

CHANGING YOUR NAME

There are various circumstances in which a person may want to change their name. You can change your name at any time but one of the most common ones is when you get married. However, some couples like to change names earlier than marriage, when they are just thinking about getting married or when they move in together, for example, and are buying a house.

You don't actually need a "legal" reason to change your name – you can change it just because you want to be known by another name. In this article we will be dealing with persons aged 18 and over who wish to change their names. Other criteria and conditions apply for those who are younger and parents who wish to change their children's names.

There are few restrictions on what a person can call themselves, but provided they

- ✦ use at least 1 surname and 1 forename and
- ✦ the name doesn't use numbers or punctuations (except a hyphen to link names)
- ✦ is not vulgar, blasphemous or otherwise offensive
- ✦ is not impossible to pronounce and
- ✦ will not result in passing off, for deceit or fraud or to make anyone believe you hold a title that you don't actually have (e.g. Baron, Colonel etc)

After those rules pretty well anything goes. There are several people called Elvis Presley alive and well and living in the UK.

How can I change my name?

(a) On a birth certificate

There currently are only several, very limited; circumstances when you actually get your name changed on your birth certificate. These include changing a child's surname when the child's parents were not married at the time of the child's birth and when a person has changed gender and can obtain a Gender Recognition Certificate. As you'd expect, various criteria need to be met.

(b) Women on Marriage

(i) When a couple get married, whilst it is common for a woman to change her surname to use her husband's surname, it is not compulsory. For example, Rachel Smith marries Robert Brown. Rachel can simply call herself Rachel Brown and can send a copy of her marriage certificate to the relevant Government bodies (Passport etc) and bank and other organisations as proof of her new name. Her name will be changed to reflect her new married surname.

However, it is also legal for the woman to retain her own name. In our example, if Rachel wants to acknowledge she is now married, but prefers to use her own surname – Rachel can call herself Mrs Rachel Smith. In these circumstances, Rachel may want to make a Statutory Declaration to reflect her new status, from Miss to Mrs, but bearing in mind she is just changing her title and not her name this is not really necessary. Most documents just reflect her name (such as Driving Licence) and not her title. For documents that do reflect her title, such as her cheque book, simply writing to the bank, explaining the situation and enclosing a copy of her marriage certificate should be enough in these circumstances.

(ii) Changing a name by Deed Poll at any time

This doesn't change a person's name on their birth certificate and is effectively a legal document that declares that the person wishes to be known by a new name and intends, from the date of the deed, to be known by that name. It is signed by the person who wishes to change their name in front of a witness. Lawyers can draw this up for you and packs are available if you wish to do the work yourself.

(iii) Changing a name by Statutory Declaration at any time

Again, this doesn't change a person's name on their birth certificate but is a legal document that declares that the person wishes to be known by a new name and intends, from the date of the declaration, to be known by that name. It is signed by the person who wishes to change their name in front of a Commissioner (e.g. any qualified solicitor) who "witnesses" it.

(c) Men on Marriage

(i) Double barrelled

Increasingly, couples are choosing to take both surnames and make them double-barrelled. In our example of Rachel this may be, for example Brown-Smith. The couple can choose any order they like for the surnames and both can use the 'new name'.

(ii) Meshing surnames

Likewise, lots of couples are choosing to take both surnames and make a completely new surname using them. In our example of Rachel this may be, for example Smith Brown. Again, the choice is completely their own.

In both these examples, it is easy for the man to make a Statutory Declaration (as b(iii) above or Deed Poll as b(ii) above) that he will send to the relevant bodies (see "Who do I need to tell" following) so that he can ensure that all his documents reflect his new name. There are 2 ways of approaching this, once the couple have decided on the new name either, in our example,

- Robert takes the new name first by either Statutory Declaration (as b(iii) above) or Deed Poll (as b(ii) above) before the couple marry. This means when they marry, Rachel can then take her husband's name and there is no need for Rachel to make a Statutory Declaration or Deed Poll. This is the most cost-effective and efficient way.
- Both Robert and Rachel change their names by either Statutory Declaration or Deed Poll (as above) after the marriage. They can actually do this on their wedding day, just after getting married, if they prefer.

