

# *The Change of Name Act*

*Repealed*

by [Chapter C-6.1, of the \*Statutes of Saskatchewan, 1995\*](#)  
(effective November 15, 1996)

*Formerly*

[Chapter C-6 of the \*Revised Statutes of Saskatchewan, 1978\*](#)  
(effective February 26, 1979) as amended by the [Statutes of  
\*Saskatchewan, 1979-80, c.92; 1980-81, c.14; 1983, c.15;\*](#)  
[1984-85-86, c.38; 1986, c.2; 1986-87-88, c.17; 1989-90, c.9](#)  
[and 54; 1990-91, c.11; and 1993, c.46.](#)

## **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*.

#### Interpretation

2(1) In this Act:

- (a) **“change”** means a change by way of alteration, substitution, addition or abandonment;
  - (b) **“children”** includes:
    - (i) a child adopted pursuant to *The Family Services Act*, being chapter F-7 of *The Revised Statutes of Saskatchewan, 1978*;
    - (ii) a child:
      - (A) adopted; or
      - (B) with respect to whom a simple order of adoption is recognized; pursuant to *The Adoption Act*; or
    - (iii) a child adopted pursuant to an order of adoption granted according to the law of any other jurisdiction that has, pursuant to section 26 of *The Adoption Act*, the same effect in Saskatchewan as an order of adoption pursuant to that Act.
  - (c) **“director”** means the Director of Vital Statistics in the Department of Health;
  - (d) **“given name”** includes Christian name and baptismal name;
  - (e) **“infant”** means a person under the age of eighteen years;
  - (e.1) **“lawful custodian”** means a person who is a legal custodian of an infant within the meaning of *The Children’s Law Act*;
  - (f) **“name”** includes given name and surname;
  - (f.01) **“parent”** means:
    - (i) the father or the mother of a child born within or outside marriage; or
    - (ii) the father or mother of an adopted child;
  - (f.1) **Repealed.** 1986, c.2, s.3.
  - (g) **“surname”** includes family name and patronymic.
- (2) For the purposes of this Act, a name must be written entirely in characters of the Roman alphabet.

R.S.S. 1978, c.C-6, s.2; 1980-81, c.14, s.3; 1986, c.2, s.3; 1990-91, c.11, s.3; 1993, c.46, s.3.

**Effect of change of name**

**3** Except in the case of a party to a marriage assuming at the time of the marriage the surname of the other party to the marriage, and subject to sections 4, 6, 8, 10 and 31 of *The Vital Statistics Act*, section 62 of *The Family Services Act*, being chapter F-7 of *The Revised Statutes of Saskatchewan, 1978*, and section 19 of *The Adoption 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.

1990-91, c.11, s.3.

**Applications, generally**

**4(1)** A person who:

- (a) is ordinarily resident in Saskatchewan;
- (b) has been actually resident in Saskatchewan for at least three consecutive months in the 12-month period immediately preceding the date of his application;
- (c) is legally entitled to remain in Canada; and
- (d) is at least 18 years old or is married, widowed or divorced;

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

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

R.S.S. 1978, c.C-6, s.4; 1980-81, c.14, s.4; 1986, c.2, s.4; 1993, c.46, s.4.

**Consents required to application**

**5(1)** The application for a change of name of a married person must be accompanied by proof of notice of the application to the person's spouse or by an affidavit signed by the applicant stating that the spouses are living separate and apart from each other.

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

R.S.S. 1978, c.C-6, s.5; 1980-81, c.14, s.5; 1993, c.46, s.5.

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

**6(1)** Where a person who meets the requirements of clauses 4(1)(a), (b) and (c) is the parent of an unmarried infant child of whom he or she is the lawful custodian, or is the lawful custodian of an unmarried infant child, and that child has a surname that is not the surname of the person, that person may apply for the surname of the child to be changed to his or her surname.

(2) Where a person makes an application pursuant to subsection (1), the application must be accompanied by the written consent of every other person who has lawful custody of the child mentioned in subsection (1).

