

**NAME ACT**  
**[RSBC 1996] CHAPTER 328**

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**Definitions**

**1** In this Act:

**"change"** includes a change by way of alteration, substitution, addition or abandonment;

**"chief executive officer"** means the chief executive officer under the *Vital Statistics Act*;

**"given name"** means a name other than a surname;

**"name"** means given name or surname, or both;

**"surname"** includes a family name and patronymic;

**"vital statistics registrar"** means a vital statistics registrar appointed under the *Vital Statistics Act*;

**"widowed"** refers both to a person who is a widower and to a person who is a widow.

### **No change of name except under Act**

**2** (1) A person in British Columbia must not change his or her name unless authorized so to do by section 4, and then only in the manner provided by this Act.

(2) Subsection (1) does not apply to any of the following:

- (a) a change in the surname of one spouse to the surname of the other spouse;
- (b) a change in name resulting from adoption under the *Adoption Act*;
- (c) a change of name appearing on a certificate of naturalization;
- (d) a change in name under the *Vital Statistics Act*;
- (e) a change of name under section 5.

### **Use of surnames on marriage**

**3** A spouse by marriage may

- (a) use the surname he or she had immediately before the marriage,
- (b) use the surname he or she had at birth or by adoption, or
- (c) use the surname of his or her spouse by marriage.

### **Persons entitled to change names**

**4** (1) Subject to this section, a person who has attained the age of majority or, if the age of majority has not been attained, is a parent having custody of his or her child and who is domiciled in British Columbia for at least 3 months, or has resided in British Columbia for at least 3 months immediately before the date of the application, may, unless prohibited by this or another Act, change his or her name on complying with this Act.

(2) If the minister is satisfied that it is in the public interest to do so, the minister may waive the residency requirements of subsection (1).

(3) Subject to subsection (4), a person who is the parent of and who has custody of an unmarried minor child may, with the consent of the other parent of the child, apply to change the child's name, but, if the application is to change the child's surname to that of the applicant's spouse, the consent of the spouse is required.

(4) If a person applies to change the name of an unmarried minor child who has attained the age of 12 years, he or she must first obtain the consent in writing of the child.

(5) If a person whose consent is required under this Act

(a) is deceased or mentally disordered or cannot after reasonable, diligent and adequate search be located, or

(b) is, in the opinion of the chief executive officer, unreasonably withholding his or her consent,

the applicant may, with the approval of the chief executive officer, proceed with the application without the consent of that person.

(6) If, in the opinion of the chief executive officer, exceptional circumstances make it unreasonable to seek the consent of a person as required under this Act, the applicant may, with the approval of the chief executive officer, proceed with the application without the consent of that person.

#### **Change of name on dissolution or nullity of marriage**

**5** (1) If

(a) a court in Canada has

(i) granted a decree absolute for dissolution of a marriage, or

(ii) made an order for nullity of a marriage, or

(b) a judge or officer of a court in Canada has issued a certificate stating that a divorce granted under the *Divorce Act* (Canada) has dissolved a marriage,

the Supreme Court may, at any time, on the application of a former spouse, order that his or her name be changed to the name he or she desires.

(2) If an applicant under subsection (1) has minor children of the marriage of whom he or she has lawful custody, the applicant may also apply to the Supreme Court to change the name of those children, but the Supreme Court, before making an order under subsection (1) in respect of those children, must require the written consent of the other parent.

(3) If the Supreme Court renders a judgment granting a divorce, it may, at the same time and whether or not claimed in the petition for divorce or by motion in the divorce proceeding, order that the name of a spouse be changed to the name he or she desires, to become effective on the same day as the judgment granting the divorce.

(4) If an application under this section is granted, the order must state the name to which the name of the spouse or children is changed.

(5) The district registrar of the court must transmit a copy of the order to the chief executive officer, who must register the change of name accordingly.

**Publication of notice of intention (REPEALED)**

REPEALED(Deregulation Statutes Amendment Act – 2002)

**Criminal record check**

**6.1** (1) A person entitled to change his or her name or the name of his or her minor child under section 4 must, within the 30 day period before the person files an application under section 7, start a process, satisfactory to the chief executive officer, for a criminal record check of the person whose name is to be changed.

