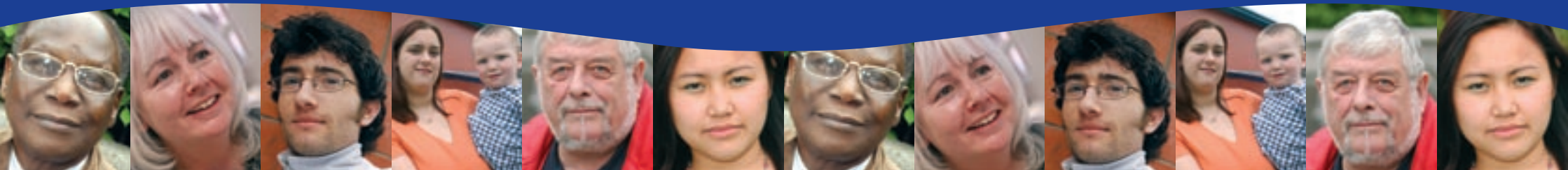


- 1 Dealing with Debt
  - 2 Employment
  - 3 Divorce and Separation
  - 4 Renting and Letting
  - 5 Buying and Selling Property
  - 6 Losing your Home
  - 7 The Human Rights Act
  - 8 Claiming Asylum
  - 9 Welfare Benefits
  - 10 Wills and Probate
  - 11 Dealing with the Police
  - 12 No-win, No-fee Actions
  - 13 Problems with Goods and Services
  - 14 Medical Accidents
  - 15 Equal Opportunities
  - 16 Racial Discrimination
  - 17 Personal Injury
  - 18 Rights for Disabled People
  - 19 Community Care
  - 20 Education
  - 21 Immigration and Nationality
  - 22 Mental Health
  - 23 Alternatives to Court
  - 24 Family Mediation
  - 25 Veterans
  - 26 Domestic Violence, Abuse and Harassment
  - 27 Living Together and your Rights if you Separate
  - 29 Care Proceedings
  - 30 Neighbourhood and Community Disputes
  - 31 Changing your Name**
- Advice Guides**
- G1 A Step-by-Step Guide to Choosing a Legal Adviser
  - G2 A Step-by-Step Guide to Legal Aid

# Changing your Name

The leaflets are also available in Welsh, Braille and Audio.

To order any of these leaflets contact the LSC leaflet line on 0845 3000 343 or email [LSCLeaflets@ecgroup.co.uk](mailto:LSCLeaflets@ecgroup.co.uk) or Fax 020 8867 3225.



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community  
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Many people want to change their name at some time in their lives. If you want to change your name for any reason, it is quite straightforward and doesn't have to cost much. This leaflet explains whether you can change your name, and how to go about it.

● When may I want to change my name?	3
● When am I allowed to change my name?	3
● What if I am widowed?	4
● What if I enter into a civil partnership?	5
● What if I want to change my child's name?	5
● What sort of name can I choose?	7
● How do I prove I have a new name?	7
● Who should I tell about my name change?	9
● Further help	10

The leaflets in this series give you an outline of your legal rights. They are not a complete guide to the law and are not intended to be a guide to how the law will apply to you or to any specific situation. The leaflets are regularly updated but the law may have changed since this was printed, so information in it may be incorrect or out of date.

If you have a problem, you will need to get more information or personal advice to work out the best way to solve it. See 'Further help' on page 10 for sources of information and advice.

## When may I want to change my name?

There are many reasons for wanting to change your name, including:

- if you get married or enter into a civil partnership, or want to take your partner's name;
- if you get divorced, dissolve a civil partnership or end a long-term relationship;
- to take a double-barrelled name after you marry or enter into a civil partnership;
- as part of a change of gender;
- because you dislike your current name;
- to separate yourself from a particular person or a time or event in your life;
- to stop a former partner finding you; or
- to feel more part of a new family, for example a step-family.

You may also want to change a child's name.

## When am I allowed to change my name?

You can change your name at any time, as long as you are 18 or older, and as long as you are not doing it to commit fraud.

