

Marriage Act

R.S.O. 1990, CHAPTER M.3

Consolidation Period: From April 19, 2021 to the [e-Laws currency date](#).

Last amendment: 2021, c. 4, Sched. 3, s. 25.

Legislative History: O. Reg. 726/91; 1993, c. 27, Sched.; 1994, c. 27, s. 89; 1998, c. 18, Sched. E, s. 179-182; 1999, c. 12, Sched. F, s. 30-32; 2001, c. 9, Sched. D, s. 10; 2001, c. 13, s. 20; 2002, c. 14, Sched., s. 11; 2002, c. 17, Sched. F, Table; 2002, c. 25 (But see 2009, c. 33, Sched. 17, s. 7); 2005, c. 5, s. 39; 2006, c. 19, Sched. G, s. 4; 2008, c. 14, s. 55; 2009, c. 33, Sched. 17, s. 6; 2012, c. 8, Sched. 32; CTS 13 JL 12 - 4; 2020, c. 11, Sched. 17, s. 1-5; 2020, c. 18, Sched. 9; 2021, c. 4, Sched. 3, s. 25.

Definitions

1 (1) In this Act,

“band” means a band as defined in the *Indian Act* (Canada); (“bande”)

“church” includes chapel, meeting-house or place set aside for religious worship; (“église”)

“Indian” means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada); (“Indien”)

“issuer” means a person authorized under this Act to issue marriage licences; (“délivreur de licences”)

“judge” means a judge of the Superior Court of Justice or Ontario Court of Justice, except in section 24; (“juge”)

“licence” means a marriage licence issued under this Act; (“licence”)

“Minister” means the minister responsible for the administration of this Act; (“ministre”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“reserve” means a reserve as defined in the *Indian Act* (Canada). (“réserve”) R.S.O. 1990, c. M.3, s. 1 (1); 2001, c. 9, Sched. D, s. 10 (1, 2); 2012, c. 8, Sched. 32, s. 1; 2020, c. 11, Sched. 17, s. 1.

Application of Act to subsequent ceremonies

(2) This Act does not apply in respect of any ceremony or form of marriage gone through by two persons who are married to each other by a marriage previously solemnized in accordance with this Act or recognized as valid in Ontario. R.S.O. 1990, c. M.3, s. 1 (2).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. D, s. 10 (1, 2) - 29/06/2001

2012, c. 8, Sched. 32, s. 1 - 01/09/2016

2020, c. 11, Sched. 17, s. 1 - 08/10/2020

Administration

2 The administration of this Act is under the direction of the Minister. R.S.O. 1990, c. M.3, s. 2.

Delegation of powers and duties

3 The Minister may delegate in writing any or all of his or her powers and duties under this Act to any person, subject to any restrictions set out in the delegation. 2012, c. 8, Sched. 32, s. 2.

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 89 (1) - 09/12/1994

2001, c. 9, Sched. D, s. 10 (2) - 29/06/2001

2012, c. 8, Sched. 32, s. 2 - 01/09/2016

Authority to marry

4 No marriage may be solemnized except under the authority of a licence issued in accordance with this Act or the publication of banns. R.S.O. 1990, c. M.3, s. 4.

Who may marry

5 (1) Any person who is of the age of majority may obtain a licence or be married under the authority of the publication of banns, provided no lawful cause exists to hinder the solemnization. R.S.O. 1990, c. M.3, s. 5 (1).

Idem

(2) No person shall issue a licence to a minor, or solemnize the marriage of a minor under the authority of the publication of banns, except where the minor is of the age of sixteen years or more and has the consent in writing of both parents in the form prescribed by the regulations. R.S.O. 1990, c. M.3, s. 5 (2).

Giving of consent

(3) The consent referred to in subsection (2) is not required in respect of a minor who was previously married and whose marriage was terminated by death or divorce. R.S.O. 1990, c. M.3, s. 5 (3); 2005, c. 5, s. 39 (1).

Idem

(4) Where one of the parents of a minor is dead or both parents are living apart, the consent required by subsection (2) may be given by the parent having actual or legal custody of the minor. R.S.O. 1990, c. M.3, s. 5 (4).

