

BILL XX - 2019

MARRIAGE AMENDMENT ACT, 2019

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

1 Section 1 of the Marriage Act, R.S.B.C. 1996, is amended

(a) by adding the following definition:

“belief body” means a group of people organized to promote philosophical beliefs and which meets regularly for that purpose; , **and**

(b) by repealing the definition of “religious representative” and substituting the following:

“religious or belief representative” means a person duly authorized to solemnize marriage according to the rites and usages of the religious or belief body to which the person belongs and includes a person registered under section 2 (7); .

2 Section 2 is amended

(a) by striking out “religious representatives” and substituting “religious or belief representatives” in the heading,

(b) in subsection (1) by striking out “religious representatives” and substituting “religious or belief representatives”,

(c) by repealing subsection (2) and substituting:

(2) The application on behalf of a religious or belief representative must be made by the governing authority with jurisdiction in British Columbia over the religious or belief body to which the religious or belief representative belongs. ,

(d) in subsection (4)(a) by striking out “religious representatives” and substituting “religious or belief representatives”,

(e) by repealing subsection (4)(b) and substituting:

(b) include in one certificate the names of any number of registered religious or belief representatives who belong to the same religious or belief body. ,

(f) in subsection (5)(a) by striking out “religious representatives” and substituting “religious or belief representatives”,

(g) by repealing subsection (5)(b) and substituting:

(b) the name of the religious or belief body to which the religious or belief representative belongs, and ,

(h) in subsection (5)(c) by striking out “religious representative’s” and substituting “religious or belief representative’s”,

(i) in subsection (6) by striking out “religious representatives” and substituting “religious or belief representatives”, and

(j) by repealing subsection (7) and substituting:

(7) The registrar general may register a person as a religious or belief representative if the registrar general is satisfied that

- (a) the doctrines of a religious or belief body do not contemplate a religious or belief representative for the religious body, and
- (b) the appropriate governing body of the religious or belief body has designated a person to act in the place of a religious or belief representative to perform all the duties imposed by this Act on a person solemnizing a marriage, other than solemnizing the marriage, in respect of marriages performed according to the rites and usages of the religious or belief body. .

3 Section 3 is amended

(a) by repealing subsection (1) and substituting:

(1) A person must not be registered as a religious or belief representative unless the registrar general is satisfied as follows:

- (a) that the person is a religious or belief representative ordained or appointed according to the rites and usages of the religious or belief body to which he or she belongs, or is by the rules of that religious or belief body deemed an ordained or appointed religious or belief representative because of some earlier ordination or appointment;
- (b) that the person
 - (i) is, as a religious or belief representative, in charge of or officiating in connection with a congregation, branch or local unit in British Columbia of the religious or belief body to which he or she belongs, or
 - (ii) is a resident in British Columbia who was formerly in charge of or officiating in connection with a congregation, branch or local unit in British Columbia, has been superannuated or placed on the supernumerary list, or is a retired religious or belief representative in good standing of the religious or belief body to which he or she belongs;
- (c) that the person is, as a religious or belief representative, recognized by the religious or belief body to which he or she belongs as authorized to solemnize marriage according to its rites and usages;
- (d) that the religious or belief body to which the person belongs is sufficiently well established, both as to continuity of existence and as to recognized rites and usages respecting the solemnization of marriage, to warrant, in the opinion of the registrar general, the registration of its religious or belief representatives as authorized to solemnize marriage. , **and**

(b) in subsection (2) by striking out “religious representatives” and substituting “religious or belief representatives”.

4 Section 4 is amended by repealing subsection (5) and substituting:

(5) A religious or belief body whose religious or belief representatives are registered under this Act as authorized to solemnize marriage must notify the registrar general, in the form required by the registrar general, of the name of every religious or belief representative registered who

- (a) has died,

- (b) has ceased to reside in British Columbia, or
- (c) has in any other way ceased to possess the qualifications entitling the religious or belief representative to be registered. .

5 Section 5 is amended

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

- (1) If the registrar general refuses the application made on behalf of a person for registration under this Act as a religious or belief representative authorized to solemnize marriage, or if the registrar general cancels the registration of any religious or belief representative, the person or the religious or belief representative may appeal from the refusal or cancellation on a question of law to the Supreme Court within 3 months after the refusal or cancellation.

(b) in subsection (2) by striking out “religious representatives” and substituting “religious or belief representatives”, and

(c) in subsection (3)(b) by striking out “religious representatives” and substituting “religious or belief representatives”.

