

The Change of Name Act

being

Chapter C-6 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

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 C-6

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. 1978, c.C-6, s.1.

Interpretation

2 In this Act:

“change”

(a) “**change**” means a change by way of alteration, substitution, addition or abandonment;

“children”

(b) “**children**” includes a child adopted under *The Family Services Act*, or any subsequent Act governing the adoption of children;

“director”

(c) “**director**” means the Director of Vital Statistics in the Department of Health;

“given name”

(d) “**given name**” includes Christian name and baptismal name;

“infant”

(e) “**infant**” means a person under the age of eighteen years;

“name”

(f) “**name**” includes given name and surname;

“surname”

(g) “**surname**” includes family name and patronymic.

R.S.S. 1965, c.408, s.2; 1970, c.8, s.33; 1972, c.1, s.48; R.S.S. 1978, c.C-6, s.2.

Change of name prohibited unless authorized by Act

3 Except in the case of a female party to a marriage assuming at the time of the marriage the surname of her husband, and subject sections 4, 6, 8, 10 and 31 of *The Vital Statistics Act* and section 62 *The Family Services Act*, no change of name shall have any effect unless it is made in accordance with this Act by a person authorized this Act to make application for a change of name.

1976, c.6, s.2; R.S.S. 1978, c.C-6, s.3.

Applications, generally

4(1) A person who is:

- (a) a resident of Saskatchewan;
- (b) a Canadian citizen or other British subject; and
- (c) at least eighteen years of age, or married, widowed or divorced;

may apply to the director for a change of name under this Act.

(2) A person mentioned in subsection (1) may apply for a change in the given name or names of his spouse and any of his unmarried infant children of whom he has lawful custody.

1976, c.6, s.2; R.S.S. 1978, c.C-6, s.4.

Consents required to application

5(1) An application for a change of name by a married person shall be made only with the written consent of the spouse of that person, and an application by a person for a change in the given name or names of his spouse or an unmarried infant child shall be accompanied by the consent of his spouse.

(2) An application for a change in the given name or names of a child fourteen years of age or over shall be accompanied by the consent of that child.

1976, c.6, s.2; R.S.S. 1978, c.C-6, s.5.

Change of surname of child of whom applicant has lawful custody, consent required

6(1) Where a person mentioned in subsection (1) of section 4 is the parent of an unmarried infant child of whom he has lawful custody and where that child has a surname other than his name, the person may apply for the surname of the child to be changed to his surname.

(2) Where a married person makes an application under subsection (1), the application shall be accompanied by the consent of his spouse.

1976, c.6, s.2; R.S.S. 1978, c.C-6, s.6.

Application respecting a person committed to Minister of Social Services

7 A director within the meaning of *The Family Services Act* in the Department of Social Services may make application to the director for a change in the surname or name of a person who has been committed to the Minister of Social Services under *The Family Services Act* or any former *Child Welfare Act*.

1976, c.6, s.2; R.S.S. 1978, c.C-6, s.7.

Affidavit of qualification and *bona fides*

8(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.

R.S.S. 1965, c.408, s.9; R.S.S. 1978, c.C-6, s.8.

Documents filed with director

9 Every applicant shall file with the director:

- (a) his application in duplicate;
- (b) the consents required by sections 5 and 6;
- (c) the affidavit of qualification and *bona fides* mentioned in section 8;
- (d) such further documentary evidence or information as the director may require.

R.S.S. 1965, c.408, s.11; 1976, c.6, s.4; R.S.S. 1978, c.C-6, s.9.

Application registered

10 Upon receipt of the documents enumerated in section 9 the director may in his discretion register the application, upon payment of the prescribed fee.

R.S.S. 1965, c.408, s.12; R.S.S. 1978, c.C-6, s.10.

Effect of registration, exceptions

11(1) The registration of the application shall for all purposes effect a change of name or names according to the tenor of the application, and subject to subsections (2) and (3), a change in the surname of a person shall, unless the applicant for the change of name otherwise directs in his application, effect a like change in the surname of his spouse and each of his unmarried infant children of whom he has lawful custody.

(2) Where a married woman has filed notice with the director under subsection (1) or (4) of section 19 and has not given notice to the director under subsection (8) of that section, a change in the surname of her spouse shall not effect a like change in her surname.

(3) A change in the surname of a person shall not effect a like change in the surname of his unmarried infant child of the age of fourteen years or more unless that child has consented to the change of surname.

1976, c.6, s.5; R.S.S. 1978, c.C-6, s.11.

Records and certificate of registration

12(1) Upon acceptance of an application for a change of name the director shall complete and sign a form entitled "Registration of Change of Name", index the registration and file in numerical sequence beginning with number 1 on the first day 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.

R.S.S. 1965, c.408, s.14; R.S.S. 1978, c.C-6, s.12.

Alteration of records of vital statistics

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

R.S.S. 1965, c.408, s.15; R.S.S. 1978, c.C-6, s.13.

Notice of change of name

14(1) Where an application for a change of name has been accepted by the director, he shall cause notice of the change of name to be published in *The Saskatchewan Gazette* at the expense of a applicant and may require the cost of such publication to be furnished to him before he accepts the application.

(2) The notice mentioned in subsection (1) shall be in a form it may be prescribed under section 23 or in a form having a like effect as a form prescribed under section 23, and shall include the name and former name of every person whose name is changed as a result of the application.

(3) Subsection (1) does not apply to an application made under subsection (2) of section 4, or under section 6 or 7, or to an application made for the sole purpose of changing the applicant's given name or names, or to a change of name made under section 19.

