

Uniform Law
Conference of Canada

*Uniform
Change of Name
Act*

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Uniform Law Conference of Canada

Uniform Change of Name Act

April 1988

Interpretation

1. In this Act,

“director” means the Director of Vital Statistics appointed under the *Uniform Vital Statistics Act*;

“prescribed” means prescribed by the regulations made under this Act.

Person’s name

2. (1) For all purposes of (enacting jurisdiction) law,

(a) a person whose birth is registered in (enacting jurisdiction) is entitled to be recognized by the name appearing on the person’s birth certificate or change of name certificate, unless clause (c) applies;

(b) a person whose birth is not registered in (enacting jurisdiction) is entitled to be recognized by,

(i) the name appearing on the person’s change of name certificate, if the person’s name has been changed under this Act or a predecessor of it, or

(ii) in all other cases, the name recognized in law in the last place with which the person had a real and substantial connection before residing in (enacting jurisdiction),

unless clause (c) applies; and

(c) a person who adopted a name on marriage before the coming into force of this Act is entitled to be recognized by that name unless the person subsequently changed that name under this Act or a predecessor of it.

What name includes

(2) The name a person adopts under this Act shall include a surname and at least one given name, written in the Roman alphabet, and shall not include numbers or symbols.

Change of name

3. (1) A person who is not in another person’s lawful custody and who has ordinarily resided in (enacting jurisdiction) for at least three months immediately before making the application may apply to the director for a change of name.

Notice to spouse, etc.

(2) The application of a married person shall be accompanied by proof of notice of the application to the person's spouse, or by the applicant's affidavit that the spouses are living separate and apart from each other.

Change of name of person who is another's custody

4. (1) If a person who is in another person's lawful custody has ordinarily resided in (enacting jurisdiction) for at least three months immediately before the application is made, the custodian may apply to the director for a change of the person's name.

Consent of others with custody or access

(2) The application shall be accompanied by the written consent of every other person who has lawful custody of the person whose name is to be changed or who is lawfully entitled to access to him or her.

Consent of person twelve or older

(3) If the application relates to the name of a person who is twelve years of age or older, it shall be accompanied by the person's written consent.

Dispensing with consent

(4) The applicant may apply to the (appropriate court of enacting jurisdiction) for an order dispensing with the consent.

Best interests of person

(5) The court shall determine an application under subsection (1) in accordance with the best interests of the person whose name is to be changed.

Form and contents of application

5. (1) An application made under section 3 or 4 shall be in the prescribed form and shall state the following, by way of statutory declaration:

1. The present and proposed names, in full, of the person whose name is to be changed.
2. The applicant's address and place of ordinary residence at the time of making the application and during the preceding three months.
3. In the case of an application under subsection 4(1), the address and place of ordinary residence of the person whose name is to be changed, at the time the application is made and during the preceding three months.
4. In the case of an application under subsection 4(1), that the applicant has lawful custody of the person, and the relationship between the applicant and the person.

5. Details with respect to any previous change of name of the person whose name is to be changed.

6. The date and place of birth of the person whose name is to be changed.

Supporting material

(2) An application shall be accompanied by the following:

1. If subsection 3(2) applies, an acknowledgment of notice, apparently signed by the applicant's spouse, an affidavit of notice to the spouse, or the applicant's affidavit that the spouses are living separate and apart from each other.

2. If subsection 4(2) or (3) applies, the written consent referred to in that subsection, or a certified copy of a court order dispensing with the consent.

3. The prescribed information and documents.

4. The additional information and documents that the director, in his or her discretion, requires the applicant to provide.

Registration of change of name

6. (1) On receiving an application together with all necessary supporting material under subsection 5(2) and the prescribed fee, the director shall register the change of name, subject to subsection (2).

Exception

(2) The director shall not register a change of name if, in his or her opinion, the application contains a misrepresentation or the change of name is sought for a fraudulent or unlawful purpose.

Certificate of change of name

7. (1) On registering a change of name under section 6, the director shall issue to the applicant a certificate of the change of name in the prescribed form.

Notice to official in other province or territory

(2) If the person whose name is changed was born or married in Canada but outside (enacting jurisdiction), the director shall send a copy of the certificate to the official responsible for the registration of births or marriages, as the case may be, in the relevant jurisdiction.

Notice to official outside Canada

(3) If the person whose name is changed was born or married outside Canada the director shall, at the person's request, send a copy of the certificate to the official responsible for the registration of births or marriages, as the case may be, in the relevant jurisdiction.

Exception: surname of married person

8. (1) A married person who ordinarily resides in (enacting jurisdiction) may change his or her surname to,

- (a) the spouse's current surname;
- (b) a surname consisting of the surname the person had immediately before marriage and the spouse's current surname, hyphenated or combined.

