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INFORMATIVE NOTE

Explanation of Change of Name in the United Kingdom

prepared by [Deed Poll Office](#)

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People across Great Britain and Ireland have for centuries changed their name if and when they please to, by simply taking a new name and becoming known by it.

It is the *custom* in the United Kingdom for a woman to take her husband's name on *marriage* (although she doesn't have to do so) — and this is likely the most common reason for a change of name — but in fact a person can change their name at *any time* and for *any reason*, without needing to follow any formal procedure.

The law is concerned only with the question of whether a person has in fact assumed and come to be called and known by their new name, and that the change of name is not for any fraudulent purpose. So long as this is the case, the change of name will be valid.

Although no authorisation from any court is necessary for a person to change their name, whenever it has been made clear to a court that a person has assumed their new name for all purposes, without any fraudulent intent, judges have been obliged to recognise that act as a legal one.

The United Kingdom (U.K.) comprises three distinct legal jurisdictions:

- England & Wales (“English law”)
- Scotland (“Scots law”)
- Northern Ireland (“Northern Ireland law”)

A person's name — and the law on how their name can be changed — has a different legal basis in each of these three jurisdictions, although in effect there are only minor differences between them.

English law

English law has a *common law* system, which means that judges — as well as parliament — can make the law, and that lower courts must apply the law as laid down by higher courts (the doctrine of *binding precedent*).

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There is nothing in English law which stops a person from taking a new first name or surname whenever they choose to do so, so long as the change of name is done in good faith and without any fraudulent purpose.

There is no law which says that a person must be known by the name recorded on their birth registration. In fact it is not possible for people born in England & Wales to update their birth registration unless there has been a clerical error or factual mistake (see: ss. 29 and 29A of the [Births and Deaths Registration Act 1953](#)).

The *common law* — that is, laid down in judicial decisions in court cases (going back centuries) — has repeatedly upheld a person’s right to change their name and/or surname, and says how a person can do so.

In [Barlow v Bateman \(1730\) 3 P. Wms 65](#) Sir Joseph Jekyll M.R. held that a person can take whatever surname, and as many surnames, as they please. He also made clear that an Act of Parliament is not needed to do so.

In [Davies v Lowndes \(1835\) 1 Bing. N. C. 597](#), Chief Justice Tindal held that any person may take any surname they choose, and that the law will recognise the new surname when it has been assumed publicly and without any fraudulent purpose. He also made clear that no Royal Licence is needed to change your surname.

It has been held in many cases — in [The King v Inhabitants of Billingshurst \(1814\) 3 M. & S. 250](#); in [Luscombe v Yates \(1822\) 5 Bam. & Ald. 544](#); and in [Dancer v Dancer \[1949\] P. 147](#) — that a person can take a new first name and/or surname by their own voluntary act and become called and known by it, and that their assumed name will become their new legal name — by which they should be sued, and married, for example. These cases make clear that courts of law are *compelled* to recognise a person’s legal act of changing their name when that person has legally assumed the name by their own voluntary act.

And it has been held in [Richard v William \(1335\)](#); in [Walden v Holman \(1704\) 6 Mod. 115](#) which was followed and clarified by [Evans v King \(1745\) Willes 554](#); in [The King v Inhabitants of Billingshurst \(supra\)](#), and in [Addis v Power \(1831\) 7 Bing. 455](#) that despite the significance of a person’s baptismal name, the first name which a person is *called and known by* takes precedence, as that person’s legal name, over their baptismal name.

Scots law

Scotland is said to have a “mixed” law system containing both uncodified *civil law* and *common law* elements. In Scots law, only decisions of the Supreme Court (or House of Lords) in Scottish appeals and of the Inner House of the Court of Session are binding on lower courts, although decisions of lower courts are still taken into account. (See: R. Evans-Jones (ed.), *The Civil Law Tradition in Scotland*)

There is no law in Scotland which says that a person must be known by the name recorded on their birth registration. As in England & Wales, it’s possible for people born in Scotland to correct their birth registration when there has been a clerical error (under s. 42 of the [Registration of Births, Deaths and Marriages \(Scotland\) Act 1965](#)). In Scotland it’s also possible — though *optional* — under s. 43 of that Act, for a person to record a *change* of their first name or surname (with limitations on how many times this can be done); however [subsection \(9\)](#) makes clear that s. 43 does not “affect any rule of law as respects change of name or surname”. Therefore s. 43 does not change the rule of law that a person’s name in Scotland is the name they are *called and known by*, nor the common law right of a person in Scotland to change their name by voluntarily assuming a new name and becoming known by it.

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It was held both by Lord President Hope in *Young (1835) 13 S. 262*, and by Lord President Inglis in *Forlong (1880) 7 R. 910* — each time in the Inner House of the Court of Session — that a person needs no authorisation of a court of law in order to change their name, and can take any name they please by voluntarily assuming it and becoming known by it.

