

UNEDITED

# *The Change of Name Act*

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Chapter 370 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 370

### An Act to provide for a Change of Name

#### Short title

1 This Act may be cited as *The Change of Name Act*.

R.S.S. 1953, c.370, s.1.

#### Interpretation

2 In this Act:

#### “change”

1 “**change**” means any change by way of alteration, substitution, addition or abandonment;

#### “children”

2 “**children**” includes a child adopted under the provisions of *The Adoption of Children Act, 1922*, or any subsequent Act governing the adoption of children;

#### “director”

3 “**director**” means the Director of Vital Statistics in the Department of Public Health;

#### “given name”

4 “**given name**” includes Christian name and baptismal name;

#### “name”

5 “**name**” includes given name and surname;

#### “surname”

6 “**surname**” includes family name and patronymic.

1947, c.113, s.2; R.S.S. 1953, c.370, s.2.

#### Change of name prohibited unless authorized

3 Except in the case of a change of the surname of a female resulting from marriage, and subject to sections 4, 6, 8 and 10 of *The Vital Statistics Act* and section 78 of *The Child Welfare Act*, no change of name shall have any effect unless it is made in accordance with this Act by a person authorized by this Act to make application for a change of name.

1947, c.113, s.3; R.S.S. 1953, c.370, s.3.

#### Application in general

4(1) Subject to subsection (4), a person of the full age of twenty-one years, or a married man, widower or widow over eighteen years of age, who resides in Saskatchewan and is a British subject, may make an application to the director for a change of name.

(2) If the applicant is a married man he may also apply for a change of the given name or names of his wife and of any or all of his unmarried infant children.

(3) If the applicant is a widower or widow he or she may also apply for a change of the given name or names of any or all of his or her unmarried infant children.

(4) No married woman shall, during the life of her husband, make application for a change of the surname acquired from him.

1947, c.113, s.4; R.S.S. 1953, c.370, s.4.

**Application by mother in certain cases**

**5** A mother who resides in Saskatchewan and is a British subject may make application to the director, with the consent of her husband, if living, for a change in the surname of her unmarried infant children, not being his children, so that their surname shall be her name by marriage.

1947, c.113, s.5; R.S.S. 1953, c.370, s.5.

**Application where marriage dissolved**

**6(1)** A person who resides in Saskatchewan and is a British subject and whose marriage has been dissolved may make application to the director for a change of name and may also apply for a change of the name or names of any or all of the applicant's unmarried infant children of whom the applicant has lawful custody.

**(2)** An application under subsection (1) shall be accompanied by such proof as the director may require of the dissolution of the marriage and that the applicant has lawful custody of the children named in the application.

1947, c.113, s.6; 1949, c.121, s.2; R.S.S. 1953, c.370, s.6.

**Application by Director of Child Welfare**

**7** The Director of Child Welfare in the Department of Social Welfare and Rehabilitation may make application to the director for a change in the surname or name of a person who is a ward of the Minister of Social Welfare and Rehabilitation under *The Child Welfare Act*.

1947, c.113, s.7; R.S.S. 1953, c.370, s.7.

**Application by Director of Child Welfare**

**8(1)** An application by a married man for a change of his surname or of the given name or names of his wife or of one or more of his unmarried infant children shall be made only if the consent of the wife has been obtained thereto.

**(2)** An application for a change of the given name or names of an unmarried infant child of the age of fourteen years or over shall be made only if the written consent of the child has been obtained thereto.

1947, c.113, s.8; R.S.S. 1953, c.370, s.8.

**Affidavit of qualification and *bona fides***

**9(1)** Every application shall have attached thereto an affidavit of qualification and *bona fides*.

**(2)** Subsection (1) does not apply with respect to an application under section 7.

1947, c.113, s.9; R.S.S. 1953, c.370, s.9.

**Advertisement of intended application**

**10(1)** Every intending applicant shall, within the application period of four weeks preceding his application, publish in one issue of *The Saskatchewan Gazette* and of a newspaper published or circulating in the district in which he resides a notice of his proposed application.

**(2)** Subsection (1) does not apply with respect to an application under section 5 or section 7.

1947, c.113, s.10; 1948, c.115, s.1; R.S.S. 1953, c.370, s.10.

**Documents filed with director**

**11** Every applicant shall file with the director:

- (a) his application in duplicate;
- (b) the consents required by section 8;
- (c) the affidavit of qualification and *bona fides* mentioned in section 9;
- (d) a copy of the *Gazette* and the newspaper containing the notice of the intended application required by section 10; and
- (e) such further documentary evidence or information as the director may require.

1947, c.113, s.11; R.S.S. 1953, c.370, s.11.

**Application registered**

**12** Upon receipt of the documents enumerated in section 11 the director may in his discretion register the application, upon payment of the prescribed fee.

1947, c.113, s.12; R.S.S. 1953, c.370, s.12.