There is no legal process you must follow. All you need do is start using your new name and tell people that you now want to be known by this name.

However, you may be asked for evidence of your name change, for example if you want a new driving licence or passport. See 'How do I prove I have a new name?' on page 7 for the sort of evidence you can use.

Similarly, if you want to change your child's name there is no special legal process you have to follow. However, other people involved in the child's upbringing may need to agree to the change. See 'What if I want to change my child's name?' on page 5.

If you do change your name, make sure that all official documents contain your new name – this will make things simpler. See 'Who should I tell about my name change?' on page 9.

## What if I have just married?

You don't have to take your partner's name when you get married.

However, if you do, your marriage certificate will be enough evidence of your new name – for example, if you need a new passport. If you want to keep the name you used before marriage, you don't need to do anything.

You can also choose to 'double-barrel' (add together) your and your husband's names. You don't both have to use the new name. However, if both of you want to use a new name, you may be asked for formal evidence other than the marriage certificate – see 'How do I prove I have a new name?' on page 7.

If a man takes his wife's surname after getting married, the marriage certificate may be enough evidence of that change. However, because this is less usual than a woman taking her husband's name, you may have to provide some other evidence.

#### **What if we are not married but want to have the same surname?**

If you have a partner, you may want to:

- take your partner's name;
- double-barrel your names; or
- both take a completely new name.

In any of these situations, you can just start using your new name, though you may need to provide evidence of the change to official bodies, banks etc. This applies whether you are a same-sex or heterosexual couple.

#### **What if I have divorced and want to go back to my former surname?**

In this situation, you can simply start using your former surname at any time. You do not need to wait until your divorce is finalised. However, if you need to provide evidence of your change, you will normally need to show your marriage certificate and decree absolute (the document that shows you have divorced). You can also choose to continue using your married name so that, for example, you have the same surname as your children.

If you are separated from your husband, you can use your former surname. Some organisations may want evidence of your change of name (though if they have records of you from the time before you married, they may not need this).

#### **What if I am widowed?**

A widowed woman can revert to her maiden name upon her husband's death without any formality. The husband's death certificate and her marriage certificate are the only documentary evidence of her change of circumstances that she will need to produce.

#### **What if I enter into a civil partnership?**

If you enter into a civil partnership you have four options:

- you and your partner can continue using your own names;
- one of you can change your name to the other's;
- you can form a double-barrelled name; or
- you can choose a new surname that you both use.

If you or your partner want to change your name, you should tell the registrar at the office where your civil partnership will be registered well before the day of the ceremony. Normally, the registrar can simply put the correct names on your civil partnership certificate, which will then be evidence of the name change.

However, in some cases the registrar may say that you should first obtain a deed poll (see 'Deed poll' on page 8). If so, make sure you apply for the deed poll at least three weeks before the ceremony.

#### **What if I want to change my child's name?**

You don't need to follow a special legal process to change a child's name. However, certain people must agree to the new name. If you don't get their agreement before you change your child's name, they could start court proceedings to stop you changing the child's name or to make you change it back.

#### **When can I change my child's birth certificate?**

You can change a child's name on their birth certificate only in certain circumstances, including:

- changing your child's forename within 12 months of originally registering the birth, perhaps because you decide the original name was not suitable;
- changing the child's surname to that of their father because you marry the father after the child is born; and
- changing the child's surname to that of their father if you were not married when you registered their birth and did not include the father's name on the register. In this case both parents must agree to the change of name.

In other cases if you want to change a child's name – for example, to take the surname of their step-father – the new name will not appear on the child's birth certificate.

### **Who must agree before a child's name can be changed?**

Everyone who has 'parental responsibility' for a child needs to give their consent if you want to change your child's name.

When a child is born, the mother automatically has parental responsibility, whether or not she is married. So does the father, but only if he is married to the mother when the child is born, or if he is registered as the father on the baby's birth certificate (for births registered on or after 1 December 2003). However, later in the child's life, the unmarried father of the child can get parental responsibility, by:

- marrying the child's mother and making a parental responsibility agreement with her;
- making a parental responsibility agreement with the mother;
- re-registering the child's birth to record the father's name; or
- obtaining a parental responsibility or residence order from the court.