Likewise, it was held in *Robertson (1899) 2 F. 127*, again in the Inner House of the Court of Session, that a person “... has a perfect right to change his name, and no one can prevent him from adding to or altering it.”

Northern Ireland law

Both Northern Ireland and the Republic of Ireland have a *common law* system, which derives from Irish law as it stood before the partition of Ireland in 1921. From the 17th century up until the 1921 partition, the law in Ireland and the law in England were administered differently, but the actual content of the law in each of the two jurisdictions was almost identical, and precedents from both islands were cited in all the courts. (See Brice Dickson, *Law in Northern Ireland* (2nd ed., 2013))

There is no law in Northern Ireland which says that a person must be known by the name recorded on their birth registration. As in England & Wales, it's possible for people born in Northern Ireland to correct their birth registration when there is an error in the register (under [art. 35 of the Births and Deaths Registration \(Northern Ireland\) Order 1976](#)). In Northern Ireland it's also possible — though *optional* — (as in Scotland), under [art. 37](#) of that Order, for a person to record a *change* of their first name or surname (with limitations on how many times this can be done); however [paragraph \(6\)](#) makes clear that [art. 37](#) does not “affect any rule of law as respects change of name or surname”. Therefore [art. 37](#) does not change the rule of law that a person's name in Northern Ireland is the name they are *called and known by*, nor the common law right of a person in Northern Ireland to change their name by voluntarily assuming a new name and becoming known by it.

The principle, as in English law, that a person can voluntarily assume a new name at any time, and thereby legally change their name, has been upheld in pre-partition Irish law — and thus applies in Northern Ireland law.

It was held for example by Thomas Cusack Smith M.R. in *Fowler v Fowler (1866) 16 Ir. Ch. R. 507*, in the Irish Court of Chancery, that a person who has assumed a new name and who has used, signed, and become known by that name, cannot then object that it is not their name.

In *Bevan v Mahon-Hagan (1893) 31 L. R. I. 342*, in the Court of Appeal, Andrew Porter M.R. cited and followed the English decision of *Luscombe v Yates (supra)* and thus held that a person can take a new name by their own voluntary act and become called and known by it, and that their assumed name will become their new legal name.

How a name is acquired

In the U.K. a new name can be acquired in the following ways —

- at birth (where the law presumes that a (legitimate) child acquires their father's surname, although they can acquire another surname by reputation — see: *Sir Moyle Finch's Case (1606) 3 Coke 380* and [regulation 65\(2\)\(a\)\(ii\) of the Registration of Births and Deaths Regulations 1987](#))

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- by the statutory registration of a birth or adoption
- by baptism
- (in the case of a child) by **court order** (most commonly a **Specific Issue Order** or Adoption Order)
- by a **private Act of Parliament** — a practice which is still possible but has not been used for over 100 years (the last such act was the “*Baines Name*” Act 1907 (7 Edw. 7). c. [3])
- by **Royal Licence**
- by **petitioning the Court of the Lord Lyon of Scotland** for recognition of a change of name
- by the voluntary, public act of assuming a new name

Each of these ways of acquiring a name reflect the fact that a person’s legal name is the name they are called and known by. A **private Act of Parliament** is special in that it *confers* a new name on a person (see: *Luscombe v Yates (supra)*), but every other method requires the person to voluntarily *assume* the name — even a Royal Licence, which Lord Chancellor Eldon held, in *Leigh v Leigh (1808) 15 Vesey 92*, “... is nothing more than permission to take the name; and does not give it”.

It is customary in the U.K. for a woman to assume her husband’s surname on *marriage*, but she doesn’t have to. A person (of either sex) can choose to take their spouse’s (or civil partner’s) surname, but their name does not change automatically, and their new “married” name is not recorded on the marriage (or civil partnership) certificate. The person must change their name after the ceremony by voluntarily assuming the name.

On divorce (or dissolution of a civil partnership), each party will keep the name they were known by during the marriage, but they can go back to their former name (or birth name) by voluntarily assuming it (see: *Fendall v. Goldsmid (1877) 2 P. D. 263*).

A **child’s name** may be **changed** in the same way as an adult’s — by a person with **parental responsibility** for the child, on the child’s behalf. If the parents / guardians of the child do not agree about a change of name, they can apply to court for leave to change the child’s name. (See: *Re T (otherwise H) (an Infant) [1962] 3 WLR 1477*, and *Re PC (Change of Surname) [1997] 2 FLR 730*)

A person’s right to have their new name recorded and recognised

Organisations in the U.K. must keep personal data accurate and up-to-date, under article 5, paragraph 1(d) and article 16 of the General Data Protection Regulation (GDPR) (EU) 2016/679 (and formerly under the 4th data protection principle of the Data Protection Act 1998, now repealed). If a person has assumed a *new* name, any organisation which holds a record of the person’s name must therefore record and use the new name once the person has become called and known by it (which in the U.K. legally establishes their new name), or when it is clear that the person genuinely means to do so without any fraudulent purpose.