Idem

(5) Where both parents of a minor are dead or are voluntary or involuntary patients in a psychiatric facility, the consent required by subsection (2) may be given by a lawfully appointed guardian or an acknowledged guardian who has brought up or who for the three years immediately preceding the intended marriage has supported the minor. R.S.O. 1990, c. M.3, s. 5 (5); 2001, c. 13, s. 20; 2008, c. 14, s. 55.

Idem

(6) Where a minor is made a ward of someone other than a parent by order of a court or under any Act, the consent required by subsection (2) may be given by the lawful guardian of the minor or person responsible for exercising the rights and duties of a guardian of the minor. R.S.O. 1990, c. M.3, s. 5 (6).

Section Amendments with date in force (d/m/y)

2001, c. 13, s. 20 - 30/11/2001

2005, c. 5, s. 39 (1) - 09/03/2005

2008, c. 14, s. 55 - 01/01/2011

Application to dispense with consent

6 (1) Where a person whose consent is required by section 5 is not available or unreasonably or arbitrarily withholds consent, the person in respect of whose marriage the consent is required may apply to a judge without the intervention of a litigation guardian for an order dispensing with the consent. R.S.O. 1990, c. M.3, s. 6 (1).

Powers of judge

(2) The judge shall hear the application in a summary manner and may, in his or her discretion, make an order dispensing with the consent required by section 5. R.S.O. 1990, c. M.3, s. 6 (2).

Persons lacking mental capacity

7 No person shall issue a licence to or solemnize the marriage of any person who, based on what he or she knows or has reasonable grounds to believe, lacks mental capacity to marry by reason of being under the influence of intoxicating liquor or drugs or for any other reason. 2006, c. 19, Sched. G, s. 4.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. E, s. 179 - 18/12/1998

2006, c. 19, Sched. G, s. 4 - 22/06/2006

Where dissolution of former marriage recognized in Ontario

8 (1) An applicant for a licence who has been previously married is entitled to be issued a licence if such marriage has been dissolved or annulled and such dissolution or annulment is recognized under the law of Ontario and the applicant otherwise complies with the requirements of this Act. R.S.O. 1990, c. M.3, s. 8 (1).

Proof of divorce, etc.

(2) Subject to subsection (6), an issuer shall not issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless the person produces for inspection by the issuer,

- (a) the final decree or judgment dissolving or annulling the previous marriage;
- (b) a copy of the final decree, judgment or Act dissolving or annulling the previous marriage certified by the proper officer; or
- (c) a certificate of divorce issued by the registrar under the Rules of Civil Procedure. 1994, c. 27, s. 89 (2).

Same

(2.1) Before issuing a licence, an issuer may require a person to whom subsection (2) applies to deposit with the issuer such material as the issuer considers relevant to the proof of the divorce or annulment. 1994, c. 27, s. 89 (2).

Where dissolution, etc., outside Canada

(3) Subject to subsection (6), no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Minister is obtained upon the deposit of such material as the Minister may require. R.S.O. 1990, c. M.3, s. 8 (3).

Review of refusal to issue licence

(4) Where an issuer refuses to issue a licence, or the Minister refuses to issue an authorization under subsection (3), the applicant may apply to the Divisional Court for judicial review under the *Judicial Review Procedure Act* and for an order directing that a licence be issued to the applicant and if the court finds that the applicant is so entitled it may make such an order. R.S.O. 1990, c. M.3, s. 8 (4).

Parties

(5) The applicant, the Minister and such other persons as the court may order are parties to an application under subsection (4). R.S.O. 1990, c. M.3, s. 8 (5).

Issue of licence under court order

(6) Where an applicant for a licence files with an issuer, together with his or her application, an order of the Divisional Court made on an application under subsection (4) directing that a licence be issued to the applicant, the issuer shall issue the licence. R.S.O. 1990, c. M.3, s. 8 (6).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 89 (2) - 01/05/1995

Order under *Declarations of Death Act, 2002*

9 (1) If an order has been made under the *Declarations of Death Act, 2002* declaring that a married person has died, the person to whom the deceased was married may, subject to the provisions of this Act, obtain a licence or be married under the authority of the publication of banns upon depositing a certified copy of the order with the person issuing the licence or solemnizing the marriage together with an affidavit in the required form. 2002, c. 14, Sched., s. 11; 2005, c. 5, s. 39 (2).