A step-parent or civil partner can get parental responsibility by:

- making a parental responsibility agreement with the child's natural parents, under the Adoption and Children Act 2002; or
- obtaining a parental responsibility or residence order from the court.

Adoptive parents get parental responsibility when they adopt their child.

Even if the father doesn't have parental responsibility, the child's mother should still try to get his consent before changing the child's name – a surname can be an important link for a child. In some cases, the courts have allowed a father without parental responsibility who is in frequent contact with his child to reverse a change of name. The courts will consider whether it is in the child's interest to 'disassociate' (separate) them from their birth name.

If a child under 18 doesn't want to change their name, even though the parent wants it, the child can apply for a court order to stop it. The court will assess whether the child is mature enough to understand the consequences of this, and will take the child's view into account in making its decision. The court will normally accept the wishes of a child who is 16 or 17.

If the other parent or anyone else objects to you changing your child's name, they can apply to the court to try to stop it. If this happens, you will need advice from a solicitor. You may be able to get help with the costs of this if you and your case qualify – ask your solicitor.

In deciding whether to allow the change of name, the court will consider what is in the child's best interests, including the social implications of the change. In particular, they will ask how important it is for the child to keep their existing name as a link with their father.

### **What sort of name can I choose?**

If you want to choose a completely new name (that is, something other than that of your husband or wife), there are a few things you should avoid. You should not choose a name that:

- has punctuation marks (except for hyphens or apostrophes) or numbers; or
- is offensive or blasphemous.

You should not choose a name that might deceive or defraud, for example one beginning with Sir, Lady or Princess. In the same way, you should not take the name of a famous person. If you did, they could go to court to try to get an injunction to stop you using it.

### **How do I prove I have a new name?**

Once you have decided on a name, you can start using it and telling people about it straight away. Some people and organisations, such as your employer, GP and dentist, will probably accept the change without you needing to provide any evidence of it. Other organisations may ask you for documentary evidence. What they need will vary. Some organisations will accept your passport or driving licence as proof of your change of name, so it could be worth making sure these are changed soon after you start using your new name (see 'Who should I tell about my name change?' on page 9).

These are the types of evidence, starting with the simplest:

#### **A letter confirming your new name**

Many banks, credit card companies and organisations such as the NHS and HM Revenue and Customs may accept as proof a letter from a 'responsible person', such as your:

- GP;
- solicitor;
- minister of religion;
- Member of Parliament;
- local councillor; or
- employer.

A long-standing friend may also be considered a 'responsible person'. Some organisations may simply accept a letter from you as evidence.

The letter from the responsible person (or yourself) needs to state:

- the name you have used before and the one you use now;
- your address;
- that you will be using your new name for all purposes; and
- that the person writing the letter has known you in both names.

#### **Change-of-name statement**

This kind of statement is a slightly more formal version of a letter. It states your former name and the name you intend to use in future, and a witness should add their signature and name and address. Some solicitors can provide a standard letter of this type, which may be cheaper than a statutory declaration (see below). You can also buy such statements on the internet for as little as £7.50.

#### **Statutory declaration**

This is more formal than a change-of-name statement, although again it is simply a statement of your intention to abandon your old name and adopt a new one. The difference is that it is witnessed by a magistrate or solicitor.

Solicitors will charge you for preparing and witnessing a statutory declaration – always ask how much before agreeing to it. If you want a Justice of the Peace (JP – a type of magistrate) to witness a statutory declaration, you have to pay a fee to the court (currently £8). However, you may not have to pay this if you can't afford it.

#### **Deed poll**

A deed poll is the most formal statement that you have changed your name. It is different from other forms of evidence in that it has to use certain formal wordings and have two witnesses. A deed poll is the only evidence accepted for a new passport or driving licence.

