

The Marriage Act

Repealed

by Chapter M-4.1 of the *Statutes of Saskatchewan, 1995*
(effective February 21, 1997).

Formerly

Chapter M-4 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979) as amended by *The Revised
Statutes of Saskatchewan, 1978 (Supplement)*, c.41, and the
Statutes of Saskatchewan, 1979-80, c.92; 1980-81, c.67 and 83;
1983-84, c.46 and 49; 1984-85-86, c.16 and 38; 1990-91, c.11;
and 1992, c.7.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	SHORT TITLE		MARRIAGE OF MINORS
1	Short title	37	Consents required
	INTERPRETATION	38	Power of courts to dispense with consent
2	Interpretation		MARRIAGE OF DOUKHOBORTSI
	ADMINISTRATION	39	Marriage according to own rites
3	Administration		CIVIL MARRIAGE
	REGISTRATION OF CLERGY	40	Appointment of marriage commissioners
4	Dates of director respecting registration	41	Fees
5	Religious bodies to furnish list of clergy authorized to solemnize marriage	42	Authority of commissioner
6	Certificate of registration	43	Marriage by commissioner
7	Non-registration not to invalidate marriage		VALIDITY OF CERTAIN MARRIAGES
	SOLEMNIZATION OF MARRIAGE	44	Declaration of nullity marriage
8	Persons authorized to solemnize marriage	45	No judgment by consent or in default
9	Prohibition of unauthorized persons	46	Manner of taking evidence
10	Registration of marriages and certificate of marriage	47	Examination of parties
11	Protection of persons solemnizing marriage	48	Marriages prior to July 1, 1933
	PRELIMINARIES TO SOLEMNIZATION	49	Second ceremony for religious purposes
12	Licence or publication of banns		PROHIBITIONS
13 to 18	Repealed	50	Witnesses
	ISSUERS OF MARRIAGE LICENCES	51	Issuer not to solemnize marriage
19	Supply of forms and issue of licences	52	Signature of director
20	Weekly returns	53	Repealed
21	Other returns	54	Repealed
22	Payments for licences	55	Party under influence of alcohol or drugs
23	Appointment of deputy issuers	56	Hours for solemnization
24	Signature of deputy issuer	57	Where party does not understand language used
25	Issuer to read licence to parties		REGULATIONS
26	Power to take declarations	58	Regulations
27	Form		PENALTIES AND PROSECUTIONS
28	Form to be completed by issuer	59	Issuers
29	Conditions governing issue of licence	60	Solemnizing marriage contrary to Act
30	Declaration in certain cases	61	Repealed
31	Party under 16 years of age	62	Performing ceremony after removal from office
32	Hours for issue of licence	63	False statements
33	Irregularities not to invalidate marriage	64	General penalty
34	Ceremony within three months after issue of licence	65	Time limit for prosecution
35	Documents required	66	Consent to prosecution
	PRESUMPTION OF DEATH	67	Hearing of prosecution
36	Power of court to make declaration		

CHAPTER M-4

An Act respecting the Solemnization of Marriage

SHORT TITLE

Short title

- 1 This Act may be cited as *The Marriage Act*.

INTERPRETATION

Interpretation

- 2 In this Act:

- (a) “**clergy**” includes persons duly ordained, appointed or commissioned by their religious bodies and authorized by this Act to solemnize marriage;
- (b) “**commissioner**” means a marriage commissioner appointed under this Act;
- (c) “**director**” means the person designated by the minister as the director;
- (d) “**issuer**” means an issuer of marriage licences appointed under this Act and includes a deputy issuer so appointed;
- (e) “**licence**” means a marriage licence issued under this Act;
- (e.1) “**medical practitioner**” means a medical practitioner who is licensed pursuant to *The Medical Profession Act, 1981* or an equivalent law of any other province of Canada and who is not under suspension;
- (e.2) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (f) “**prescribed form**” means the form prescribed in the regulations;
- (g) “**registrar**” means a division registrar appointed under any *Vital Statistics Act*;
- (h) “**religious body**” means a church or a religious denomination, sect, congregation or society.

R.S.S. 1978, c.M-4, s.2; 1983-84, c.46, s.3; 1992, c.7, s.3.

ADMINISTRATION

Administration

- 3 The administration of this Act shall be under the direction of the minister.