**Effect of registration**

**13** Such registration shall for all purposes effect a change of name or names according to the tenor of the application, and the registration of the change of the surname of a married man or a widower or a widow shall also effect the like change in the surname of the wife of such married man and in the surname of each of the unmarried infant children of such married man or widower or widow, as the case may be.

1947, c.113, s.13; R.S.S. 1953, c.370, s.13.

**Records and certificate of registration**

**14(1)** Upon acceptance of an application for a change registration of name the director shall complete and sign a form entitled "Registration of Change of Name", index the registration and file it in numerical sequence beginning with number 1 on the first day of January in each year.

(2) All registrations of change of name and indexes shall be kept in the office of the director.

(3) Upon registration the director shall issue to the applicant a certificate of the change of name.

1949, c.121, s.3; R.S.S. 1953, c.370, s.14.

**Alteration of records of vital statistics**

**15** Upon registration of an application for change of name the director shall without charge alter his records of vital statistics in conformity therewith.

1947, c.113, s.15; R.S.S. 1953, c.370, s.15.

**Registration of change of name made outside Saskatchewan**

**16(1)** Where a name has been changed in accordance with the law of any other province or any state or country, the director may upon receipt of an application for registration of the change of name, accompanied by proof of the change of name and the prescribed fee, register the change of name.

(2) Upon acceptance of such application the director shall complete and sign a form entitled "Registration of Change of Name effected outside the Province of Saskatchewan", index the registration and fill it in the same manner as a registration of change of name under section 14.

(3) Upon registration the director shall issue to the applicant a certificate of registration.

1949, c.121, s.4; R.S.S. 1953, c.370, s.16.

**Duplicate certificates issued to applicants**

17 Any person may, upon payment of the prescribed obtain from the director a duplicate certificate of change of name made under this Act or a duplicate of a certificate issued under section 16.

1947, c.113, s.17; R.S.S. 1953, c.370, s.17.

**Certificate as evidence**

18 A certificate or duplicate certificate issued under this Act shall for all purposes be *prima facie* evidence of its contents without proof of the appointment or signature of the director.

1947, c.1J3, s.18; R.S.S. 1953, c.370, s.18.

**Substitution of new name in documents**

19 Without restricting the effect which a change of name may have at law, a person whose name has been changed in accordance with the foregoing provisions or a person whose change of name made outside Saskatchewan has been registered under section 16 shall, upon production of a certificate issued under that section or of a duplicate certificate obtained under section 17 and upon satisfactory proof of identity, be entitled to have the new name substituted in lieu of the former name in any and every record, certificate, instrument, document, contract or writing whatever, whether public or private, upon payment of such fees, if any, as are prescribed in that behalf by or under statute.

1947, c.113, s.19; R.S.S. 1953, c.370, s.19.

**Fraud or misrepresentation**

20(1) A person who by fraud or misrepresentation obtains a change of name under the provisions of this Act or who obtains the registration under section 6 of a change of name obtained by fraud or misrepresentation is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding three months.

(2) The director may, if satisfied that a change of name has been obtained by fraud or misrepresentation, annul the change or registration by order, effective from a date named therein. A memorandum of the order shall be endorsed on the folio in which the change of name or registration appears in The Change of Name Register or other register and notice of the annulment shall be published forthwith in the *Gazette*.

(3) When an order is made under subsection (2) the director shall, without charge, make such alterations in his records of vital statistics as are necessary by reason of the order.

(4) The director shall also file a copy of the order in every land titles office, in the offices of the registration clerks for bills of sale in all registration districts, in the offices of the clerks of court of all judicial districts and in the offices of the sheriffs for all of the judicial districts; and every registrar of land titles, registration clerk, clerk of court and sheriff with whom a duplicate certificate of change of name or a certificate issued under section 16 or a duplicate thereof issued under section 17 has been filed shall make such alterations in his records as are necessary by reason of the order.

(5) Where a change of name made under this Act or the registration under this Act of a change of name made outside Saskatchewan has been annulled, the director may by order require any person to whom a certificate has been issued under section 16 or to whom a duplicate certificate has been issued under section 17, to deliver up the same forthwith and any person who fails to comply with such order is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in default of payment to imprisonment for a term not exceeding thirty days.

1947, c.113, s.20; R.S.S. 1953, c.370, s.20.

#### **Fees**

**21** For services under this Act the director shall be entitled to receive such fees as may be prescribed by the Lieutenant Governor in Council.

1947, c.113, s.21; R.S.S. 1953, c.370, s.21.

#### **Forms**

**22** The Lieutenant Governor in Council may prescribe the forms and contents of applications for change of name, affidavits of qualification and *bona fides*, notices of application, consents to application, certificates of change of name and any other forms and the contents thereof, for the purposes of this Act.

1947, c.113, s.22; R.S.S. 1953, c.370, s.22.

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