Exception

(2) Subsection (1) does not apply if the order is limited, under subsection 2 (6) of the *Declarations of Death Act, 2002*, to specified purposes other than remarriage. 2002, c. 14, Sched., s. 11.

Section Amendments with date in force (d/m/y)

2002, c. 14, Sched., s. 11 - 19/11/2002

2005, c. 5, s. 39 (2) - 09/03/2005

Discretionary power of Minister

10 Despite anything in this Act, if the Minister considers that circumstances justify the issue of a licence in any particular case, the Minister may, in his or her absolute discretion, authorize the issue of the licence. R.S.O. 1990, c. M.3, s. 10.

Issuers

11 (1) Marriage licences may be issued by the clerk of every local municipality except a township. 2002, c. 17, Sched. F, Table.

Interpretation

(1.1) In subsection (1) and clause (2) (a), “township” means a local municipality that had the status of a township on December 31, 2002 and, but for the enactment of the *Municipal Act, 2001*, would have had the status of a township on January 1, 2003. 2002, c. 17, Sched. F, Table.

Same

- (2) If the Minister considers it expedient for the public convenience, the Minister may in writing appoint as an issuer,
- (a) the clerk of a township, or a resident of a county or township adjacent thereto;
 - (b) a resident of a territorial district;
 - (c) a member of a band, on the band council’s recommendation; or
 - (d) any other person. 1994, c. 27, s. 89 (3); 2012, c. 8, Sched. 32, s. 3.

Deputy issuers

(3) An issuer may, with the approval in writing of the Minister or of the head of the council of the local municipality of which he or she is clerk, appoint in writing one or more deputies to act for him or her, and any such deputy while so acting has the power of the issuer appointing him or her. R.S.O. 1990, c. M.3, s. 11 (3); 2002, c. 17, Sched. F, Table.

Notice of appointment of deputy

(4) The issuer shall, upon appointing a deputy, forthwith transmit to the Minister a notice of the appointment, and of the name and official position of the person by whom the appointment has been approved, and the Minister may at any time cancel the appointment. R.S.O. 1990, c. M.3, s. 11 (4).

(5) REPEALED: 1999, c. 12, Sched. F, s. 30.

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 89 (3) - 09/12/1994; 1999, c. 12, Sched. F, s. 30 - 30/12/2011

2002, c. 17, Sched. F, Table - 01/01/2003

2012, c. 8, Sched. 32, s. 3 - 02/06/2020

Evidence on applications

12 (1) An issuer or the Minister may require evidence to identify any applicant or to establish his or her status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence. R.S.O. 1990, c. M.3, s. 12 (1).

Untrue information

(2) Where an issuer has reason to believe that any information set out in an application for a licence is untrue, he or she shall not issue the licence unless, on the production of such further evidence as the issuer may require, he or she is satisfied as to the truth of the information. R.S.O. 1990, c. M.3, s. 12 (2).

Record of licences

13 (1) Every issuer shall keep in his or her office a record of the serial number and the date of issue of every licence issued by him or her, and the names and addresses of the parties to the intended marriage. R.S.O. 1990, c. M.3, s. 13 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is repealed and the following substituted:

Record of licences

(1) Every issuer shall keep in his or her office a record of every licence he or she issues and the record shall contain any particulars required by the regulations. 2012, c. 8, Sched. 32, s. 4.

See: 2012, c. 8, Sched. 32, ss. 4, 9.

Searches

(2) Any person is entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1990, c. M.3, s. 13 (2).

Information disclosed

(3) The search shall not disclose any information other than whether or not a licence has been issued and, if so, the date of issue of the licence. 1999, c. 12, Sched. F, s. 31.

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. F, s. 31 - 30/12/2011

2012, c. 8, Sched. 32, s. 4 - not in force

Documents to be forwarded to Registrar General

14 (1) Every issuer shall immediately upon issuing a licence and every person registered as authorized to solemnize marriage shall upon publishing banns forward to the Registrar General any documents required by the regulations. 2012, c. 8, Sched. 32, s. 5.

Interpretation

(2) In this section,

“Registrar General” means the Registrar General under the *Vital Statistics Act*. 2012, c. 8, Sched. 32, s. 5.

