

Change of name

Overview

In England and Wales, an adult may change their name at any time. They may change their given name, their family name, or both. Different rules apply to children.

This factsheet looks at the legal and practical considerations that apply to a proposed name change, including changes that affect children.



The legal procedure - general

Many Continental countries make it quite difficult to truly change one's legal name. There are no such restrictions in England and Wales. A person can change their given name or family name, add names or rearrange their existing name, quite freely.

The change does not have to be recorded centrally or approved by government. There is no legal process required for the change. Under our system of law, a person's name arises from use and reputation. If a person uses a new name and becomes known by that name, the name is considered legally altered. A person simply starts to use the new name, and the change follows on from that.

The only limit on change of name in England and Wales is that the change will not be recognised if done to deceive or defraud another person or organisation. So, a change of name intended to avoid debts or criminal liability would not be effective.

Whilst there are no legal formalities required to change one's name, most organisations will require some form of proof that the change has happened.

This proof might take a number of forms: for example, a letter from a responsible professional (like a GP, a solicitor or an MP) that the person is known by the new name; a public announcement in a local or national newspaper or a Statutory Declaration.

In practice, most people who change their name prove the change by signing a Change of Name Deed.

Many still think of the expression Deed Poll when the topic of a name change arises. A deed is the name given to a legal document binding only to a single person. The word poll is simply an old-fashioned legal expression for a document with straight edges. A Change of Name Deed is a type of deed poll.

A Change of Name Deed that is properly prepared and signed is usually sufficient evidence of the change for all purposes, to include applying for a replacement passport.

A Change of Name Deed can be enrolled at the Royal Courts of Justice. There are additional costs from enrolment, of about £70. Enrolment is entirely optional. It does not make the change any more valid. Most people do not enrol their Change of Name Deed, given there is no positive need and the additional cost.

The legal procedure – adults

We would advise adults who seek to change their name to record the change in a Change of Name Deed.

We would not advise that that Change of Name Deed then be enrolled at the Royal Courts of Justice.

You should obtain a number (probably about ten, initially) of certified copies of the Change of Name Deed. These certified copies can be provided as proof of the change to the Passport Agency, the DVLA, banks and building societies, etc.

A solicitor can both prepare the Change of Name Deed and certify the copies for you.

You should be aware that the Change of Name Deed cannot usually be used to alter your Birth Certificate. This is because a Birth Certificate is a document of historical record (that is, it records historical facts, rather than a person's current details and status). A Birth Certificate will generally only be altered to correct a mistake, as opposed to a change of name in later life.

Frequently, people change their name when marrying or registering a civil partnership. A copy of the marriage or civil partnership certificate will usually be sufficient proof of the change, and a Change of Name Deed will not be required.

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The Legal Procedure - Children

The same legal concepts apply to name changes for children as to adults. So, the change of name comes about through use and reputation, and no formal process is required to bring about the change.

However, where a child is concerned, the permission of every person with parental responsibility (**PR**) is needed for the change. If that permission is not given, the change may not be made unless a court gives permission. This remains so until a child reaches 16.

For information about PR, to include who has it, see our **Children – The range of court orders** factsheet (under the heading Parental Responsibility).

If everybody with PR agrees to the change, we would advise that a Change of Name Deed be prepared that records both the change and the agreement.

We would **not** advise that that Change of Name Deed then be enrolled at the Royal Courts of Justice.

Once a child is 16, it is presumed that he or she is legally able to make many decisions previously made by parents or those with PR. One such decision is the change of name. The name of a child over 16 would only be changed if he or she agreed to it. If the child opposed the change, the child's view would prevail, even if everybody with PR supported the change.

If there is a dispute about a change of name affecting a child, the issue must be referred to the court. The court would decide, guided by what was in the best interests of the child, whether the proposed change was appropriate. The court's general approach will be that the change of name affecting a child is profound, and not a mere formality. To succeed, there would usually need to be evidence that the change would improve the child's welfare. The child's view will be taken into account and given the weight appropriate depending on his or her age and understanding.



Likewise on divorce or dissolution, a copy of the decree absolute will ordinarily be enough proof that a person has gone back to using their previous name.

If the court gives permission to change a child's family name, then the court order made will be sufficient proof of the change for all official purposes.

As with adults, a change of name affecting a child – whether agreed or ordered by the court – will generally not be capable of altering a Birth Certificate.

Other than to correct a mistake, a change of a child's **given name** child will only be reflected in a Birth Certificate in the following situations:

- where they were baptised within 12 months of the birth being registered (only the baptismal name can be added, as confirmed by the Minister)
- where the change came about through usage within twelve months of the birth being registered.

In either case, only one change is permitted. Subsequent changes to the child's given name will not be recorded on the Birth Certificate.

Other than to correct a mistake, a change of a child's **family name** child will only be reflected in a Birth Certificate in the following situations:

- where the details of the child's father were not initially on the Birth Certificate, but are added to it subsequently, or
- where the child's parents were not married or in a civil partnership at the time of the birth, but marry / enter a civil partnership subsequently.

In either case, the child's family name may be changed to the mother's or the father's (or a combination of the two) so long as the parents both agree. The child will also need to agree if over 16.

Otherwise, the child's Birth Certificate will stand as a document of historical record even if his or her name changes subsequently.

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For a child under the age of sixteen all those with parental responsibility must agree to the name change.

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Please feel free to discuss your own position and concerns. Contact your nearest office on:

T: 0800 916 9015
E: enquiries@slatergordon.co.uk
W: www.slatergordon.co.uk

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