(3) Subject to subsection (4), where a person mentioned in subsection (1) is the parent of an unmarried infant child of whom he or she is the lawful custodian, he or she may apply with the consent of the other parent of the child to have the surname of the child changed to a combination of both parents' surnames, if the parents have different surnames.

(4) Where an application is made pursuant to subsection (3) and either parent of the child has a surname which is a combination of two or more surnames, the parent with the combination surname shall select no more than one of his or her surnames to be included in the combination surname of the child.

(5) **Repealed.** 1993, c.46, s.6.

(6) Where an application is made under subsection (1) or (3) in respect of a child who is 14 years of age or more, the application shall be accompanied by the consent of the child.

R.S.S. 1978, c.C-6, s.6; 1980-81, c.14, s.6; 1983, c.15, s.2; 1993, c.46, s.6.

#### Dispensing with consent

**6.1** Where an applicant is unable to obtain the consents required in section 5 or 6, he may apply to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan or to a judge of the Provincial Court of Saskatchewan and the judge may, in his discretion, grant an order dispensing with the consent, which order is to be forwarded to the director with the application for a change of name.

1980-81, c.14, s.7.

**7 Repealed.** 1990-91, c.11, s.3.

#### 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. 1978, c.C-6, s.8.

#### Documents filed with director

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

- (a) his application;
- (b) subject to section 6.1, 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. 1978, c.C-6, s.9; 1980-81, c.14, 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. 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 subsection (2), a change in the surname of a person shall, unless the applicant for the change of name otherwise directs in his or her application, effect a like change in the surname of his or her spouse and each of his or her unmarried infant children of whom he or she is the lawful custodian.

(2) A change in the surname of a person does not effect a like change:

- (a) in the surname of his or her spouse unless the spouse has consented to the change of surname;
- (b) in the surname of any of his or her unmarried infant children of the age of 14 years or more unless the child and his or her lawful custodians have consented to the change of surname;
- (c) in the surname of any of his or her unmarried infant children under the age of 14 years unless the child's lawful custodians have consented to the change of surname.

1993, c.46, s.7.

**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 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.

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. 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 the 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 that 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) The Lieutenant Governor in Council may make regulations exempting, on any terms and conditions that he considers appropriate, any person or category of persons or any application for a change of name or category of applications for a change of name from the requirements of subsection (1).

(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 this application at a time prior to the first day of May, 1933 and that he has since that time continued to use that name.

R.S.S. 1978, c.C-6, s.14; 1980-81, c.14, s.11;  
1986-87-88, c.17, s.2; 1989-90, c.9, s.3.

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

**15(1)** Where a name has been changed in accordance with the 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. 1978, c.C-6, s.15.

**Duplicate certificates issued to applicants**

**16** Any person may, upon application in the prescribed form and 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. 1978, c.C-6, s.16; 1980-81, c.14, s.12.

**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. 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. 1978, c.C-6, s.18.

**Application not required for certain name changes**

**18.1** Notwithstanding any other provision of this Act, a person who elects to use a name in accordance with section 19 or 19.1 is not required to submit an application for a change of name with respect to that election.

1993, c.46, s.8.

**Surname of married person**

**19(1)** For the purposes of:

- (a) this section and section 19.1, “**birth name**” means the legal surname that is indicated as a person’s surname in the birth registration records of the jurisdiction where the person was born;
- (b) this section, “**pre-marriage surname**” means the legal surname that a married person was using immediately prior to his or her current marriage.

(1.1) A married person who is a resident of Saskatchewan may elect to use one of the following as a legal surname:

- (a) the married person’s pre-marriage surname;
- (b) the married person’s birth name;
- (c) subject to subsections (1.2) and (1.3), his or her spouse’s surname; or
- (d) subject to subsections (1.4) to (4), a double surname.

(1.2) A married person may elect to use his or her spouse’s surname as a legal surname only where the spouse, as a married person, elects to use:

- (a) the spouse’s pre-marriage surname; or
- (b) the spouse’s birth name.