Section Amendments with date in force (d/m/y)

2012, c. 8, Sched. 32, s. 5 - 01/09/2016

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Oaths and affirmations

15 Issuers may administer oaths and affirmations for the purposes of this Act. 2012, c. 8, Sched. 32, s. 6.

Section Amendments with date in force (d/m/y)

2012, c. 8, Sched. 32, s. 6 - 01/09/2016

Indians

16 Where both parties to an intended marriage are Indians ordinarily resident on a reserve in Ontario or on Crown lands in Ontario, no fee shall be charged for the licence. R.S.O. 1990, c. M.3, s. 16.

Publication of banns

17 (1) Where a marriage is to be solemnized under the authority of the publication of banns, the intention to marry shall be proclaimed openly in an audible voice during divine service,

- (a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or
- (b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church.
R.S.O. 1990, c. M.3, s. 17 (1).

Method and time of publication

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service. R.S.O. 1990, c. M.3, s. 17 (2).

Exception

(3) Where the usage of any denomination, faith or creed substitutes any other day as the usual and principal day of the week for the celebration of divine service, the banns shall be published on such other day. R.S.O. 1990, c. M.3, s. 17 (3).

Proof

(4) The person or persons who publish banns shall certify proof thereof in the prescribed form. R.S.O. 1990, c. M.3, s. 17 (4).

Where banns not to be published

18 Banns shall not be published where either of the parties to the intended marriage has been married and the marriage has been dissolved or annulled. R.S.O. 1990, c. M.3, s. 18.

Prohibited degrees

19 If the regulations prescribe a form setting out the relationships by consanguinity or adoption that, under the *Marriage (Prohibited Degrees) Act* (Canada), bar the lawful solemnization of marriage, the form shall be endorsed on the licence and on the proof of publication of banns. 1998, c. 18, Sched. E, s. 180.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. E, s. 180 - 01/10/2004

Who may solemnize marriage

20 (1) No person shall solemnize a marriage unless the person is registered under section 20.1 or 20.2 as a person authorized to solemnize marriage or is authorized to solemnize marriage by or under section 24. 2020, c. 11, Sched. 17, s. 2.

Application for registration

(2) Upon application, the Minister may register any person described in subsection 20.1 (1) or section 20.2 as a person authorized to solemnize marriage. 2020, c. 11, Sched. 17, s. 2.

Section Amendments with date in force (d/m/y)

2005, c. 5, s. 39 (3) - 09/03/2005

2020, c. 11, Sched. 17, s. 2 - 08/10/2020

Who may be registered — religious body

- 20.1** (1) The Minister may register a person as a person authorized to solemnize marriage if it appears to the Minister that,
- (a) the person has been ordained or appointed according to the rites and usages of the religious body to which the person belongs, or is, by the rules of that religious body, deemed ordained or appointed;
 - (b) the person is duly recognized by the religious body to which the person belongs as entitled to solemnize marriage according to its rites and usages;
 - (c) the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and
 - (d) the person is resident in Ontario or the parish or pastoral charge of the person is in whole or in part in Ontario. 2020, c. 11, Sched. 17, s. 2.

Exception re residency

(2) Despite clause (1) (d), in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Minister may register the person as authorized to solemnize marriage during a period to be fixed by the Minister. 2020, c. 11, Sched. 17, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 11, Sched. 17, s. 2 - 08/10/2020

Who may be registered — band, First Nation, Métis or Inuit organization or community or Indigenous entity

20.2 The Minister may register a person as a person authorized to solemnize marriage if it appears to the Minister that the person,

- (a) belongs to,
 - (i) a band located in whole or in part in Ontario,
 - (ii) a First Nation, Métis or Inuit organization or community located in whole or in part in Ontario, or
 - (iii) a permanently established Indigenous entity located in whole or in part in Ontario; and
- (b) is duly recognized by the band, First Nation, Métis or Inuit organization or community or Indigenous entity as entitled to solemnize marriage according to its customs and traditions. 2020, c. 11, Sched. 17, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 11, Sched. 17, s. 2 - 08/10/2020

Who may be registered — if no persons recognized as authorized to solemnize marriage

20.3 (1) The Minister may register a person as authorized to perform all the duties imposed by this Act upon a person solemnizing a marriage, other than solemnizing the marriage, if it appears to the Minister that,

- (a) the doctrines, rites and usages or customs and traditions of a religious body described in clause 20.1 (1) (c) or of a band, First Nation, Métis or Inuit organization or community or Indigenous entity described in clause 20.2 (a) do not recognize any person as authorized to solemnize marriage; and
- (b) the person is duly designated by the governing authority of the religious body or is duly designated by the band, First Nation, Métis or Inuit organization or community or Indigenous entity. 2020, c. 11, Sched. 17, s. 2.