1983-84, c.46, s.4.

REGISTRATION OF CLERGY

Dates of director respecting registration

4(1) Subject to subsection (3), the director shall register the names of clergy, permanently resident in Saskatchewan, or who regularly attend to pastoral duties in Saskatchewan whose names have been submitted to him by the proper ecclesiastical authorities of any religious body.

(2) Any member of the clergy who is not resident in or permanently resident in Saskatchewan but whose name has been submitted to the director by the proper ecclesiastical authorities of a religious body or who, as shown by satisfactory evidence, is duly authorized to solemnize marriage in another province, state or country may be registered as authorized to solemnize marriage, during a period to be fixed by the director, in which case the certificate of registration shall state the period so fixed.

(3) The director shall satisfy himself that each religious body, from which he receives, for the purposes of subsection (1), a certified list of the names of persons qualified to solemnize marriage, is so established, both as to continuity of existence and as to recognized rites and usages respecting the solemnization of marriage, as to warrant, in the opinion of the director, the registration of its clergy.

R.S.S. 1978, c.M-4, s.4; 1992, c.7, s.4.

Religious bodies to furnish list of clergy authorized to solemnize marriage

5 The proper ecclesiastical authority of each religious body whose clergy are authorized to solemnize marriage under this Act, shall supply the director with a certified list, in the prescribed form of those clergy annually, or oftener if required, and shall notify the director of every member of the clergy who has died or ceased to reside in the province, or who has in any other way ceased to possess the qualifications entitling him to be registered.

R.S.S. 1978, c.M-4, s.5; 1992, c.7, s.5.

Certificate of registration

6 The director shall issue a certificate of registration to each member of the clergy who is registered under this Act.

R.S.S. 1978, c.M-4, s.6; 1992, c.7, s.6.

Non-registration not to invalidate marriage

7 No marriage shall be invalid by reason only that the person performing the ceremony is not then registered under this Act.

R.S.S. 1978, c.M-4, s.7.

SOLEMNIZATION OF MARRIAGE

Persons authorized to solemnize marriage

8 The following persons, being registered under this Act as qualified to solemnize marriage, may solemnize marriage between persons not under a legal disqualification to contract marriage:

- (a) the clergy of every religious body duly ordained or appointed according to the rites and ceremonies of the religious body to which they respectively belong;
- (b) any catechist, missionary or theological student duly appointed or commissioned by the governing body of any church or religious denomination with special authority to solemnize marriage;
- (c) any duly appointed commissioner or duly appointed and commissioned officer other than a probationary lieutenant of the religious society known as the Salvation Army, chosen or commissioned by the society to solemnize marriage;
- (d) commissioners appointed for that purpose by the minister;
- (e) a Jewish Rabbi, duly ordained according to the rites and ceremonies of the Jewish Church, having charge of or being connected with a congregation in the province.

R.S.S. 1978, c.M-4, s.8; 1992, c.7, s.7.

Prohibition of unauthorized persons

9 Notwithstanding the provisions of any law or statute to the contrary, no person other than a marriage commissioner shall solemnize any marriage unless the person is at the time a member of the clergy registered under this Act.

R.S.S. 1978, c.M-4, s.9; 1992, c.7, s.8.

Registration of marriages and certificate of marriage

10(1) Every person authorized by this Act to solemnize marriage shall register every marriage solemnized by him, in accordance with *The Vital Statistics Act*.

(2) Upon completion of the marriage ceremony, the officiating member of the clergy or marriage commissioner shall furnish the contracting parties with a certificate of the marriage.

R.S.S. 1978, c.M-4, s.10; 1992, c.7, s.9.

Protection of persons solemnizing marriage

11(1) No member of the clergy or marriage commissioner who solemnizes a marriage after a licence is issued pursuant to this Act with respect to the marriage is subject to any action or liability for damage or otherwise by reason of the existence of a legal impediment to the marriage unless, at the time the ceremony was performed, the member of the clergy or the marriage commissioner was aware of the impediment.

(2) No member of the clergy who, before this subsection comes into force, solemnizes a marriage after banns have been published with respect to the marriage is subject to any action or liability for damage or otherwise by reason of the existence of a legal impediment to the marriage unless, at the time the ceremony was performed, the member of the clergy was aware of the impediment.