Certificate of change of name

(2) On receiving notice in the prescribed form of a change of surname under subsection (1), together with the prescribed fee, the director shall register the change of surname and issue to the married person a certificate of the change of name.

Change of name to be noted on existing records

9. (1) On registering a change of name under section 6 or 8, the director shall, without charging an additional fee, note the change of name on any records under the *Uniform Vital Statistics Act* that relate to the person whose name is changed.

New birth and marriage certificates

(2) After the director has noted the change of name in accordance with subsection (1), birth and marriage certificates that are issued in respect of the person whose name is changed shall show the new name and make no reference to the change.

Publication in Gazette

10. (1) Subject to subsection (4), on registering a change of name under section 6 the director shall cause notice of the change of name to be published in the *Gazette* at the applicant's expense.

Cost of publication

(2) The director may require the applicant to pay the cost of publication before registering the change of name.

Form of notice

(3) The notice shall be in the prescribed form and shall contain the name and former name of the person whose name is changed.

Exceptions

(4) Notice of a change of name shall not be published in the *Gazette*,

- (a) if the director is satisfied that publication would cause undue hardship;
- (b) if the person whose name is changed is a child who has been committed permanently to (Minister) under the (child welfare legislation);
- (c) if the Attorney General has made an order under subsection 15(2) with respect to the change of name;

(d) in the prescribed circumstances.

Registration of change of name made outside (enacting jurisdiction)

11. (1) On receiving proof that a person's name has been changed in accordance with the law of another jurisdiction, together with an application for registration of the change of name and the prescribed fee, the director may register the change of name.

Section 9 applies

(2) Section 9 applies, with necessary modifications, to *Section 9 applies* the change of name.

Change of name after divorce or annulment

12. (1) When the (court with divorce and annulment jurisdiction) has granted a divorce or made an order annulling a marriage, the court may at any time, on the application of one of the former spouses, order that the former spouse's surname be changed to the surname he or she had immediately before the marriage.

Copy to director

(2) The registrar of the court shall send a copy of an order made under subsection (1) to the director, who shall issue to the person to whose name the order relates a certificate of change of name in the prescribed form.

Appeal from director's decision

13. (1) A person whose application is rejected by the director may, within thirty days after receiving notice of the director's decision, appeal to the (appropriate court of enacting jurisdiction).

Powers of court on appeal

(2) The court may consider any relevant evidence and make any appropriate order.

Duty of director

(3) On receiving a certified copy of the order, the director shall treat it as if it were his or her own decision and shall make all necessary changes in the records under this Act and the *Uniform Vital Statistics Act*.

Revocation of change of name

14. (1) Any person with a substantial interest in the matter may apply to the (appropriate court of enacting jurisdiction) for the revocation of a change of name made under this Act.

Powers of court

(2) If the court is satisfied that the change of name ought not to have been made, the court may revoke it.

Search of change of name records

15. (1) On receiving an application in the prescribed form together with the prescribed fee, the director may conduct a search of the records with respect to the change of any persons's name and

provide the applicant with a duplicate original of any certificate issued under this Act with respect to that change of name.

Attorney General's order sealing record

(2) When the Attorney General has ordered that the director's records with respect to a particular person's change of name be sealed, the director shall not disclose information from those records to any person, unless a court orders the disclosure or the person whose name was changed consents to the disclosure.

Fraud or misrepresentation

16. (1) A person who obtains a change of name under this Act by misrepresentation or for a fraudulent or unlawful purpose is guilty of an offence and liable on summary conviction to a fine not exceeding (amount), or to imprisonment for not more than three months.

Revocation of change of name

(2) If a court is satisfied that a person has obtained a change of name under this Act by misrepresentation or for a fraudulent or unlawful purpose the court may, by order, revoke the change of name, on another person's application or in the course of a proceeding under subsection (1) against the person who obtained the change of name.

Director may be added as party

(3) In a proceeding under this section, the court shall add the director as a party on his or her motion.

Copy to be sent to director

(4) When the court revokes a change of name, the registrar of the court shall send a certified copy of the order to the director.

Duty of director

(5) On receiving the certified copy of the order, the director shall note the revocation in his or her records wherever the change of name was noted and shall cause a notice of the revocation to be published in the *Gazette*.

Director's signature on certificates

17. (1) When the director's signature is to appear on a certificate issued under this Act, it may be written or may be reproduced by any method of visible reproduction.

Idem

(2) A certificate issued under this Act and bearing the director's signature is valid even if the director ceased to hold office before the certificate was issued.

Regulations

18. (1) The Lieutenant Governor in Council (or equivalent authority in the enacting jurisdiction) may make regulations prescribing,

(a) forms;

(b) fees;

(c) information and documents for the purpose of paragraph 3 of subsection 5(2);

(d) circumstances for the purposes of clause 10(4)(d).