Same, marriage valid

(2) If a person registered under subsection (1) performs the duties described in that subsection, every marriage solemnized according to the rites and usages or customs and traditions of the religious body, band, First Nation, Métis or Inuit organization or community or Indigenous entity referred to in clause (1) (a) is valid. 2020, c. 11, Sched. 17, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 11, Sched. 17, s. 2 - 08/10/2020

Rights of person registered

20.4 (1) A person registered under section 20.1, 20.2 or 20.3 is not required to solemnize a marriage, to allow a sacred place to be used for solemnizing a marriage or for an event related to the solemnization of marriage, or to otherwise assist in the solemnization of a marriage, if to do so would be contrary to,

- (a) the person's religious or spiritual beliefs; or
- (b) the doctrines, rites, usages, customs or traditions of the religious body, band, First Nation, Métis or Inuit organization or community or Indigenous entity to which the person belongs. 2020, c. 11, Sched. 17, s. 2.

Definition

(2) In subsection (1),

“sacred place” includes a place of worship and any ancillary or accessory facilities. 2020, c. 11, Sched. 17, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 11, Sched. 17, s. 2 - 08/10/2020

Register

21 (1) The Minister shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as the Minister considers advisable. R.S.O. 1990, c. M.3, s. 21 (1).

Certificate of registration

(2) The Minister may issue a certificate of registration under this section in the prescribed form. R.S.O. 1990, c. M.3, s. 21 (2).

Cancellation of registration

22 (1) Where it appears to the Minister that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him or her to be so registered, or for any other cause, the Minister may cancel the registration. R.S.O. 1990, c. M.3, s. 22 (1).

Notice of change

(2) The religious body, band, First Nation, Métis or Inuit organization or community or Indigenous entity that recognized a person as a person entitled to solemnize marriage under subsection 20.1 (1) or section 20.2 shall notify the Minister reasonably promptly of,

- (a) the name of every such person who has died or has ceased to be associated with the entity; and
- (b) the name and address of every such person who has moved. 2020, c. 11, Sched. 17, s. 3.

Section Amendments with date in force (d/m/y)

2020, c. 11, Sched. 17, s. 3 - 08/10/2020

Publication of registration and cancellation

23 When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Minister shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1990, c. M.3, s. 23.

Civil marriage

24 (1) The following persons may solemnize marriages under the authority of a licence:

1. A judge appointed by the federal government, a provincial government or a territorial government to any court in Canada. This includes a supernumerary judge if they are authorized to exercise all powers and rights that are vested in a judge of the court they serve.
2. A case management master under the *Courts of Justice Act*.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of subsection 24 (1) of the Act is amended by striking out “A case management master” at the beginning and substituting “An associate judge”. (See: 2021, c. 4, Sched. 3, s. 25)

3. A justice of the peace under the *Justices of the Peace Act*.
4. A person of a class designated by the regulations. 2020, c. 11, Sched. 17, s. 4 (1).

(2) REPEALED: 2009, c. 33, Sched. 17, s. 6 (3).

Form of ceremony

(3) No particular form of ceremony is required for a marriage solemnized under the authority of this section except that in some part of the ceremony, in the presence of the person solemnizing the marriage and witnesses, each of the parties shall declare:

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

Je déclare solennellement que moi, AB, je ne connais aucun empêchement légal à mon mariage avec CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take you, CD, to be my lawful wedded wife (*or* to be my lawful wedded husband *or* to be my lawful wedded partner *or* to be my lawful wedded spouse),

Je demande aux personnes qui sont ici présentes d’être témoins que moi, AB, je prends CD comme légitime épouse (*ou* comme légitime époux *ou* comme partenaire conjugal légitime *ou* comme légitime conjoint(e)),

after which the person solemnizing the marriage shall say:

I, EF, by virtue of the powers vested in me by the *Marriage Act*, do hereby pronounce you AB and CD to be married,

En vertu des pouvoirs qui me sont conférés par la *Loi sur le mariage*, moi, EF, je vous déclare mariés(ées), AB et CD.