1992, c.7, s.10.

PRELIMINARIES TO SOLEMNIZATION

Licence or publication of banns

12(1) No marriage commissioner shall solemnize marriage unless the parties to the intended marriage produce to him the licence required by this Act.

(2) No member of the clergy shall solemnize a marriage unless the parties to the intended marriage produce to the member of the clergy the licence required by this Act.

R.S.S. 1978, c.M-4, s.12; 1992, c.7, s.11.

13 to 18 Repealed. 1992, c.7, s.12.

ISSUERS OF MARRIAGE LICENCES

Supply of forms and issue of licences

19 Forms of marriage licences shall be supplied by the director, and marriage licences shall be issued to persons requiring them by persons named by the minister for that purpose.

R.S.S. 1978, c.M-4, s.19; 1983-84, c.46, s.7.

Weekly returns

20 Every issuer shall on Monday in each week forward to the director a return, in the prescribed form, respecting all licences issued by him during the preceding week including the names of the parties to whom the licences were issued.

R.S.S. 1978, c.M-4, s.20.

Other returns

21(1) The Lieutenant Governor in Council may in special cases dispense with section 20 and may order special returns to be made.

(2) Every issuer shall, when called upon by the director, make a sworn return of all licence forms at any time supplied to him and shall return all forms in his possession if so required.

R.S.S. 1978, c.M-4, s.21.

Payments for licences

22 The Lieutenant Governor in Council may make regulations prescribing:

- (a) the sum to be paid by every issuer to the director for each form of licence received by him from the director;

(b) the time and manner in which the sum mentioned in clause (a) is to be paid;

(c) the fee that every issuer is entitled to receive from every person requiring a licence.

R.S.S. 1978, c.M-4, s.22.

Appointment of deputy issuers

23 An issuer who is prevented from acting by sickness or for any other reason may, with the approval of the director, appoint in writing, for a period not exceeding twelve months, a deputy issuer to act for him in his absence.

R.S.S. 1978, c.M-4, s.23.

Signature of deputy issuer

24 Every deputy issuer so appointed shall indicate that he is a deputy issuer when signing any form under this Act.

R.S.S. 1978, c.M-4, s.24.

Issuer to read licence to parties

25(1) The issuer shall read over to each of the parties separately the form of licence, in order to prove that both parties fully understand its contents.

(2) If either of the parties does not understand the English language an independent interpreter shall be employed.

R.S.S. 1978, c.M-4, s.25.

Power to take declarations

26 Issuers and clergy may take declarations and administer oaths for the purposes of this Act.

R.S.S. 1978, c.M-4, s.26; 1992, c.7, s.13.

Form

27 Marriage licences shall be in the prescribed form and shall, after being sealed by the director or his duly appointed agent, be supplied to issuers.

R.S.S. 1978, c.M-4, s.27; 1983-84, c.46, s.8.

Form to be completed by issuer

28(1) Every issuer shall fill in the blanks and sign each licence at the time of issue and shall append to the licence all documents deposited with him by the applicants for the licence, except those deposited with him pursuant to subsection (2) of section 29.

(2) No issuer shall issue a licence for his own marriage.

R.S.S. 1978, c.M-4, s.28.

Conditions governing issue of licence

29(1) Before a licence is issued, each applicant shall personally and separately make a statutory declaration before the issuer in the prescribed form, on the reverse side of which shall be printed the degrees of consanguinity in the prescribed form.

(2) Where one of the parties has been previously married but the marriage has been dissolved or annulled, whether within or outside of Saskatchewan, there shall also be furnished to the issuer such documentary evidence of the dissolution or annulment of the marriage as the director may from time to time require.

(3) Where one of the parties has been previously married and it is believed that the other party to that marriage has died and where a declaration of presumption of death has been made by the Court of Queen's Bench under section 36, that declaration together with statutory declarations of the contracting parties in the prescribed form made before the issuer shall be furnished to the issuer.

(4) The issuer shall, unless he has reason to believe that the requirements of this Act have not been or will not be complied with or that there are any legal impediments to the proposed marriage, issue a licence and, subject to subsection (5), the licence shall be dated and become effective the day after the day on which the statutory declaration in the prescribed form was filed with the issuer.