6 Section 7 is amended

(a) in subsection (1) by striking out “religious representative” and substituting “religious or belief representative”,

(b) by repealing subsection (2) and substituting:

- (2) The registration of a religious or belief representative under this Act, by the insertion of his or her name in the register kept by the registrar general, is conclusive evidence

- (a) that all the requirements of this Act in respect of registration and of matters precedent and incidental to registration have been complied with, and

- (b) that the religious or belief representative, so long as his or her registration remains in force, is a religious or belief representative authorized to solemnize marriage. , and

(c) in subsection (3)(a) by striking out “religious representative” and substituting “religious or belief representative”.

7 Section 8 is amended by striking out “religious representative” and substituting “religious or belief representative”.

8 Section 9 (1) is repealed and the following substituted:

- (1) All marriages solemnized under this Act by a religious or belief representative must be in the presence of 2 or more witnesses besides the religious or belief representative. .

9 Section 10 is repealed and the following substituted:

Marriage performed by person registered under section 2 (7)

10 If a person registered under section 2 (7) performs all the duties imposed by this Act on a person solemnizing a marriage, other than solemnizing the marriage, in respect of a marriage performed according to the rites and usages of the religious or belief body for which the person is registered, the marriage is as valid as one performed by a religious or belief representative.

10 Section 11 (1) is repealed and the following substituted:

- (1) The registrar general may sign a written declaration waiving the requirements of this Act as to registration of a religious or belief representative in respect of a marriage if the registrar general is satisfied by an affidavit that
- (a) the marriage has been solemnized in British Columbia in good faith and intended compliance with this Act by a religious or belief representative who was not registered as authorized to solemnize marriage, and in ignorance of the requirements of this Act,
 - (b) neither of the parties to the marriage was at the time under any legal disqualification to contract the marriage,
 - (c) the parties after that lived together and cohabited as spouses,
 - (d) neither of the parties has since contracted valid marriage according to law, and
 - (e) the validity of the marriage has not been questioned by action in any court. .

11 Section 15 (1) is repealed and the following substituted:

- (1) Subject to section 17, a religious or belief representative must not solemnize a marriage under this Act unless the persons intending to marry possess a marriage licence that, under subsection (3), permits the religious or belief representative to marry them. .

12 Section 21 is repealed and the following substituted:

Religious or belief ceremony after civil or treaty first nation marriage

- 21 (1) If any parties married by civil contract by a marriage commissioner desire a religious or belief ceremony in addition, the marriage commissioner's certificate containing a copy of the registration of the marriage of the parties made under section 25 is sufficient evidence to any qualified religious or belief representative that he or she is authorized to solemnize marriage between those parties.
- (2) If parties married by a treaty first nation designate desire a religious or belief ceremony in addition, the treaty first nation designate's certificate containing a copy of the registration of the marriage of the parties made under section 25 is sufficient evidence to any qualified religious or belief representative that he or she is authorized to solemnize marriage between the parties. .

13 Section 22 (1) is amended by striking out “religious representative” and substituting “religious or belief representative”.

14 Section 25 is amended

- (a) by repealing subsection (1) and substituting:***

- (1) When a religious or belief representative, marriage commissioner or treaty first nation designate solemnizes a marriage, he or she must register the marriage by entering a memorandum of it in a book kept under this section for that purpose by
- (a) him or her,
 - (b) the religious or belief body to which the religious or belief representative belongs, or
 - (c) the treaty first nation of which the treaty first nation designate is a treaty first nation member. ,

(b) in subsection (2) (c) by striking out “religious representative” and substituting “religious or belief representative”, and

(c) by repealing subsection (5) and substituting:

- (5) If a religious or belief representative in charge of, or officiating in connection with, a congregation, branch or local unit in British Columbia of the religious or belief body to which he or she belongs moves or transfers out of British Columbia, the religious or belief representative must surrender every marriage register issued to him or her under subsection (3)
- (a) to his or her successor in his or her duties, or
 - (b) if there is no successor appointed at the time of moving or transferring, to the registrar general. .

15 Section 26 is amended by striking out “religious representative” and substituting “religious or belief representative”.

16 Section 28 (5) (b) is repealed and the following substituted:

if the marriage is to be solemnized by a religious or belief representative after publication of banns, with the religious or belief representative. .

17 Section 34 is amended by striking out “religious representative” and substituting “religious or belief representative”.

18 Section 35 is amended by striking out “religious representative” and substituting “religious or belief representative”.

Commencement

19 This Act comes into force by regulation of the Lieutenant Governor in Council.