(2) Subsection (1) applies to a minor child only if the child is at least 18 years of age.

**Documents to be filed with chief executive officer**

**7** (1) An applicant for a change of name must pay the prescribed fees to the chief executive officer and must file with the chief executive officer an application containing all of the following:

- (a) a statement of all relevant facts;
- (b) an affidavit verifying the application;
- (c) the consent of every person whose consent is necessary under this Act;
- (d) **REPEALED(Deregulation Statutes Amendment Act – 2002)**;
- (e) further documentary evidence or information required by the chief executive officer;
- (f) the name and address of every person whose name will be changed because of a change of name of the applicant.

(1.1) In addition to the requirements set out in subsection (1), an applicant for a change of his or her name must file with the chief executive officer a form that authorizes the chief executive officer to provide the Royal Canadian Mounted Police with

- (a) the applicant's name and change of name to be registered under this Act,
- (b) the applicant's fingerprints,
- (c) the applicant's date of birth, and

(d) other personal information of the applicant that is necessary for a criminal record check to be conducted.

(1.2) In addition to the requirements set out in subsection (1), an applicant for a change of name of his or her minor child who is at least 18 years of age must file with the chief executive officer a form that authorizes the chief executive officer to provide the Royal Canadian Mounted Police with

- (a) the child's name and change of name to be registered under this Act,
- (b) the child's fingerprints,
- (c) the child's date of birth, and
- (d) other personal information of the child that is necessary for a criminal record check to be conducted.

(1.3) Despite subsection (2) but subject to the regulations, the chief executive officer must disclose to the Royal Canadian Mounted Police information related to an applicant or his or her child that is described in subsection (1.1) or (1.2), as the case may be, on the change of the applicant's or child's name being registered under section 9.

(2) The chief executive officer must preserve in his or her office all documents filed with the chief executive officer, and except as provided in section 13, neither the documents themselves or information contained in the documents may be made available to any person, except the following:

- (a) an officer of the government;
- (b) a person authorized by the Minister of Health in writing;
- (c) a person who has obtained from the Supreme Court an order permitting inspection.

(3) An order under subsection (2) (c) must not be made except on an application showing good cause, of which 5 days' notice has been served on the chief executive officer.

#### **Power to take affidavits**

**8** The chief executive officer, an inspector of vital statistics or a vital statistics registrar has the powers of a commissioner for taking affidavits for British Columbia for the purposes of this Act.

### **Change of name registered or refused**

**9** (1) On receipt of an application and of the documents required to be filed with it, the chief executive officer must, if the chief executive officer is satisfied that the proposed change is authorized by this Act, register the change of name.

(2) If the chief executive officer is not satisfied that the proposed change is authorized by this Act the chief executive officer must refuse to register the change of name and must notify the applicant.

(3) The chief executive officer must not register a change of name that would result in the applicant having only one name.

(4) The chief executive officer must refuse an application if the chief executive officer is of the opinion

(a) that the name that the applicant seeks to adopt might reasonably cause mistake or confusion or be a cause of embarrassment or confusion to any other person, or

(b) that the change of name is sought for an improper purpose or is on any other ground objectionable.

(5) If the chief executive officer refuses to register a change of name, the applicant, within 30 days after receipt of notification of the refusal, may appeal the refusal to the Supreme Court.

(6) The court

(a) may consider the evidence it considers relevant,

(b) must dispose of the appeal in a summary manner, and

(c) may make the order it thinks proper.

(7) The appellant must serve notice of the appeal on the chief executive officer not less than 5 days before the hearing.

(8) An appeal from a decision of the court lies to the Court of Appeal with leave of a justice of the Court of Appeal.

### **Effect of registration**

**10** (1) Registration under section 9, for all purposes, effects the change of name according to the tenor of the application.

(2) Registration of a change of surname of a person shall, subject to section 4 (3) and (4), effect a similar change in the surname of each of the unmarried minor children of the applicant that is included in the application.