Although we have discussed changing their surnames on marriage, when they are making the Statutory Declaration or Deed Poll then Rachel and Robert can also change their forenames, or rearrange the order of forenames etc.

(d) Civil Partnerships

Again, there is no legal requirement for one party to take the other's surname. They have the same options as those who marry of

- (i) Changing one person's surname to the other
- (ii) Double barrelling
- (iii) Meshing
- (iv) Both changing their names completely

Most of those options do require the couple making Statutory Declarations or Deed Polls, as in the examples for married couples.

However, just as on marriage if one person simply wishes to take the other person's name (for example Anne Jones is entering into a Civil Partnership with Wendy Gray and the couple want Anne to be called Anne Gray), the Civil Partnership Certificate allows for this. Just as, in our example, when Rachel marries Robert and wishes to become Rachel Brown and uses her marriage certificate to send to the relevant Government bodies (see "Who do I need to tell?" below) for her name to be changed, Anne does the same with her Civil Partnership Certificate

Why use a Deed Poll or a Statutory Declaration?

Both these documents are documentary evidence of your new name. There is no compulsory central register of either of these documents. It is possible to get a Deed Poll "enrolled" – this is a public record and means the Deed is also published (along with the person's address) in the London (or Belfast) Gazette. However this is expensive, takes time and is not usually necessary.

In theory, there is no reason why you can't just decide to change your name and write to people to let them know your new name. However, because most organisations want some written proof of the change, you will usually find that it will result in a lot of work in completing lots of documents for each organisation you notify, and will take longer than making a Deed Poll or a Statutory Declaration at the start. Some organisations (e.g. some banks etc) won't accept a letter and want a Deed Poll or a Statutory Declaration anyway and will send you one to complete. In addition, you may be asked to produce a letter from a "responsible person" (e.g. your GP) to show that you have been using the new name. You shouldn't have to do this if you have a properly completed Deed Poll or a Statutory Declaration.

What is the difference between a Deed Poll and a Statutory Declaration?

There is no real difference in everyday matters between changing your name by a Deed Poll to changing your name by Statutory Declaration, save that the Statutory Declaration is sworn before a Commissioner.

How do I let people know that I have changed my name?

With both documents the person changing their name simply sends it off to the relevant bodies (see "Who do I need to tell?"). Their records will then be changed to reflect the new name.

Who do I need to tell about my change of name?

In both the Deed Poll and the Statutory Declaration a person confirms that they are abandoning their old name and will be using their old name. This means that you should tell everybody – here are a few suggestions: -

- ✦ HMRC (Inland Revenue for tax purposes etc)
- ✦ Passport Agency (to get a new passport in the new name)
- ✦ DVLA (to get a new driving licence in the new name)
- ✦ Employer, College etc
- ✦ GP, Dentist and anyone else providing medical treatment etc
- ✦ Bank, Building Society, Credit Cards, Savings, loans etc
- ✦ Utility Organisations - Water, Gas, Electric, Telephone etc
- ✦ Local Authority (register of Electors, Council Tax etc)
- ✦ Landlord/Mortgage Company

- ✦ HM Land Registry (so the house “deeds” (land or charge certificate) show the new name)
- ✦ Insurances – house, life, health etc
- ✦ Clubs, subscriptions etc

Legalisation

For couples getting married abroad, they may find that their documents such as birth certificates and Deed Polls or Statutory Declarations need to be “legalised”. This is simply a process whereby the UK government confirm that the signature, seal or stamp appearing on the document is genuine.

This process is dealt with by the Legalisation Office at the Foreign and Commonwealth office at Old Admiralty Building, The Mall, London SW1A 2LG by post or by personal attendance.