(4) The director may decide that the publication of the notice under subsection (1) need not be made where an applicant files with the director a statutory declaration that he assumed the name proposed in his application at a time prior to the first day of May, 1933 and that he has since that time continued to use that name.

1976, c.6, s.6; R.S.S. 1978, c.C-6, s.14.

Registration of change of name made outside Saskatchewan

15(1) Where a name has been changed in accordance with law of any other province, the Northwest Territories, the Yukon Territory 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 the 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 file it in the same manner as a registration of change of name under section 12 and shall alter his records of vital statistics in conformity therewith.

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

R.S.S. 1965, c.408, s.16; R.S.S. 1978, c.C-6, s.15.

Duplicate certificates issued to applicants

16 Any person may, upon payment of the prescribed fee, obtain from the director a duplicate certificate of change of name made under this Act or a duplicate of a certificate issued under section 15.

R.S.S. 1965, c.408, s.17; R.S.S. 1978, c.C-6, s.16.

Certificate as evidence

17 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.

R.S.S. 1965, c.408, s.18; R.S.S. 1978, c.C-6, s.17.

Substitution of new name in documents

18 Without restricting the effect that 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 15 shall, upon production of a certificate issued under that section or of a duplicate certificate obtained under section 16 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.

R.S.S. 1965, c.408, s.19; R.S.S. 1978, c.C-6, s.18.

Married women's surnames

19(1) Where the female party to a marriage solemnized before or after the coming into force of this section is a resident of Saskatchewan and has, since the date of the marriage, retained the surname she had immediately prior to the marriage whether that surname is her maiden surname or a surname acquired through a previous marriage, she may give notice in the prescribed form to the director; and where the female party to a marriage solemnized after the coming into force of this section gives notice under this subsection her notice shall be given within six months after the date of the marriage.

(2) Where the female party to a marriage solemnized before or after the coming into force of this section is a resident of Saskatchewan and has, since the date of the marriage, retained for some purposes but not for all purposes the surname she had immediately prior to the marriage, she may elect to retain the surname she had immediately prior to the marriage or, where she had been previously married, she may revert to her maiden surname or retain the surname she had immediately prior to the marriage, whichever she prefers; and where the female party to a marriage solemnized after the coming into force of this section makes an election under this subsection her election shall be made within six months after the date of the marriage.

(3) Where the female party to a marriage solemnized before or after the coming into force of this section is a resident of Saskatchewan and has continuously since the marriage had the same surname as that of her husband, she may, at any time during the marriage, elect to resume using the surname she had immediately prior to the marriage or, where she had been previously married, to revert to her maiden surname or resume using the surname she had immediately prior to the marriage, whichever she prefers.

(4) Where a female person has made an election under subsection (2) or (3), she shall give notice in the prescribed form to the director.

(5) Upon his receiving a notice mentioned in subsection (1) or (4), and the prescribed fee, the director shall register the notice and retain it as part of his records.

(6) Where in respect of the female party to a marriage solemnized after the coming into force of this section no notice has been filed with the director within the prescribed time or no notice has been registered by the director under subsection (5), the female person shall be deemed to have assumed the same surname as that of her husband.

(7) Upon the request of a person in respect of whom a notice is registered under subsection (5) or upon the request of any her interested person, and upon receipt of the prescribed fee, the director shall issue a certified copy of the notice.

(8) Where, after having received a notice from the female party a marriage mentioned in subsection (1) or (2), the director has registered the notice under subsection (5), the person in respect of whom the notice was registered may decide at any time to assume the surname of her husband and, where she does so, she shall apply to the director in the prescribed form for that change to be registered.

(9) Upon his receiving payment of the prescribed fee and the application mentioned in subsection (8), the director shall register the change and make an appropriate notation upon the notice registered by him under subsection (5).

(10) Upon his receiving the prescribed fee and a request from the person in respect of whom the change of name had been registered under subsection (9), or from any other interested person, the director shall issue a certified copy of the change of name, or the notice registered by him under subsection (5) with the notation made by him under subsection (9).

(11) A person in respect of whom a notice was registered under subsection (5) or whose change of name was registered under subsection (9) shall be entitled to use for all purposes the surname set out in the notice or the surname as so changed, and the provisions of section 18 shall apply *mutatis mutandis* to that surname.

1976, c.6, s.7; R.S.S. 1978, c.C-6, s.19.

Fraud or misrepresentation

20(1) A person who by fraud or misrepresentation obtains a change of name under this Act or who obtains the registration under section 15 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; and 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 office of the registration clerk for the Province of Saskatchewan at Regina, in the offices of the local clerks of the district court at all judicial centres and in the office of the sheriff at each judicial centre; and every registrar of land titles, the registration clerk, every local clerk of the court and every sheriff with whom a duplicate certificate of change of name or a certificate issued under section 15 or a duplicate thereof issued under section 16 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 15 or to whom a duplicate certificate has been issued under section 16, to deliver up the certificate or duplicate certificate forthwith and a 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.

R.S.S. 1965, c.408, s.20; R.S.S. 1978, c.C-6, 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.

R.S.S. 1965, c.408, s.21; R.S.S. 1978, c.C-6, s.21.

Signature of director

22(1) Where the signature of the director is required for any purposes of this Act, the signature may be written, engraved, lithographed or reproduced by any other mode of reproducing the words in visible form.

(2) Every document issued under this Act under the signature of the director is and remains valid, notwithstanding that the director has ceased to hold office before the issue of the document.

1976, c.6, s.8; R.S.S. 1978, c.C-6, s.22.

Forms

23 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.

R.S.S. 1965, c.408, s.22; R.S.S. 1978, c.C-6, s.23.

