STATUTORY INSTRUMENTS

1983 No. 680 (L. 15)

SUPREME COURT OF ENGLAND AND WALES

The Enrolment of Deeds (Change of Name) Regulations 1983

Made - - - -	*27th April* 1983
Laid before Parliament	*11th May* 1983
Coming into Operation	*1st June* 1983

The Master of the Rolls, in exercise of the powers conferred on him by section 133(1) of the Supreme Court Act 1981(**a**), hereby makes the following regulations:

1.—(1) These Regulations may be cited as the Enrolment of Deeds (Change of Name) Regulations 1983, and shall come into operation on 1st June 1983.

(2) These Regulations shall govern the enrolment in the Central Office of the Supreme Court of deeds evidencing change of name.

2.—(1) The applicant must be a Commonwealth citizen as defined in section 37(1) of the British Nationality Act 1981(**b**). If the applicant is a British citizen, a British Dependent Territories citizen or a British Overseas citizen, he must be described as such in the deed poll which must also specify the section of the Act under which the relevant citizenship was acquired. In all other cases, the applicant must be described as a Commonwealth citizen.

(2) The applicant must be described as single, married, widowed or divorced.

3.—(1) As proof of the citizenship claimed in the deed poll, the applicant must produce:

(*a*) a certificate of birth; or

(*b*) a certificate of citizenship by registration or naturalisation or otherwise; or

(*c*) some other document evidencing such citizenship.

(2) In addition to the documents set out in paragraph (1), an applicant who is married must:

(*a*) produce his certificate of marriage;

(*b*) show that notice of his intention to apply for the enrolment of the deed poll evidencing the change of name has been given to his spouse by delivery or by post to his spouse's last known address; and

(**a**) 1981 c. 54. (**b**) 1981 c. 61.

(*c*) show that he has obtained the consent of his spouse to the proposed change of name or that there is good reason why such consent should be dispensed with.

4. The deed poll and the documents referred to in Regulation 3 must be exhibited to a statutory declaration by a Commonwealth citizen who is a householder resident in the United Kingdom and who must in the statutory declaration declare that he is such. The declaration must state the period, which should not be less than ten years, during which the householder has known the applicant and must identify the applicant with the person referred to in the documents exhibited to the declaration.

5. If the applicant is resident outside the United Kingdom, evidence will be required that such residence is not intended to be permanent, and the applicant may be required to produce a certificate by a solicitor as to the nature and probable duration of such residence.

6. The deed poll must be signed by the applicant in both his old and new names.

7.—(1) Upon enrolment the deed poll shall be advertised in the London Gazette by the clerk in charge for the time being of the Filing and Record Department of the Central Office of the Supreme Court.

(2) The expense of the advertisement required by paragraph (1) shall be borne by the applicant, and shall be paid by him to the clerk in charge when the deed is enrolled.

8.—(1) The provisions of this Regulation shall apply in relation to a deed poll evidencing the change of name of a minor, notwithstanding anything in the foregoing Regulations.

(2) The statutory declaration referred to in Regulation 4 must state the period during which the householder has known the minor and his parent or parents respectively.

(3) If the minor has attained the age of 16, the deed poll must either:

(*a*) be signed by him in both his old and new names; or

(*b*) be executed on his behalf by a parent or legal guardian of his, and be indorsed with the minor's signed and duly witnessed consent.

(4) If the minor is under the age of 16, the deed poll must be executed by a parent or legal guardian of his.

(5) The application for enrolment must be supported:

(*a*) by an affidavit showing that the change of name is for the benefit of the minor and:

(i) that the application is submitted by both his parents; or

(ii) that it is submitted by one parent with the consent of the other; or

(iii) that it is submitted by one parent without the consent of the other, or by some other person whose name and capacity are given, for reasons set out in the affidavit;

and

(*b*) by such other evidence, if any, as the Master of the Rolls may in the particular circumstances of the case require.

(6) In relation to a minor who is a child in respect of whom parental rights are vested in a local authority pursuant to section 3(1) of the Child Care Act 1980(**a**) by reason of the fact that his parents are dead and that he has no guardian or custodian, any reference in this Regulation to the legal guardian of that minor shall be construed as a reference to that local authority.

9. The Enrolment of Deeds (Change of Name) Regulations 1949(**b**), the Enrolment of Deeds (Change of Name) (Amendment) Regulations 1969(**c**) and the Enrolment of Deeds (Change of Name) (Amendment) Regulations 1974(**d**) are hereby revoked.

John F. Donaldson, M.R.

Dated 27th April 1983.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

At common law a surname is the name by which a person is generally known, and the effect of changing it by deed poll is only evidential and formal. However, enrolment provides unquestionable proof of the execution of the deed.

These Regulations prescribe the procedure to be followed by a person who does wish to enrol a deed poll evidencing change of name in the Central Office of the Supreme Court. They supersede the Enrolment of Deeds (Change of Name) Regulations 1949, which had become unclear after the entry into force of the British Nationality Act 1981.

(**a**) 1980 c. 5.
(**b**) S.I. 1949/316.
(**c**) S.I. 1969/1432.
(**d**) S.I. 1974/1937.

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