How a person can prove their change of name

Most U.K. organisations, when they are asked to recognise and record a person’s new name, will ask to see documentary evidence of the **change of name**. The kind of documentary evidence a person can show is a matter of *convention*, and is not set by law.

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The documents accepted — *by convention* — as proof of a change of name, by government bodies including HM Passport Office and the DVLA, are as follows:

If a person has assumed their partner's surname (or “double-barrelled” their surname with their partner's) due to a marriage or civil partnership, they can use their marriage (or civil partnership) certificate as proof of their change of name. However a marriage certificate cannot be used if the person has changed their first name (or middle names) in any way, or if they have altered the spelling of any names.

If a person has been divorced (or had their civil partnership dissolved) and wishes to assume their former name — as shown on their marriage (or civil partnership) certificate — they can use their decree absolute (or dissolution order) *together* with their original marriage (or civil partnership) certificate, as proof of their change of name. That is — both (original) documents are needed as proof of the change of name.

In any other case, a person can use a [change of name deed \(or “deed poll”\)](#), a statutory declaration, or an affidavit, documenting their change of name.

(See also: HM Passport Office, [Guidance for passport applications](#))

Change of name deeds (or “deeds poll”) and why they're accepted as proof of a change of name

By convention, a [change of name deed](#) (also known as a “deed of change of name” or “deed poll”) is accepted throughout the U.K. as documentary evidence that a person has voluntarily assumed a new name (or means to do so).

A “*deed*” is a written legal instrument which — amongst many other things — is used to do or to confirm a legal act or obligation. The term “*deed poll*” just means that there is *one party* to the deed (see: *Halsbury's Laws of England*). However, as the most common use of a “deed poll” is for a change of name, the term “deed poll” is commonly just used to refer to a *deed of change of name*.

When a person assumes a new name they will not, to begin with, be called and known by the name for all purposes. Therefore when the person first asks an organisation to recognise and record their new name, that organisation has to *trust* that the change of name will be in good faith and that the person will become known by it. A deed poll, which solemnly expresses a person's unilateral promise to assume a new name *for all purposes*, provides *evidence* that this be the case.

Enrolment of a change of name deed (“deed poll”)

Since the 13th century it has been possible for a person to lodge a copy of a private deed for safe-keeping in the Close Rolls of Chancery (replaced in 1903 by the Supreme Court Enrolment Books).

The practice of “enrolling” private deeds (of many different kinds) was a way of keeping a copy of the deed safe, and allowed a person to prove that the deed existed if the original got lost (see: The National Archives' catalogue, section C54 description).

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The [enrolment of a change of name deed](#) (“deed poll”) is not required or authorised by law. It is a completely *optional* process. The enrolling itself doesn’t mean that the court has authorised or granted the change of name. Neither does the enrolling have any effect on the legal validity of a deed.

It was held by Lord Justice Ormrod in *D. v B. (orse D.)* [1978] 3 WLR 573 that — “There are no regulations governing the execution of deeds poll. The [[Enrolment of Deeds \(Change of Name\) Regulations](#)] only apply to the enrolment of such deeds poll, and the purpose of enrolment is only evidential and formal. A deed poll is just as effective or ineffective whether it is enrolled or not; the only point of enrolment is that it will provide unquestionable proof, if proof is required of the execution of the deed and no more.”

And it was held by Mr Justice Holman in *Re PC (Change of Surname)* [1997] 2 FLR 730 that — “Enrolment of a deed poll is not a prerequisite to a change of surname and merely evidences a change in a particularly formal way.”

Further information

For more information see:

- Deed Poll Office, [Change of name law](https://deedpolloffice.com/change-name/law) < <https://deedpolloffice.com/change-name/law> >
- Deed Poll Office, [Change of name law \(children\)](https://deedpolloffice.com/change-name/children/law) < <https://deedpolloffice.com/change-name/children/law> >
- Thomas Falconer, [On Surnames and the Rules of Law Affecting their Change](#) (2nd ed., 1862)

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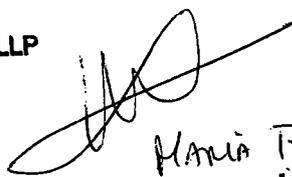
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knowledge.

— And I make this solemn declaration conscientiously believing
the same to be true by virtue of the provisions of the
Statutory Declarations Act 1835.

Signed by the above named, CA Woodcock

Before —

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