2005, c. 5, s. 39 (4); 2020, c. 11, Sched. 17, s. 4 (2).

Language

(4) For the purposes of subsection (3), it is sufficient to use only the English or only the French language. R.S.O. 1990, c. M.3, s. 24 (4).

Section Amendments with date in force (d/m/y)

2002, c. 25, s. 1 - no effect - see 2009, c. 33, Sched. 17, s. 7 (1) - 15/12/2009

2005, c. 5, s. 39 (4) - 09/03/2005

2009, c. 33, Sched. 17, s. 6 (3) - 15/12/2009

2020, c. 11, Sched. 17, s. 4 (1, 2) - 08/10/2020

2021, c. 4, Sched. 3, s. 25 - not in force

Attendance of parties and witnesses

25 Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 28. R.S.O. 1990, c. M.3, s. 25.

Proof of publication

26 No marriage shall be solemnized under the authority of the publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. R.S.O. 1990, c. M.3, s. 26.

Time for solemnization

27 (1) REPEALED: 1994, c. 27, s. 89 (4).

Idem: under banns

(2) A marriage shall not be solemnized under the authority of the publication of banns, earlier than the fifth day after the date of the publication of banns. R.S.O. 1990, c. M.3, s. 27 (2).

Time within which marriage to be solemnized

(3) A marriage shall be solemnized only within the three months immediately following the issue of the licence or the publication of banns, as the case may be. R.S.O. 1990, c. M.3, s. 27 (3).

Extension — declaration of emergency

(4) Despite subsection (3), the period in which a marriage may be solemnized under the authority of a licence is extended in accordance with Schedule 1 (Extension — Declaration of Emergency) if Schedule 1 applies. 2020, c. 18, Sched. 9, s. 1.

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 89 (4) - 01/05/1995

2020, c. 18, Sched. 9, s. 1 - 21/07/2020

Entry in marriage register

28 (1) Every person shall immediately after he or she has solemnized a marriage,

(a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or

(b) where the marriage was solemnized elsewhere than in the church, enter in a register kept by him or her for the purpose,

the particulars prescribed by the regulations, and the entry shall be authenticated by his or her signature and those of the parties and witnesses. R.S.O. 1990, c. M.3, s. 28 (1).

Record of marriage

(2) Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties, give a record of solemnization of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence or publication of banns. 1999, c. 12, Sched. F, s. 32; 2001, c. 9, Sched. D, s. 10 (4).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. F, s. 32 - 30/12/2011

2001, c. 9, Sched. D, s. 10 (4) - 30/12/2011

Supply of marriage registers

29 (1) Every person authorized to solemnize marriages, and every entity acting on behalf of a person authorized to solemnize marriages, may apply to the Minister for a marriage register, and the Minister shall thereupon supply the register. R.S.O. 1990, c. M.3, s. 29 (1); 2020, c. 11, Sched. 17, s. 5.

Property of Crown

(2) Every register supplied by the Minister is the property of the Crown. R.S.O. 1990, c. M.3, s. 29 (2).

Section Amendments with date in force (d/m/y)

2020, c. 11, Sched. 17, s. 5 - 08/10/2020

Protection of persons solemnizing marriage in good faith

30 No person who solemnizes or purports to solemnize a marriage is subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time the person performed the ceremony, he or she was aware of the impediment. R.S.O. 1990, c. M.3, s. 30.

Marriages solemnized in good faith

31 If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as a married couple, such marriage shall be deemed a valid marriage, although the person who solemnized the marriage was not authorized to solemnize marriage, and despite the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence. R.S.O. 1990, c. M.3, s. 31; 2005, c. 5, s. 39 (5).

Section Amendments with date in force (d/m/y)

2005, c. 5, s. 39 (5) - 09/03/2005

Breach of promise of marriage abolished

32 (1) No action shall be brought for a breach of a promise to marry or for any damages resulting therefrom. R.S.O. 1990, c. M.3, s. 32 (1).

Application of subs. (1)

(2) Subsection (1) does not apply in respect of actions for breach of promise to marry or damages resulting therefrom commenced before the 1st day of August, 1978. R.S.O. 1990, c. M.3, s. 32 (2).

