

Legislative  
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of Ontario



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# Bill 41

## An Act to amend the Marriage Act

**Ms S. Wong**

**Private Member's Bill**

1st Reading      April 10, 2018

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The Bill amends the *Marriage Act* by adding a new section 7.1 allowing any person to lodge a caveat with an issuer of marriage licences objecting to the marriage of the person named in the caveat. Once a caveat is lodged, the issuer cannot issue a marriage licence until the matter is looked into and the issuer is satisfied that the objection set out in the caveat should not obstruct the marriage. The issuer's decision may be appealed to the Registrar General.

## An Act to amend the Marriage Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### **1 The *Marriage Act* is amended by adding the following section:**

#### **Caveat against issuance of licence**

**7.1** (1) Any person who pays the prescribed fee may lodge with an issuer a caveat against the issuing of a licence for the marriage of a person named in the caveat.

#### **Information to provide in caveat**

(2) A caveat under subsection (1) must be in the prescribed form, signed by or on behalf of the person who lodged it and shall contain,

- (a) the person's contact information;
- (b) the ground of objection on which the caveat is founded; and
- (c) any other prescribed information.

#### **No issuance of licence until caveat resolved**

(3) If a caveat is lodged with an issuer under subsection (1), no marriage licence may be issued by the issuer to the person named in the caveat until,

- (a) the issuer has inquired into the matter of the caveat and is satisfied that it ought not to obstruct the issuing of the licence; or
- (b) the caveat is withdrawn by the person who lodged it.

#### **Notice of decision**

(4) If the issuer decides against the person lodging the caveat, the issuer shall advise the person of the issuer's decision in writing within 10 business days.

#### **Appeal**

(5) The issuer's decision under subsection (4) may be appealed to the Registrar General within five business days by,

- (a) filing a notice of appeal stating the grounds of the appeal with the Registrar General; and
- (b) providing the issuer a copy of the notice of appeal.

#### **No issuance of licence until appeal resolved**

(6) The issuer shall not issue a marriage licence to the person named in the caveat until the appeal is resolved by the Registrar General who may confirm the refusal or direct the issuer to issue the marriage licence.

#### **Referral to Registrar General**

(7) The issuer may, in case of doubt, refer the matter of the caveat to the Registrar General for advice.

### **2 Section 34 of the Act is amended by adding the following clauses:**

- (b.1) prescribing the amount of the fee for lodging a caveat under subsection 7.1 (1);
- (b.2) prescribing the information to be provided for the purposes of clause 7.1 (2) (c);

#### **Commencement**

**3 This Act comes into force on the day it receives Royal Assent.**

#### **Short title**

**4 The short title of this Act is the *Marriage Amendment Act, 2018*.**