(5) The issuer may, with the approval of the director or upon receipt of evidence satisfactory to him that exceptional and urgent circumstances warrant such action, issue a licence bearing the same date, and becoming effective on the same day, as the date on which he received the statutory declaration in the prescribed form.

R.S.S. 1978, c.M-4, s.29; 1992, c.7, s.14.

Declaration in certain cases

30(1) If either of the parties is unable to make the declaration personally before the issuer, the issuer may permit that party to make a declaration in the prescribed form before a justice of the peace, commissioner for oaths or notary public, and every such declaration shall contain the reason relied upon to excuse personal attendance before the issuer.

(2) Such declaration shall be delivered to the issuer before the issue of the licence.

R.S.S. 1978, c.M-4, s.30.

Party under 16 years of age

31(1) No licence is to be issued to a person under 16 years of age unless a judge of the Provincial Court of Saskatchewan decides that the age of the person should not prohibit the solemnization of the proposed marriage.

(2) No decision made pursuant to subsection (1) shall relieve a person from compliance with sections 37 and 38.

(3) This section applies to all persons including Doukhoborts.

R.S.S. 1978, c.M-4, s.31; R.S.S. 1978 (Supp.), c.41, s.3; 1983-84, c.46, s.9; 1992, c.7, s.15.

Hours for issue of licence

32 No licence shall be issued between the hours of ten o'clock in the afternoon and six o'clock in the forenoon unless the issuer is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist that render the issue of the licence advisable.

R.S.S. 1978, c.M-4, s.32.

Irregularities not to invalidate marriage

33 No irregularity in the issue of a licence, where it has been obtained or acted on in good faith, shall invalidate a marriage solemnized in pursuance thereof.

R.S.S. 1978, c.M-4, s.33.

Ceremony within three months after issue of licence

34 A marriage shall not be solemnized under the authority of a licence except within three months after the date of its issue.

R.S.S. 1978, c.M-4, s.34.

Documents required

35(1) Within two days after the solemnization of marriage, the member of the clergy or commissioner shall forward to the Director of Vital Statistics in the Department of Health:

- (a) the statement required by section 11 of *The Vital Statistics Act*; and
 - (b) the completed marriage licence and all documents appended to the licence pursuant to subsection 28(1).
- (2) Following a review of the statement mentioned in clause (1)(a), the Director of Vital Statistics shall forward all documents mentioned in clause (1)(b) to the director.

1983-84, c.46, s.10; 1992, c.7, s.16.

PRESUMPTION OF DEATH**Power of court to make declaration**

36(1) For the purpose of subsection 29(3), a married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the Court of Queen's Bench to have it presumed that the other party is dead, and the court, if satisfied that such reasonable grounds exist, may make a declaration of presumption of death.

(2) In such proceeding evidence satisfactory to the court that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner and that the petitioner has made reasonable inquiries and has no reason to believe that the other party has been living within that time shall be deemed sufficient evidence in support of the petition.

R.S.S. 1978, c.M-4, s.36; 1992, c.7, s.17.

MARRIAGE OF MINORS**Consents required**

37(1) Subject to subsections (2) to (6), if either of the parties to an intended marriage is under the age of eighteen years then, before the issue of a licence, there shall be deposited with the issuer a consent to the marriage in the prescribed form:

- (a) by both parents of the minor if both are living; or

- (b) by the surviving parent of the minor where one of the parents is dead.
- (2) The consent of only one parent shall suffice:
 - (a) where that parent has legal custody of the minor and the marriage of the parents has been dissolved or the parents are living separate and apart from each other pursuant to a decree of judicial separation or under a separation agreement; or
 - (b) where the other parent is a patient in an in-patient facility within the meaning of *The Mental Health Services Act*.
- (3) The consent of only one parent shall also suffice where the minor has been living with that parent for a period of at least one year immediately preceding the date of the intended marriage of the minor and where:
 - (a) the marriage of the parents of the minor has not been dissolved but the parents have been living separate and apart from each other during that period other than pursuant to a decree of judicial separation or under a separation agreement;
 - (b) the parents have not cohabited as man and wife at any time during that period; and
 - (c) the parent not having custody of the minor has not contributed to the support of the other parent or the minor during that period;

and that parent shall file with the consent in the prescribed form a declaration in the prescribed form.