Recovery of gifts made in contemplation of marriage

33 Where one person makes a gift to another in contemplation of or conditional upon their marriage to each other and the marriage fails to take place or is abandoned, the question of whether or not the failure or abandonment was caused by or was the fault of the donor shall not be considered in determining the right of the donor to recover the gift. R.S.O. 1990, c. M.3, s. 33.

Powers of Minister

33.1 (1) The Minister may by order,

- (a) set and collect fees for services that the Minister provides under this Act; and
- (b) provide for the waiver of payment of those fees in favour of any person or class of persons. 2012, c. 8, Sched. 32, s. 7.

Orders are not regulations

(2) An order made under this section is not a regulation for the purposes of Part III (Regulations) of the *Legislation Act, 2006*. 2012, c. 8, Sched. 32, s. 7.

Section Amendments with date in force (d/m/y)

2012, c. 8, Sched. 32, s. 7 - 01/09/2016

Regulations

34 The Lieutenant Governor in Council may make regulations,

- (a) prescribing any matter required or permitted by this Act to be prescribed by the regulations;
- (b) requiring the payment of fees in respect of any matter required or authorized to be done under this Act, other than for services provided by the Minister;
- (c) providing for the retention of fees or a portion of the fees by issuers and persons solemnizing marriages or any class of either of them and for the commutation of such fees;
- (d) prescribing the duties of issuers;
- (d.1) respecting the particulars that shall be contained in a record under subsection 13 (1);
- (d.2) respecting the documents that shall be forwarded to the Registrar General under subsection 14 (1);
- (e) requiring persons authorized to solemnize marriages to furnish such information and returns as are prescribed;
- (f) REPEALED: 2009, c. 33, Sched. 17, s. 6 (7).
- (g) designating classes of persons authorized to solemnize marriages under section 24. R.S.O. 1990, c. M.3, s. 34; 1998, c. 18, Sched. E, s. 181; 2009, c. 33, Sched. 17, s. 6 (7); 2012, c. 8, Sched. 32, s. 8.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. E, s. 181 - 01/10/2004

2009, c. 33, Sched. 17, s. 6 (7) - 15/12/2009

2012, c. 8, Sched. 32, 8 (1-3) - 01/09/2016

Penalty: false statements

35 (1) Every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which the person may be liable, is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1990, c. M.3, s. 35 (1).

Idem: general

(2) Every person who contravenes any provision of this Act for which no other penalty is provided is guilty of an offence and on conviction is liable to a fine of not more than \$500. R.S.O. 1990, c. M.3, s. 35 (2).

FORM REPEALED: 1998, c. 18, Sched. E, s. 182.

Section Amendments with date in force (d/m/y)

O. Reg. 726/91, s. 1 - 18/12/1991; 1998, c. 18, Sched. E, s. 182 - 01/10/2004

SCHEDULE 1
EXTENSION — DECLARATION OF EMERGENCY

With respect to a licence issued during the period described in paragraph 1, if all of the conditions listed in paragraph 2 are met, the period in which a marriage may be solemnized under the authority of the licence is extended to the period described in paragraph 3:

1. The period in which the licence was issued is the period,
 - i. beginning on the first day of a month that is three months prior to a month in which a declaration was made under the *Emergency Management and Civil Protection Act* that an emergency exists throughout Ontario, and
 - ii. ending on the first day following the declaration of emergency on which there is not a period of emergency throughout Ontario under the *Emergency Management and Civil Protection Act*.

For greater certainty, this includes the period beginning on December 1, 2019 in respect of the emergency that was declared on March 17, 2020 under the *Emergency Management and Civil Protection Act*.

2. The conditions that must be met are:
 - i. The parties to the marriage have not married each other since the licence was issued.
 - ii. Neither party to the marriage has married anyone else since the licence was issued.
 - iii. Neither party to the marriage has legally changed their name since the licence was issued.
3. The period in which a marriage may be solemnized under the authority of the licence is the period beginning on the day the licence was issued and ending 24 months after the day described in subparagraph 1 ii.

2020, c. 18, Sched. 9, s. 2.

Section Amendments with date in force (d/m/y)

2020, c. 18, Sched. 9, s. 2 - 21/07/2020

Français

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