

# Change of name deed

There are many reasons why a person may want to change their name, whether it be as a result of a breakdown in a relationship, to have a surname that matches that of someone else, or simply because they do not like their current name and wish to use an alternative. You have the right to be known by whatever first name and surname you wish, provided that you are not intending to deceive or defraud anybody by the change of name.

## The procedure

Upon marriage, civil partnership, divorce or dissolution the relevant certificates issued in each case will be sufficient to allow you to change your surname. However, if you wish to change your first name or surname in other circumstances, you will need to formally produce evidence of your change of name.

Once you have decided on a replacement name, the process to formally change it is relatively straightforward. You will need a change of name deed to be drafted to formally record the change. To draft the change of name deed you will need to provide us with evidence of your current name and address, along with details of your new chosen name.

The Deed does not need to be officially registered, although it is recommended that you notify everybody who has your personal records to let them know that you have changed your name.

Government departments and agencies, such as the Passport Office and DVLA will need to see the original change of name deed or a certified copy, as will your bank, building society and credit card companies. You should be able to change most official records and documents with the exception of your birth certificate, marriage certificate and decree absolute.

## Change of name for a child

The procedure to change the name of a child is slightly more complicated for a child aged below sixteen, since all those with parental responsibility must agree to the change. For children aged sixteen to eighteen, the child will also need to agree in addition to all those with parental responsibility. Parental responsibility is defined in law as “All the rights, duties, powers, responsibilities and authority which by law a parent has in relation to a child and the administration of his or her property” for a child (S-3 Children Act 1989). Having parental responsibility for a child means that you are responsible for, and have the right to be consulted about, the child’s health, education and welfare. A child’s natural mother is automatically granted parental responsibility, as is the father if either married to the mother, or subsequently marries her, or named on the child’s birth certificate after December 2003. Fathers can also acquire parental responsibility by entering into a formal legal agreement with the mother or by court order. Others can be granted parental responsibility either by court order or by a residence order being granted by the court in their favour.

Once all relevant parties agree, the documentation can be drafted and all those with parental responsibility will be required to sign the document authorising the change of name.

If it is not possible to obtain permission from all parties with parental responsibility, a court order will need to be obtained confirming the child may be known under a new name. It will be necessary to prove to the court that all possible attempts have been made to trace all those with parental responsibility to obtain their permission. If everybody with parental responsibility has been traced but will not provide consent, the court will have to assess whether or not it is in the child’s best interests to change the name and whether consent is being unreasonably withheld.

For advice on change of name deeds or any other family matters contact **Gorvins Solicitors Family Team** at:

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