To draw up a formal deed, you can buy a form to complete and sign from a legal stationer or on the internet.

You can also choose to 'enrol' a deed poll. This means that it is enrolled in the Central Office of the Supreme Court, where it is kept safe as a public record of your change of name. You can get a copy of it if you need one. When you enrol a deed poll, your change of name is advertised in the London Gazette, a weekly government publication that contains various legal notices (see 'Further help' on page 10 for its phone number).

If you choose to enrol a deed poll, you have to pay a fee for doing so. However, you do not have to enrol it – you can just keep it yourself to show to people who need proof of your change of name.

Get copies of the deed poll for organisations that need them. Some organisations may need copies that are 'certified' by a solicitor. You will have to pay a solicitor for this, and the solicitor will need the original to make certified copies.

#### **Who should I tell about my name change?**

After changing your name you must tell everyone who needs to contact you, provides services to you, or has dealings with you. Start by writing to tell them that you have changed your name, giving your old and new details. If they ask you for more evidence, start with the simplest type (see 'How do I prove I have a new name?' on page 7).

Below is a list of the types of organisations you should contact (though, for most people, there will be others too). The list is broadly in order of priority, though this will depend on your circumstances. For example, you would need to tell anyone likely to be sending you a cheque or other payment at the same time as you change the name on your bank or building society accounts.

If you are due to travel soon, the Passport Agency should be high up on your list. A new passport may also serve as proof of your name change for other organisations.

You will need to change your details on the electoral roll if you are likely to be applying for a loan or credit card, because banks and other financial services companies often use the roll as part of their credit checks.

Contact:

- your employer, and former employers where you have a pension;
- your pension provider or providers;
- your landlord or mortgage company;
- the Department for Work and Pensions;
- your local authority (council), for such matters as council tax, housing benefit and social services;
- the electoral registration officer at your local authority (you don't need to wait for an election to do this);
- utility companies (water, gas, electricity, phone and mobile phone);
- banks, building societies, insurance companies, and companies you have shares in;

- credit-card, store-card and charge-card companies, other organisations you have a loan with, and mail-order companies;
- the Driver and Vehicle Licensing Agency (DVLA);
- the TV Licensing Agency;
- the Passport Agency;
- the school, college or university you or your child attends;
- the local library service;
- insurance companies;
- HM Revenue and Customs, to make sure your tax and National Insurance records are kept accurate;
- your GP and dentist, and any other healthcare professionals or clinics you go to;
- the trade union, professional bodies and clubs you belong to; and
- any mailing lists you subscribe to.

## Further help

### Community Legal Advice

Provides free information direct to the public on a range of common legal problems.

Call 0845 345 4 345

If you qualify for legal aid, get free advice from a specialist legal adviser about benefits and tax credits, debt, education, employment or housing. Also find a high quality local legal adviser or solicitor.

Click [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk) Find a high quality local legal adviser or solicitor, link to other online information and see if you qualify for legal aid using our calculator.

### The London Gazette

phone: 020 7394 4517

[www.gazettes-online.co.uk](http://www.gazettes-online.co.uk)

## The Community Legal Service

The Community Legal Service has been set up to help you find the right legal information and advice to solve your problems.

You can get help through a national network of organisations including Citizens Advice Bureaux, Law Centres, many independent advice centres and thousands of high street solicitors. All of these services meet quality standards set by the Legal Services Commission. Look for the Community Legal Service logo, shown below.

Many of the organisations offer some or all of their services for free. If you cannot afford to pay for advice you may be eligible for financial support through the Community Legal Service Fund (Legal Aid). You can order leaflets about funding from the LSC Leaflet line on 0845 3000 343. You can also use a Legal Aid eligibility calculator on the website: [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

Community  
Legal Service



## The Legal Services Commission (LSC)

The Community Legal Service and the Community Legal Service Fund are managed by the Legal Services Commission. To find out more about us visit our website at [www.legalservices.gov.uk](http://www.legalservices.gov.uk) or find the details for your local Legal Services Commission office in the phone book.

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