#### **Certificate of change of name**

**11** (1) If a change of name has been effected under section 10, a certificate of change of name, setting out the names of all persons for whom a change of name has been effected, signed by the chief executive officer and issued under the chief executive officer's seal of office, must

(a) be kept in the office of the chief executive officer, and

(b) be preserved and remain in the chief executive officer's custody as part of the records of the chief executive officer's office.

(2) The chief executive officer must deliver or mail to the applicant a copy of the certificate.

#### **Public notice**

**12** (1) Promptly after issuing a certificate under section 11, the chief executive officer must publish

(a) the person's new and former names,

(b) the person's date of birth,

(c) the name of the municipality in which the person resides, and

(d) the effective date of the certificate.

(2) Publication under subsection (1) may be in any form accessible to qualified applicants as determined by the chief executive officer, including electronic publication.

(3) Subsection (1) does not apply if

(a) the change of name is made for the sole purpose of changing the surname of a minor to the surname of the applicant, or,

(b) in the opinion of the chief executive officer, publication is not in the public interest.

#### **Search and evidence**

**13** (1) A person, on application and on payment of the prescribed fees, may have a search made of the registrations of changes of names kept in the office of the chief executive officer and may obtain from the chief executive officer a certificate stating the facts as registered for a change of name.

(2) No person, except as provided in section 7, is entitled to have access to the documents filed under section 7 or to obtain copies of the documents.

(3) A certificate purporting to be issued under this section must be received in every court in British Columbia as proof in the absence of evidence to the contrary of the facts in it certified to be registered or recorded.

(4) It is not necessary to prove the signature or official position of the person by whom the certificate purports to be signed.

(5) If the chief executive officer has made a determination under section 12 (3) (b) not to publish a change of name and the chief executive officer considers it in the public interest to do so, the chief executive officer may refuse to issue a certificate under subsection (1) of this section or give information respecting the person's change of name.

#### **Notation of names after alteration**

**14** (1) If the name of a person of whose birth registration has been made under the *Vital Statistics Act* is changed under this Act, the chief executive officer must cause a marginal notation of the change of name to be made on the original record of the birth or marriage of the person.

(2) Despite subsection (1), a change of surname must not be made on the registration of a marriage that has been dissolved or that has been terminated by the death of one of the spouses.

(3) If an application is made for a certificate of the registration of birth or marriage on the record of which a marginal notation has been made under subsection (1), the chief executive officer must issue the certificate as if the original registration had been made in the name of that person as changed under this Act.

#### **Obtaining of change of name by fraud**

**15** (1) If a person has been convicted of obtaining a change of name by fraud or misrepresentation, after the time for appeal against the conviction has expired, or if, an appeal having been taken, the conviction is sustained, the chief executive officer must annul the change of name by order effective from the date named in it.

(2) A marginal notation of the order must be made on the certificates issued under section 11.

(3) If the chief executive officer has, under subsection (1), annulled a change of name, the chief executive officer may by order require a person to whom a copy of the certificate has been issued under this Act promptly to deliver it up.

#### **Offences**

**16** (1) A person who by fraud or misrepresentation effects a change of name under this Act and a person who violates a provision of this Act or who fails to comply with a provision, commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction to a penalty of not more than \$500 or to imprisonment for any term not longer than 6 months.

(3) A person who refuses or neglects to comply with an order under section 15 (3) commits an offence.

(4) A person who commits an offence under subsection (3) is liable on conviction to a penalty of not more than \$100 and costs.

(5) Proceedings may not be taken against a person under this Act without the consent in writing of the Attorney General.

#### **Power to make regulations**

**17** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations prescribing fees to be paid for anything done or permitted to be done under this Act.

(2.1) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations establishing circumstances in which section 7 (1.3) does not apply.

(3) The chief executive officer may waive the collection of a fee from a person if the chief executive officer considers it necessary in order to obtain compliance with the Act or to avoid hardship to the person.

#### **Forms**

**18** The chief executive officer may establish forms to be used for the purposes of this Act.