



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CHANGE OF NAME ACT REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to December 19, 2009. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

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CHANGE OF NAME ACT
Chapter C-3.1
REGULATIONS

Pursuant to section 16 of the *Change of Name Act* Stats. P.E.I. 1997, c.59, Council made the following regulations:

1. “confidential change of name”

In these regulations, “confidential change of name” means a change of name carried out in a manner that avoids disclosing information concerning the change of name. (EC247/02)

2. Application

- (1) An application for registration of a change of name pursuant to subsection 4(1) of the Act shall be made on Form 1 of the Schedule.

Joint application

- (2) An application made by a person jointly with a spouse to change the names of both spouses and the names of the children of either of them pursuant to subsection 4(2) of the Act shall be made on Form 2 of the Schedule.

Minor or person in another person’s custody

- (3) An application under section 5 of the Act shall be made on Form 3 of the Schedule. (EC247/02)

3. Consent

- (1) Written consent required by subsection 5(2) of the Act
- (a) on a joint application by spouses shall be made on Form 2 of the Schedule; and
 - (b) on an application concerning a minor or a person in another person’s lawful custody shall be made on Form 4 of the Schedule.

Order dispensing with consent

- (2) An applicant may apply to the court for an order dispensing with consent, pursuant to subsection 6(1) of the Act. (EC247/02)

4. Incomplete application

Where the Director is not satisfied that the information required by the Act and these regulations has been submitted, the Director

- (a) may inform the applicant that the application will not proceed further until all of the necessary documents are received; or
- (b) deny the application and advise the applicant of the denial of the application.
(EC247/02)

5. Certificate of change of name

A certificate of change of name under section 9 of the Act shall be issued on Form 5 of the Schedule. (EC247/02)

6. Notice

- (1) In addition to the authorities and persons referred to in subsection 10(1) of the Act, the Director shall give notice of a change of name to the following:
 - (a) the municipal police in the area in which the person whose name is changed resides, if applicable;
 - (b) the person responsible for registering changes of name in the jurisdiction where the person whose name is changed was born;
 - (c) the Prothonotary;
 - (d) the Sheriff;
 - (e) the Registrar of Motor Vehicles.

Notice of change of name

- (2) A notice of change of name provided or published pursuant to subsection 10(1) of the Act shall be issued on Form 6 of the Schedule. (EC247/02)

7. Search

An application for a search of the change of name records pursuant to subsection 12(1) of the Act shall be made on Form 7 of the Schedule. (EC247/02)

CONFIDENTIAL CHANGE OF NAME

8. Confidential change of name, other province

- (1) Subject to subsection (2), where the Director receives
 - (a) a request from another Canadian jurisdiction to file a confidential change of name for a person who was born in the province; and
 - (b) an order of the Attorney General pursuant to subsection 12(3) of the Act,the Director shall
 - (c) withdraw the original registration of the birth and place it in a separate sealed file, and
 - (d) issue a new registration showing the new name and amendments to the birth registration.

Non-identification of name change

- (2) No record maintained by the Director may identify the new name of a person subject to a confidential change of name except those records maintained in separate files.
No disclosure



- (3) The Director shall not disclose any information from sealed records made pursuant to subsection (1), except with the consent of the person or under a court order. (EC247/02)

9. Fees

- (1) Subject to this section, the following fees are prescribed:
 - (a) application for a change of name (includes processing, registration, certificate, notifications, Gazette publication, registration at registry of deeds).....\$190.90
 - (b) application for change of name for more than one person, fee in clause (a) for first person, plus fee for each additional name 100
 - (c) searching records for each period of up to three years 10
 - (d) providing a copy of certificate or information..... 35

Discretion to adjust fee

- (2) The Director may waive or modify a fee, as the Director considers appropriate.

Additional charges

- (3) The Director may charge a higher or additional fee to comply with a person’s request for rush service or to provide a special service involving extra costs. (EC247/02; 259/04; 667/09)

SCHEDULE



Canada
Province of
Prince Edward Island

Form 1
[Change of Name Act subsection 4(1)]
Application for Change of Name
[please print, see instruction sheet]

A. Applicant

I,
[first name] [middle name] [surname]

of
[street] [city/town/village] [province/territory/country] [postal code]
telephone number

Article I. hereby apply under the *Change of Name Act* to change my name to:

Proposed name
[first name] [middle name] [surname]

B. Applicant Information [child or person whose name will be changed]

Date of birth Place of birth

.....
Name of father/other parent: Name of mother (at her birth)

Was your name ever changed before? Yes No

To be completed if you had a previous name change

Was your name changed by your marriage? Yes No

Was your name changed by statutory name change? Yes No

Where was your name changed?
[province/territory/country]

When did your name change?