(1.3) A married person who elects to use his or her spouse’s surname in accordance with this section may continue to use that surname notwithstanding that the spouse subsequently changes his or her surname by an election in accordance with this section or otherwise pursuant to this Act.



(1.4) Where a married person elects to use a double surname and his or her spouse does not elect to use a double surname, the married person may elect to use a double surname consisting of:

- (a) the married person's:
  - (i) pre-marriage surname; or
  - (ii) birth name; and
- (b) the surname that the spouse, as a married person, elects to use in accordance with subsection (1.1).

(1.5) Where a married person elects to use a double surname and his or her spouse also elects to use a double surname, the married person may use a double surname consisting of:

- (a) the married person's:
  - (i) birth name; or
  - (ii) pre-marriage surname; and
- (b) the spouse's:
  - (i) birth name, where the spouse, as a married person, uses his or her birth name as part of his or her double surname; or
  - (ii) pre-marriage surname, where the spouse, as a married person, uses his or her pre-marriage surname as part of his or her double surname.

(1.6) A married person who elects to use a double surname in accordance with this section may continue to use that double surname notwithstanding that his or her spouse subsequently changes his or her surname by an election in accordance with this section or otherwise pursuant to this Act.

- (2) A double surname shall consist of not more than two components.
- (3) The two components of a double surname may be joined by a hyphen.
- (4) A married person who elects to use a double surname shall file with the director a notice in the prescribed form.
- (5) The director shall register each notice filed pursuant to subsection (4) on its receipt and retain the notice as part of the records of the director.
- (6) On registering a notice pursuant to subsection (5), the director shall issue a copy, certified by the director to be a true copy, of the registered notice to the person who filed it.
- (7) Any person may, on request and payment of the prescribed fee, obtain from the director a copy, certified by the director to be a true copy, of a notice registered pursuant to subsection (5).

1989-90, c.9, s.4; 1993, c.46, s.9.

#### **Surname of divorced or widowed person**

**19.1(1)** For the purposes of this section, “**pre-marriage surname**” means the legal surname that a person was using immediately prior to his or her most recent marriage.

(2) A person who is a resident of Saskatchewan, who is not married and whose most recent marriage has been annulled may elect to use one of the following as a legal surname:

- (a) the legal surname that the person was using in accordance with this Act at the time of the annulment;
- (b) the person’s pre-marriage surname; or
- (c) the person’s birth name.

(3) A person who is a resident of Saskatchewan, who is not married and who has been granted a divorce with respect to the person’s most recent marriage may elect to use one of the following as a legal surname:

- (a) the legal surname that the person was using in accordance with this Act at the time of the divorce;
- (b) the person’s pre-marriage surname; or
- (c) the person’s birth name.

(4) A person who is a resident of Saskatchewan and whose most recent spouse has died may elect to use one of the following as a legal surname:

- (a) the legal surname that the person was using in accordance with this Act when the spouse died;
- (b) the person’s pre-marriage surname; or
- (c) the person’s birth name.

1993, c.46, s.9.

**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 registrars of the Court of Queen's Bench 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 registrar 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. 1978, c.C-6, s.20; 1979-80, c.92, s.10.

#### **Appeal**

**20.1(1)** An appeal of the director's decision may be taken to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan sitting in chambers by any person aggrieved as a result of the director:

- (a) refusing to register an application for a change of name; or
- (b) annulling a change of name pursuant to section 20.

(2) An appeal must be taken within 30 days of the date of the decision of the director.

(3) An appeal must be by notice of motion and must be served on the director and any other person that the court may direct.

(4) On hearing evidence and considering submissions by the parties, the judge may make an order affirming the decision of the director, directing the registration of the change of name or reversing the annulment of the change of name.

(5) No appeal lies from the order of the court mentioned in subsection (4).

1993, c.46, s.11.

#### **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. 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.

R.S.S. 1978, c.C-6, s.22.

**Forms**

**23** The Lieutenant Governor in Council may prescribe by regulation 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. 1978, c.C-6, s.23; 1989-90, c.54, s.7.