- (4) If one of the parties to the intended marriage is a minor and if both parents of the minor are dead or one of the parents is dead and the other parent is a patient in an in-patient facility within the meaning of *The Mental Health Services Act*, then before the issue of a licence there shall be deposited as stated in subsection (1) a consent of the kind mentioned in that subsection given by a lawfully appointed guardian of the minor or the acknowledged guardian who may have brought up or may for three years immediately preceding the intended marriage have supported the minor.
- (5) Where one of the parties to the intended marriage is a minor and the minor has been committed to the Minister of Social Services pursuant to *The Family Services Act*, being chapter F-7 of *The Revised Statutes of Saskatchewan, 1978*, or *The Child and Family Services Act* then before the issue of licence, there shall be deposited as stated in subsection (1) a consent of the kind mentioned in that subsection given by a director within the meaning of that Act.
- (6) Subsections (1) to (5) do not apply to a person who is a widow or widower or who has been previously married but whose marriage has been dissolved.
- (7) Subject to section 38, the consent required by this section shall be deemed to be a condition precedent to a valid marriage unless the marriage has been consummated or the parties have after the ceremony cohabited and lived together as husband and wife.

R.S.S. 1978, c.M-4, s.37; 1990-91, c.11, s.7;
1992, c.7, s.18.

Power of courts to dispense with consent

38 A person under the age of eighteen years who is unable to obtain the consent of the parents or guardian may apply to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan or of the Provincial Court of Saskatchewan, and the judge may, in his discretion, grant an order dispensing with such consent, in which case a licence may be issued and the ceremony performed accordingly.

R.S.S. 1978, c.M-4, s.38; R.S.S. 1978 (Supp),
c.41, s.3; 1979-80, c.92, s.55; 1980-81, c.83, s.42;
1992, c.7, s.19.

MARRIAGE OF DOUKHOBORTSI

Marriage according to own rites

39(1) Nothing in this Act shall be construed as in any way preventing the people called Doukhoborts from celebrating marriage, according to the rites and ceremonies of their own religion or creed, where either of the parties is a Doukhobor.

(2) Nothing in subsection (1) shall be deemed to dispense with the necessity of obtaining a licence, as required by this Act, preliminary to celebrating the marriage.

(3) Both parties to the marriage shall sign the licence.

(4) Immediately after the marriage, either party to the marriage shall make a written record thereof in the form prescribed by *The Vital Statistics Act* for the registration of marriage, such form to be obtained from the division registrar of the registration division in which the marriage was performed; and every such registration shall be signed by both parties to the marriage and by two witnesses eighteen years of age or more.

(5) Within two days after the marriage, either party to the marriage shall file or cause to be filed with the Director of Vital Statistics in the Department of Health:

- (a) the statement required by section 11 of *The Vital Statistics Act*; and
- (b) the marriage licence signed by both parties.
- (c) **Repealed.** 1992, c.7, s.20.

(6) The Director of Vital Statistics shall:

- (a) indicate on the marriage registration form by whom the registration was filed and the date of filing;
- (b) deal with the registration in accordance with the provisions of *The Vital Statistics Act* with respect to the registration of a marriage; and
- (c) forward to the director the licence mentioned in clause 5(b).

R.R.S. 1978, c.M-4, s. 39; 1983-84, c.46, s.11;
1992, c.7, s.20.

CIVIL MARRIAGE

Appointment of marriage commissioners

40 The minister may appoint for any district in the province, such persons as marriage commissioners for the purpose of this Act as he may deem advisable, and every marriage commissioner shall have authority to receive and take statutory declarations for the purpose of this Act.

R.S.S. 1978, c.M-4, s.40; 1992, c.7, s.21.

Fees

41 A marriage commissioner shall be entitled, for each marriage ceremony conducted by him under this Act, to receive from the parties to the marriage the fee prescribed in the regulations.

R.S.S. 1978, c.M-4, s.41; 1980-81, c.67, s.3.

Authority of commissioner

42 The authority of a commissioner appointed by the minister to solemnize marriage may be limited to cases where the parties to the intended marriage belong, or one of them belongs, to a certain class, creed or nationality, or it may include all cases where either of the parties objects to or is not desirous of being married by any of the persons enumerated in clauses (a), (b), (c) and (e) of section 8.

