
STATUTORY INSTRUMENTS

1994 No. 604 (L.3)

SUPREME COURT OF ENGLAND AND WALES

The Enrolment of Deeds (Change of Name) Regulations 1994

<i>Made</i>	- - - -	<i>3rd March 1994</i>
<i>Laid before Parliament</i>		<i>11th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

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

Title, commencement, interpretation and scope

1.—(1) These Regulations may be cited as the Enrolment of Deeds (Change of Name) Regulations 1994 and shall come into force on 1st April 1994.

(2) These Regulations shall govern the enrolment in the Central Office of the Supreme Court of deeds evidencing change of name (referred to in these Regulations as “deeds poll”).

Citizenship and marital status of applicant

2.—(1) A person seeking to enrol a deed poll (“the applicant”) must be a Commonwealth citizen as defined by section 37(1) of the British Nationality Act 1981(2).

(2) 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 British Nationality Act under which the relevant citizenship was acquired.

(3) In any other case, the applicant must be described as a Commonwealth citizen.

(4) The applicant must be described in the deed poll as single, married, widowed or divorced.

Proof of citizenship, marriage etc

3.—(1) As proof of the citizenship named 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

(1) 1981 c. 54.

(2) 1981 c. 61.

- (2) In addition to the documents set out in paragraph (1), an applicant who is married must—
- (a) produce his certificate of marriage; and
 - (b) show that notice of his intention to apply for the enrolment of the deed poll has been given to his spouse by delivery or by post to his spouse's last known address; and
 - (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.

Statutory declaration

4.—(1) 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 in the United Kingdom and who must declare that he is such in the statutory declaration.

(2) The statutory declaration must state the period, which should ordinarily not be less than 10 years, during which the householder has known the applicant and must identify the applicant as the person referred to in the documents exhibited to the statutory declaration.

(3) Where the period mentioned in paragraph (2) is stated to be less than 10 years, the Master of the Rolls may in his absolute discretion decide whether to permit the deed poll to be enrolled and may require the applicant to provide more information before so deciding.

Applicant resident outside United Kingdom

5. If the applicant is resident outside the United Kingdom, he must provide evidence 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.

Signature of deed poll

6. The applicant must sign the deed poll in both his old and new names.

Advertisement of deed poll

7. 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 at the Central Office of the Supreme Court.

Deed poll evidencing change of name of child

8.—(1) Subject to the following provisions of this regulation, these Regulations shall apply in relation to a deed poll evidencing the change of name of a child as if the child were the applicant.

(2) Paragraphs (3) to (8) shall not apply to a child who has attained the age of 16, is female and is married.

(3) If the child is under the age of 16, the deed poll must be executed by a person having parental responsibility for him.

(4) If the child has attained the age of 16, the deed poll must, except in the case of a person mentioned in paragraph (2), be executed by a person having parental responsibility for the child and be endorsed with the child's consent signed in both his old and new names and duly witnessed.

(5) The application for enrolment must be supported—

- (a) by an affidavit showing that the change of name is for the benefit of the child, and
 - (i) that the application is submitted by all persons having parental responsibility for the child; or

- (ii) that it is submitted by one person having parental responsibility for the child with the consent of every other such person; or
- (iii) that it is submitted by one person having parental responsibility for the child without the consent of every other such person, 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 require in the particular circumstances of the case.

(6) Regulation 4(2) shall not apply but the statutory declaration mentioned in regulation 4(1) shall state how long the householder has known the deponent under paragraph (5)(a) and the child respectively.

(7) Regulation 6 shall not apply to a child who has not attained the age of 16.

(8) In this regulation “parental responsibility” has the meaning given in section 3 of the Children Act 1989(3)

Revocation of previous Regulations

9. The Enrolment of Deeds (Change of Name) Regulations 1983(4) and the Enrolment of Deeds (Change of Name) (Amendment) Regulations 1990(5) are hereby revoked.

Dated 3rd March 1994

T. H. Bingham, M.R.

(3) 1989 c. 41.

(4) S.I.1983/680.

(5) S.I. 1990/2471.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 wishes to enrol a deed poll evidencing change of name in the Central Office of the Supreme Court. They revoke the Enrolment of Deeds (Change of Name) Regulations 1983 and the Enrolment of Deeds (Change of Name) (Amendment) Regulations 1990 and substantially re-enact the former. The main change (regulation 8) relates to the procedure for changing the name of a child and takes account of the introduction of the concept of “parental responsibility” by the Children Act 1989.