What was your name prior to the change?
.....
[first name] [middle name] [surname]

C. Marriage information

Date of marriage Place of marriage

Full name of spouse
[first name] [middle name] [surname]

Name of spouse before marriage

D. Identification documentation [photocopies not accepted]

Long form birth certificate
Certificate of citizenship
Immigration documentation
Jurisdiction where document issued
Date of issue

E. Address information

How long have you lived on Prince Edward Island?

Address history [please provide the addresses of two locations where you have resided prior to living on Prince Edward Island]

- 1. 2.
-
-

F. Statutory declaration

By signing below, I declare that I have complied with the Act and the regulations and provided all the documents needed for this name change application.

I declare that I am not making this application for an improper purpose.

I declare that the information in this application is true and correct to the best of my knowledge and belief.

I make this solemn declaration believing it to be true and knowing that this has the same force and effect as if I had made this declaration under oath.

DECLARED by me at)

in county, Prince Edward Island)

on the day of 20.....)

.....
Commissioner for taking affidavits Applicant
in the Supreme Court
(EC667/09)





Canada
Province of
Prince Edward Island

Form 2
[Change of Name Act subsection 4(2)]
**Joint Application for Change of Name -
Spouses and Children**
[please print, see instruction sheet]

A. Applicant Information (names as they appear on birth registration or as changed by marriage)

Applicant 1

I,
[first name] [middle name] [surname]

Date of birth Place of birth

.....
Name of father/other parent Name of mother (at her birth)

Was your name ever changed before? Yes No

To be completed if you had a previous name change

Was your name changed by your marriage? Yes No

Was your name changed by statutory name change? Yes No

Where was your name changed?
[province/territory/country]

When did your name change?

What was your name prior to the change?

.....
[first name] [middle name] [surname]

Applicant 2

I,
[first name] [middle name] [surname]

Date of birth Place of birth

.....
Name of father/other parent Name of mother (at her birth)

Was your name ever changed before? Yes No



To be completed if you had a previous name change

Was your name changed by your marriage? Yes No

Was your name changed by statutory name change? Yes No

Where was your name changed?
[province/territory/country]

When did your name change?

What was your name prior to the change?
.....
[first name] [middle name] [surname]

Address

of
[street] [city/town/village] [province/territory/country] [postal code]

We have resided in the province for at least three months. Yes No

Address history [please provide the addresses of two locations where you have resided prior to living on Prince Edward Island]

- 1. 2.
-
-

B. Proposed Names

We hereby apply under the *Change of Name Act* to change our names to:

Applicant 1

.....
[first name] [middle name] [surname]

Applicant 2

.....
[first name] [middle name] [surname]

C. Marriage information (if applicable)

Date of marriage Place of marriage

Applicant 1

Name prior to marriage
[first name] [middle name] [surname]

Name of spouse before marriage

Applicant 2

Name prior to marriage
[first name] [middle name] [surname]

D. Identification documentation [photocopies not accepted]



2. [name of child] [signature of child]

..... [witness] [date]

3. [name of child] [signature of child]

..... [witness] [date]

F. Consent Requirement

Does another person have lawful custody or lawful access to any child or person named in the application and who is in the custody of an applicant? Yes No

If yes, complete Consent Form 4 for each child or person to whom this applies.

[If another parent is listed on the birth registration and legal custody or legal access rights are not shared, you must provide a photocopy of any agreements made or court orders granted naming you as the only person with legal custody or access rights.]

G. Statutory declaration

By signing below, I declare that I have complied with the Act and the regulations and provided all the documents needed for this name change application.

I declare that I am not making this application for an improper purpose.

I declare that the information in this application is true and correct to the best of my knowledge and belief.

I make this solemn declaration believing it to be true and knowing that this has the same force and effect as if I had made this declaration under oath.

DECLARED by me at)

in county, Prince Edward Island)

on the day of 20.....)

..... Applicant 1

Commissioner for taking affidavits in the Supreme Court

..... Applicant 2

(EC667/09)





Canada
Province of
Prince Edward Island

Form 3
[Change of Name Act subsection 5(1)]
**Application for Change of Name of Minor or
Person in Another Person's custody**
[please print, see instruction sheet]

A. Applicant

I,
[first name] [middle name] [surname]

of
[street] [city/town/village] [province/territory/country] [postal code]
telephone number

Article II. hereby apply under the *Change of Name Act* to change the name of my child or a person in my custody as follows:

Present name
[first name] [middle name] [surname]

Proposed name
[first name] [middle name] [surname]

What is your right to custody? my natural or adopted child legal custody

Article III. Attach proof of custody and court order, if applicable.

