COLLAS CRILL

Changing your name... the considerations

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What's in a name?

There are many reasons why a person may wish to change their name. Upon the breakdown of a marriage, people often wish to revert to their previous name prior to the marriage. This can be either to revert to their maiden name or to remove a surname that was previously double-barrelled.

Some people also wish to change their names to accurately reflect their gender identity, if their name given at birth does not.

In general, an adult can be known by any name they like. There is no legal requirement to formally change your name on marriage, and increasingly people are using their 'married' name for certain circumstances, and their 'maiden' name for other situations, for example professionally. It is important however to ensure that all official documentation, such as passports, driving licenses and bank accounts all match up with each other.

In the event an adult wishes to change their name, this is a straightforward process by way of what is known as a deed poll. This is a formal document which is put before the Court and provides proof of a formal name change.

Sometimes however issues can arise where one parent wishes to change the forename or surname of a child, and the other parent does not agree.

If two parents each share parental responsibility for a child, then the consent of both parents is needed to change their name. The importance of a name was discussed in a leading case on this topic, Dawson v Wearmouth [1999] UKHL 18, by the then-House of Lords in the UK, which said:

'A surname which is given to a child at birth is not simply a name plucked out of the air. Where the parents are married the child will normally be given the surname or patronymic of the father thereby demonstrating its relationship to him...To suggest that a surname is unimportant because it may be changed at any time by deed poll when the child has obtained more mature years ignores the importance of initially applying an appropriate label to that child.'

Whilst the tradition of a child automatically taking its father's surname is changing somewhat, the case

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emphasises that a child's name is important and changing it is not to be taken lightly.

If parents cannot agree between themselves that a child's name should be changed, an application can be made to the Court seeking permission. In these cases, the Court will first and foremost have regard to the welfare of the child. It will consider the competing arguments put forward by the parents, and decide which option is in the child's best interests.

It is unusual for such cases to end up before the Court, as it is rarely in a child's interests for parents to bring proceedings against one another unless absolutely necessary. However, the Court does have the power to decide the matter.

Changing a child's name was more recently considered in the context of the government stepping in of its own accord. In Re C (Children) [2016] EWCA Civ 374. In this case, a mother of twins, a boy and a girl, sought to name them Preacher (for the boy) and Cyanide (for the girl). The father was unknown and there were other concerns in relation to the mother's parenting. The local authority in this case stepped in and brought Court proceedings seeking to bar the mother from registering the names.

The mother argued that 'Preacher is a strong spiritual name... I also consider that Preacher is a rather cool name which will stand my son well for the future.' She went on to say that 'I can confirm that I have chosen the name Cyanide as I believe that it is a lovely pretty name...' and made reference to the fact that it was a poison.

In this case the Court decided that neither child should keep the birth name their mother wanted, as whilst 'Preacher' was arguably not objectionable, 'Cyanide' was found the be capable of causing harm to the child and it was not fair on her to have her brother keep his birth name and have hers removed.

Overall the choice of a name for a person is of great importance, whether they choose that name themselves or are choosing it for a child. In relation to children, parents should always seek to agree but if not, should seek legal advice at an early stage to ensure the welfare of the child.

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