must send the declaration of marriage or civil union to the Registrar of Civil Status without delay so that the act of marriage or civil union may be drawn up as quickly as possible.

4. The officiant must also complete the form entitled Return of Marriage (SP-2) or the form entitled Return of Civil Union (SP-7) and send it to the Institut de la statistique du Québec within eight (8) days following the solemnization.

Forms

The following forms are available in French and in English at [courthouses](#) across Québec:

[Request for the Designation of an Officiant of a Marriage or Civil Union](#);

[Civil Marriage](#) – General Information;⁴ ;

[Civil Union](#) – General Information⁴;

[Notice of Civil Marriage](#);

[Notice of Civil Union](#).

Designated officiants receive the following forms, in French or in English, from the [Registrar of Civil Status](#) [DEC 7](#):

Declaration of Marriage (DEC-50)⁵ and Return of Marriage (SP-2)⁵;

Declaration of Civil Union (DEC-55)⁵ and Return of Civil Union (SP-7)⁵.

File

Clerks, deputy clerks and designated officiants must open a file for each marriage or civil union they solemnize and place a copy of each of the following documents in it:

- notice of marriage or civil union, or the dispensation from publication;
- declaration of marriage or civil union;
- return of marriage or civil union;
- any other document that certifies the accuracy of the information provided by the spouses.

Clerks and deputy clerks must keep the documents at the clerk's office of the Superior Court.

Notaries, mayors, members of a municipal or borough council and municipal officers must keep the same documents in an appropriate place.

Officiant designated for a specific marriage or civil union must file a copy of the documents listed above at the clerk's office of the Superior Court in the courthouse for the judicial district where the ceremony took place. A fee is charged for opening the file.

Fees

Clerks and deputy clerks of the Superior Court collect the fees fixed under the [Tariff of Court Costs](#) in Civil Matters and Court Office Fees (1995, 11 G.O. 2, 918) from the intended spouses. Notaries and designated persons collect the agreed fee from the intended spouses.

Mayors, other members of municipal or borough councils and municipal officers collect from the intended spouses the fees fixed by municipal by-law. The fees must reflect the minimum and maximum amounts fixed by regulation of the Government.

1. Under certain circumstances, ministers of religion authorized to solemnize religious marriages by the religious society to which they belong and by the minister responsible for civil status are competent to solemnize marriages and civil unions.

2. 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1.

3. To learn more about the difference between marriage and civil union, please read the separate

documents entitled [Marriage](#) and [Civil Union](#) or consult a lawyer or notary

4. These forms have been developed to provide clerks and deputy clerks of the Superior Court with the information they need to carry out their responsibilities; it may be used as a guide by all other officiants.
5. These forms have been combined into a single form.

Related document

[Request for the Designation of an Officiant of a Marriage or Civil Union Officiant's Kit](#)

» For more information

A database containing the names of persons authorized to perform a marriage or civil union:

- [Register of celebrants](#) 

Conjugal institutions:

- [Marriage](#)
- [Civil Unions](#)

Fees for the solemnization of a civil union by a court clerk:

- [Tariff of Court Costs](#)

The conditions, rules and obligations for the solemnization of a marriage or civil union by elected and non-elected municipal officers:

- [Mariage civil & Union civile](#)  (*In French*)

Declarations of marriage or civil union and how to obtain a certificate of marriage or civil union or a copy of an act of marriage or civil union:

- [Registrar of Civil Status](#) 

The addresses and telephone numbers of Québec courthouses:

- [Courthouses](#)

Which judicial district a municipality is located in:

- [Search for a judicial district](#)

Laws relating to marriage and civil unions:

- [Marriage](#)  (Title One of Book Two of the Civil Code of Québec)
- [Marriage](#)  (Prohibited Degrees) Act (R.S.C., c. M-2.1)
- [Code of Civil Procedure](#)  (R.S.Q., c. C-25)
- [Rules respecting the solemnization of civil marriages and civil unions](#)

The content of this document is strictly informative and has no legal value.

If you find some of the information difficult to understand, do not hesitate to [contact us](#).

Please note, however, that we cannot interpret the information to apply it to a specific situation.

 [Top](#)

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• [General information](#) • [Policies, Studies and Reports](#) • [Administrative documents](#) • [Publications for sale](#)

Québec 

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Form

» Request for the Designation of an Officiant of a Marriage or Civil Union (SJ-893A)

Form to be completed by prospective spouses to request that a person of their choice be designated to perform a marriage or civil union ceremony.

Version: September 2006

Type of File: ► **DYNAMIC PDF**

[Adobe Reader](#) 7 required

File Size: 400 Kb

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To obtain a print copy of the form or for further information, please contact the clerk of the court at the [courthouse](#) in your area.

- > Minister
- > Department
- > Publications
- > Forms
- > Programs and services
- > Related links
- > Courts
- > Contact us
- > About this site



Form

» Notice of Civil Marriage (SJ-218A)

Form to be completed by the officiant of a civil marriage and posted as the public notice of the marriage in the places prescribed by law.

Version: Mars 2004

Type of File: ► **DYNAMIC PDF**

[Adobe Reader](#) 7 required

File Size: 402 Kb

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To obtain a print copy of the form or for further information, please contact the clerk of the court at the [courthouse](#) in your area.

- > Minister
- > Department
- > Publications
- > Forms
- > Programs and services
- > Related links
- > Courts
- > Contact us
- > About this site



General Information

» Ministère de la Justice du Québec
Édifice [Louis-Philippe-Pigeon](#)
1200, route de l'Église, 6^e étage
Québec (Québec) G1V 4M1

Telephone: 418 643-5140

Toll free: 1 866 536-5140

Email: communications.justice@justice.gouv.qc.ca

Please note: The personnel at the Service de renseignements of the Ministère de la Justice can help you understand the general rules for applying Québec legislation. They cannot, however, interpret these rules to respond to a specific case or situation.

When contacting us by mail or e-mail, please indicate your address and telephone number so that we can contact you when necessary.

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- > [Programs and services](#)
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