

SECOND SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 87

An Act to amend the Change of Name Act

First reading



MARC-ANDRÉ BÉDARD
Ministre de la justice

EXPLANATORY NOTES

The intent of this bill is to enable a Canadian citizen of full age who has been residing in Québec for not less than one year and who has successfully undergone the medical and surgical treatments intended to change his secondary sexual characteristics to obtain from the Ministre de la justice a change of designation of sex and of given name in the registers of civil status.

The bill also empowers the Ministre de la justice to grant a change of name by the issuance of a certificate.

Bill 87

An Act to amend the Change of Name Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. The title of the Change of Name Act (1965, 1st session, chapter 77) is replaced by the following:

“Act respecting the change of name and of other particulars of civil status”.

2. The said act is amended by inserting, after the enacting formula preceding section 1, the following:

“DIVISION I

“CHANGE OF NAME”.

3. Section 1 of the said act is amended:

(a) by replacing the first three lines of the first paragraph by the following:

“**1.** In this division, unless the context indicates a different meaning, the following terms mean:”;

(b) by striking out the second paragraph.

4. Section 2 of the said act is replaced by the following:

“**2.** A change of name is granted by a certificate of the Ministre de la justice in accordance with this division.”

5. Section 6 of the said act, amended by section 101 of chapter 26 of the statutes of 1969, is replaced by the following:

“6. If, after thirty days have elapsed since the last of the prescribed publications, the Ministre de la justice is of the opinion that the reasons for the change of name are sufficient and that such change is expedient, he may grant the application, with such modifications as he deems expedient.

Save for exceptional reasons deemed sufficient, no application shall be granted without the written consent of the applicant's spouse and of his unemancipated minor children aged fourteen years or over.”

6. Section 8 of the said act is replaced by the following:

“8. A change of family name effected by a certificate of the Ministre de la justice shall benefit the unemancipated minor children of the applicant, his children to be born and the descendants of all of them.”

7. Section 9 of the said act is replaced by the following:

“9. Notice of every certificate issued by the Ministre de la justice shall be published in the *Gazette officielle du Québec*.

Any person may obtain a copy of the certificate on payment of the required fee.”

8. Section 10 of the said act is replaced by the following sections:

“10. The Minister shall transmit to each and every depositary of the registers of civil status where the act of birth of the applicant is entered a true copy of the certificate.

The depositaries shall transcribe such certificate in the registers of civil status containing the acts of birth of the current year and draw up a new act of birth in conformity with such certificate.

They shall also indicate in the margin of the act of birth of the applicant the changes to the entries concerned and a reference to the register of the year and the page containing the new act of birth.

“10a. If the applicant was born outside Québec, copy of the certificate must be transmitted by the Ministre de la justice to the depositary of the registers of civil status of the applicant's place of birth.

“10b. The new act of birth inscribed in the registers of civil status annuls the former act of birth of the applicant.”

9. The said act is amended by inserting, after section 15, the following:

“DIVISION II

“CHANGE OF SEX DESIGNATION AND OF GIVEN NAME

“16. This division applies to every unmarried Canadian citizen of full age who has been resident in Québec for at least one year and who has successfully undergone medical treatments as well as surgical treatments involving a structural modification of the sexual organs intended to change the secondary sexual characteristics of the person.

“17. The person contemplated in section 16 may make an application to the Ministre de la justice for a change of sex designation and of given name to be made in the registers of civil status.

“18. The application shall set forth:

(a) the surname and given names inscribed on the act of birth of the person who has undergone such treatments;

(b) the given names the applicant wishes to adopt, where such is the case;

(c) the address and occupation of the applicant at the time the application is made and during the year preceding the application;

(d) the sex inscribed in the applicant's act of birth; and

(e) any other information required by the Minister.

“19. The application shall be accompanied with:

(a) a medical certificate describing the treatments referred to in section 16 from a medical authority in Québec who is competent in the matter;

(b) a certified and signed extract of the applicant's act of birth as it appears in the registers of civil status;

(c) a sworn declaration of the applicant attesting that

i. he is a Canadian citizen;

ii. he has been residing in Québec for not less than one year;

iii. he is not married;

iv. the application is made in good faith; and

v. the statements made in the application are true;

(d) where such is the case, a copy of the decree of divorce, the judgment of annulment of marriage or the certificate of death of his consort; and

(e) the payment of the prescribed fees.

“20. In addition to the medical certificate provided for in section 19, the Minister may require from another medical authority competent in the matter a supplementary certificate describing the treatments.

“21. If the applicant meets the conditions provided for in sections 16 to 20, the Minister shall recommend the issue of a certificate evidencing the change of sex designation and of given name.

“22. Sections 7, 9 and 10 to 15 apply to this division, *mutatis mutandis*.”

10. The said act is amended by replacing section 16 by the following:

“DIVISION III

“FINAL PROVISIONS

“23. The Lieutenant-Governor in Council may, by regulation published in the *Gazette officielle du Québec*, establish a tariff of fees in respect of the procedure relating to a change contemplated in this act and prescribe any other measure considered advisable for the application of this act.

“27. Any change to the acts or registers of civil status made under the Code of Civil Procedure, under the Adoption Act (1969, chapter 14) or by the application of the Civil Code does not constitute a change contemplated in this act.”

11. Section 17 of the said act is renumbered “25”.

12. This act shall come into force 1 April 1978.