R.S.S. 1978, c.M-4 s.42; 1983-84, c.46, s.12;
1992, c.7, s.22.

Marriage by commissioner

43 Marriage may be solemnized by a marriage commissioner and contracted in his office or such other place as he may select according to the form and in the manner following, but not otherwise:

1 The marriage shall be contracted in the presence of two or more credible witnesses eighteen years of age or more besides the marriage commissioner, and with open doors;

2 In the presence of the marriage commissioner and witnesses each of the parties shall declare: "I do solemnly declare that I do not know of any lawful impediment why I, A.B., may not be joined in matrimony to C.D.", and each of the parties shall say to the other: "I call upon these persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wedded wife (or husband)" after which the marriage commissioner shall say: "I, E.F., a marriage commissioner, by virtue of the powers vested in me by *The Marriage Act*, do hereby pronounce you A.B. and C.D. to be husband and wife".

R.S.S. 1978, c.M-4, s.43.

VALIDITY OF CERTAIN MARRIAGES

Declaration of nullity marriage

44(1) Where a form of marriage is gone through between persons either of whom is under the age of eighteen years, without the consent required by this Act, and the marriage has not been consummated and those persons have not after the ceremony cohabited and lived together as husband and wife, the Court of Queen's Bench shall have jurisdiction and power to entertain an action by the person who was at the time of the ceremony under the age of eighteen years, and to declare and adjudge that a valid marriage was not effected or entered into.

(2) The court shall not declare a marriage void where carnal intercourse has taken place between the parties before the ceremony.

R.S.S. 1978, c.M-4, s.44.

No judgment by consent or in default

45 A declaration that a valid marriage was not effected or entered into shall not in any case be made upon consent of parties or upon admissions or in default of appearance or of pleading or otherwise than after a trial.

R.S.S. 1978, c.M-4, s.45.

Manner of taking evidence

46 At every such trial the evidence shall be taken *viva voce* in open court, but the foregoing provision shall not prevent the use of the depositions of witnesses residing outside Saskatchewan or of witnesses examined *de bene esse*, where, according to the practice of the court, such depositions may be read in evidence.

R.S.S. 1978, c.M-4, s.46.

Examination of parties

47 The court may require both or either of the parties to be examined before the court touching the matters in question in the action, and may require either party to submit to physical examination by a medical practitioner to be appointed by the court.

R.S.S. 1978, c.M-4, s.47; 1983-84, c.46, s.13.

Marriages prior to July 1, 1933

48(1) Every marriage solemnized in the province prior to the first day of July, 1933, between persons not under a legal disqualification to contract marriage, shall be deemed to have been and to be a lawful and valid marriage, insofar as it affects the civil rights in the province of the parties and their issue, and in respect of all matters within the jurisdiction of the province, notwithstanding that any of the formalities required by law were not observed; provided that the parties thereafter lived together and cohabited as husband and wife, and that the validity of the marriage had not been questioned in any suit or action before the first day of July, 1933.

(2) The issue of every marriage, the solemnization of which is validated by this section, shall for all purposes be deemed to be and to have been legitimate from the time of birth, but nothing in this subsection shall affect any right, title or interest in or to property, where the right, title or interest was vested in any person prior to the first day of July, 1933.

R.S.S. 1978, c.M-4, s.48.

Second ceremony for religious purposes

49(1) Persons who, having been married in accordance with this Act, desire a second ceremony for religious purposes, may have such ceremony performed.

(2) Such ceremony shall be supplemental to and shall not supersede the first ceremony, and it shall not be registered as a marriage.

R.S.S. 1978, c.M-4, s.49.

PROHIBITIONS

Witnesses

50 No member of the clergy or marriage commissioner shall solemnize a marriage without the presence of at least two credible witnesses eighteen years of age or more.

R.S.S. 1978, c.M-4, s.50; 1992, c.7, s.23.

Issuer not to solemnize marriage

51(1) No member of the clergy or marriage commissioner who is an issuer of marriage licences shall solemnize marriage in any case in which he issued the licence authorizing the marriage.

(2) Subsection (1) does not apply to such person when resident north of a line, commencing at the eastern boundary of the province, along the northern boundary of township 55, westerly to the third meridian, then north along that meridian to the intersection of the meridian with the northern boundary of township 62, and then westerly to the western boundary of the province.