B. Information [child or person whose name will be changed]

Date of birth Place of birth

.....
Name of father/other parent Name of mother (at her birth)

C. Identification documentation [photocopies not accepted]

Long form birth certificate
Certificate of citizenship
Immigration documentation
Jurisdiction where document issued
Date of issue

D. To be completed if child or person in your custody had a previous name change

Was the name of the child or person ever changed before? Yes No

Where?
[province/territory/country]

When?

What was the name of the child or person prior to the change?
.....
[first name] [middle name] [surname]





Canada
Province of
Prince Edward Island

Form 4
[Change of Name Act subsection 5(2)]

Consent Form
[to be completed by person with custody or access]
[please print, see instruction sheet]

I,
[first name] [middle name] [surname]

of
[street] [city/town/village] [province/territory/country] [postal code]
telephone number

HEREBY CONSENT TO the change of name of my son/daughter/ward/or other person in
my lawful custody

who was born on
[date]

from (present name)
[first name] [middle name] [surname]

to (proposed name)
[first name] [middle name] [surname]

I share custody of this child or person with

I have access rights to this child or person with

.....
Commissioner of Oaths & Affidavits Applicant



Instruction Sheet
Conditions and Instructions for Application under the
Change of Name Act

Eligibility

1. In order to be eligible to apply for a change of name under the Act a person must
 - (a) have been a resident of Prince Edward Island for at least three months immediately preceding the date of application; and
 - (b) be 18 years of age or older, or be a parent or person with lawful custody of the child or of other person whose name is to be changed.

Birth Certificate

2. Long form birth certificate showing parents' names and places of birth for the person whose name is to be changed must be submitted if the person was born outside Prince Edward Island. Canadian citizenship or immigration documentation must be provided if applicable. Photocopies will not be accepted. All birth certificates in the possession of the applicant that were issued prior to the change of name must be submitted to the jurisdiction where the change of name is to be processed.

Marriage Certificate

3. If the applicant is married, an official marriage certificate may be required. (Not required if the applicant was married in Prince Edward Island).

Death certificate

4. If the applicant's spouse is dead, an official death certificate may be required. (Not required if spouse died in Prince Edward Island).

Proof of residency

5. A Prince Edward Island Health Care Card or clear photocopy of it must be submitted for the person whose name is to be changed.

Proof of custody

6. A certified copy of an agreement made or a court order granted with respect to the lawful custody of a child or other person named in the application is required.

Consent

7. Where the applicant is required to obtain consent, the application must include
 - (a) the written consent of any parent or person who has lawful custody of, and any parent or person who is lawfully entitled to have access to, the person whose name is to be changed; and
 - (b) the written consent of any unmarried children 12 years of age or older whose name will be affected by the application.

Publishing the change of name

8. Where a change of name application is accepted by the Director of Vital Statistics, the change of name must be published by the Director in the Royal Gazette, and notice of the change of name must be provided to: Royal Canadian Mounted Police, municipal police, Director of Maintenance Enforcement, jurisdiction of birth, Registrar of Motor Vehicles, Registrar of Deeds, Prothonotary, and the Sheriff, unless dispensed with by the Director.



Application fee

9. The following fees must accompany the application and should be in the form of a certified cheque, postal money order, debit card, credit card, or cash. Cheque or money order should be made payable to the Provincial Treasurer.

- (a) Application for a change of name\$190.90
- (b) For an application concerning a change of name for more than one person the fee for first person as indicated in clause (a) and the fee for each additional name\$100
- (c) Fee for searching records 10
- (d) Fee for providing copy of change of name certificate or information\$35

Notice: Please be advised that a change of name is viewed as public information. Information concerning your change of name may be disclosed to other entities, including notices to police [plus others listed on Form 6] and to other government programs or services.

Address: Vital Statistics, 126 Douses Road, P.O. Box 3000, Montague PE C0A 1R0

Telephone: (902) 838-0880 or Toll Free 1-877-320-1253

(EC667/09)



Form 7
[Change of Name Act ss.12(1)]

**Application for Search of
Change of Name Records**
[please print, see instruction sheet]

I, _____
[first name] [middle name] [surname]

of _____
[street] [city/town/village] [province/territory/country] [postal code] [telephone number]

hereby request that a search be conducted of the index established under subsection 12(1) of the *Change of Name Act* for a change of the registered name of:

[first name] [middle name] [surname]

I have enclosed the fee of \$_____.

date

Applicant

(EC247/02; 667/09)