(3) Subsection (2) is repealed on a day fixed for such repeal by proclamation of the Lieutenant Governor.

R.S.S. 1978, c.M-4, s.51; 1992, c.7, s.24.

Signature of director

52(1) Where the signature of the director is required for any purposes of this Act, the signature may be written, engraved, lithographed or reproduced by any other mode of reproducing words in visible form.

(2) Every document issued under this Act under the signature of the director is and remains valid, notwithstanding that the director has ceased to hold office before the issue of the certificate.

R.S.S. 1978, c.M-4, s.52.

53 Repealed. 1984-85-86, c.38, s.24.

54 Repealed. 1984-85-86, c.38, s.24.

Party under influence of alcohol or drugs

55 No issuer of marriage licences, member of the clergy or marriage commissioner, knowing or having reason to believe that the judgment of either of the parties to the intended marriage is impaired by the use of alcohol or drugs, shall issue a licence or solemnize a marriage between those persons.

R.S.S. 1978, c.M-4, s.55; 1984-85-86, c.16, s.18;
1992, c.7, s.25.

Hours for solemnization

56 No member of the clergy or marriage commissioner shall solemnize a marriage between the hours of ten o'clock in the afternoon and six o'clock in the forenoon unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist that render its solemnization between those hours advisable.

R.S.S. 1978, c.M-4, s.56; 1992, c.7, s.26.

Where party does not understand language used

57 No member of the clergy or marriage commissioner shall perform a marriage ceremony when one or both of the parties speak a different language from that in which the ceremony is to be performed, unless an independent interpreter is present to interpret and convey clearly to such party or parties the meaning of the ceremony.

R.S.S. 1978, c.M-4, s.57; 1992, c.7, s.27.

REGULATIONS

Regulations

58 The Lieutenant Governor in Council may make regulations:

- (a) to (c) **Repealed.** 1984-85-86, c.38, s.24.
- (d) prescribing forms for the purposes of this Act;
- (e) prescribing fees for the purpose of section 41.

R.S.S. 1978, c.M-4, s.52; 1980-81, c.67, s.4;
1984-85-86, c.38, s.24.

PENALTIES AND PROSECUTIONS

Issuers

59 Every issuer who:

- (a) unlawfully issues a licence;
- (b) issues a licence without first having obtained all the documents required by this Act;
- (c) issues a licence where either of the parties to the intended marriage is under influence of liquor;
- (d) fails to make any return within the period prescribed by this Act for making it;
- (e) violates or fails to comply with any regulations made under section 22;

(f) neglects or refuses to perform any other duty that he is required by this Act to perform;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

R.S.S. 1978, c.M-4, s.59.

Solemnizing marriage contrary to Act

60 Every person who solemnizes a marriage contrary to this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 for each contravention.

R.S.S. 1978, c.M-4, s.60.

61 Repealed. 1984-85-86, c.38, s.24.

Performing ceremony after removal from office

62 Every person who having been a member of the clergy or marriage commissioner, has been deposed from his ministry or deposed or removed from the office by virtue of which he was authorized to solemnize marriage, and solemnizes or undertakes to solemnize a marriage during the deposition or after the removal, is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding twelve months.

R.S.S. 1978, c.M-4, s.62; 1992, c.7, s.28.

False statements

63 Every person who wilfully makes, or causes to be made, a false statement respecting the particulars required to be recorded or reported under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

R.S.S. 1965, c.338, s.63.

General penalty

64 Every person who violates any of the provisions of this Act, for which violation no other penalty is provided, is guilty of an offence and liable on summary conviction to a fine not exceeding \$20.

R.S.S. 1978, c.M-4, s.64.

Time limit for prosecution

65 Every prosecution for a violation of any of the provisions of this Act shall be commenced within two years from the date of the violation.

R.S.S. 1978, c.M-4, s.65.

Consent to prosecution

66 No prosecution for a violation of any of the provisions of this Act shall be brought without the permission of the Attorney General.

R.S.S. 1978, c.M-4, s.66.

Hearing of prosecution

67 Any prosecution under this Act may be brought and heard before a judge of the Provincial Court of Saskatchewan or two justices of the peace.

R.S.S. 1978, c.M-4, s.67; 1983-84, c.46, s.15.