



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CHANGE OF NAME ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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CHANGE OF NAME ACT

CHAPTER C-3.1

1. Definitions

In this Act,

- (a) “**certificate**” means a certificate of a change of name issued under section 9;
- (b) “**change**” means a change by way of alteration, substitution, addition or abandonment;
- (c) “**decision-making authority**” means lawful authority to make decisions on behalf of
 - (i) a person who is under the age of 18 years, or
 - (ii) a person who has attained the age of 18 years and who has been determined to lack capacity to make decisions on the person’s own behalf in accordance with an enactment;
- (d) “**declaration**” means a statutory declaration;
- (e) “**Director**” means the Director of Vital Statistics appointed under the *Vital Statistics Act* R.S.P.E.I. 1988, Cap. V-4.1;
- (f) “**Minister**” means the Minister of Justice and Public Safety and Attorney General;
- (g) “**name**” means a given name, a surname or both, or a single name. *1997,c.59,s.1; 2008,c.20,s.72(9); 2015,c.36,s.13; 2021,c.5,s.1.*

USE OF NAME

2. Restriction on change of name

- (1) No person’s name shall be changed except in accordance with
 - (a) this Act;
 - (b) the *Vital Statistics Act*; or
 - (c) the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1.

Recognition by registered name

- (2) For all purposes of the law of the province a person is entitled to be recognized by the name under which the person is registered pursuant to this Act.

Common law assumption of name

- (3) This Act does not affect the right of a person to assume or change the person’s name by usage or reputation at common law or to adopt or revert from the name of a spouse. *1997,c.59,s.2; 2021,c.5,s.2.*

3. Requirements of name

- (1) A name used or registered under this Act shall
 - (a) include a surname with no more than two components;
 - (b) include at least one given name; and
 - (c) be written entirely in the letters of the Roman alphabet.

Components of double surname

- (2) The components of a double surname may be joined by a hyphen.

Single name in accordance with traditional culture

- (3) Notwithstanding clauses (1)(a) and (b), a single name determined in accordance with the applicant's traditional culture may be used or registered under this Act if, in addition to meeting the other requirements of this Act for a change of name, the applicant submits to the Director the information, evidence and supporting material required under the regulations.

Single name for child in accordance with traditional culture

- (4) Where a person applies for a change of name for a child in the person's lawful custody, a single name determined in accordance with the traditional culture of either the applicant or the child may be proposed for the purposes of subsection (1). *1997,c.59,s.3; 2021,c.5,s.3.*

APPLICATION

4. Application

- (1) A person may apply to the Director for a change of name if the person
 - (a) is 18 years of age or more; and
 - (b) has ordinarily resided in the province for at least three months immediately preceding the date of the application.

Family change of name

- (2) Subject to section 5, an application under subsection (1) may be made by a person jointly with the person's spouse to change the name of both spouses and the children of either of them. *1997,c.59,s.4; 2021,c.5,s.4.*

CHANGE OF NAME OF CHILD, ETC.

5. Change of name of person in another's custody

- (1) Subject to section 6, a person who meets the requirements of subsection 4(1) and has decision-making authority for another person may apply to change the name of the other person.

Consent of others able to make an application

- (2) The application shall be accompanied by the written consent of any other person who is able to make an application under subsection (1).

Consent of person twelve or older

- (3) If the application relates to the name of a person who is 12 years of age or older, it shall be accompanied by the person's written consent. *1997,c.59,s.5; 2021,c.5,s.5.*

6. Dispensing with consent

- (1) Where the written consent of another person is required to be obtained under subsection 5(2) or (3), the applicant may apply to the court for an order dispensing with the consent.

Best interests principle

- (2) The court shall determine an application under subsection (1) in accordance with the best interests of the person whose name is to be changed. *1997,c.59,s.6.*

FORM**7. Form and contents of application**

- (1) An application made under section 4 or 5 shall be in the form approved by the Director and shall state the following, by way of declaration:
- (a) the present and proposed names, in full, of the person whose name is to be changed;
 - (b) the date and place of birth of the person whose name is to be changed;
 - (c) details with respect to any previous change of name of the person whose name is to be changed;
 - (d) the applicant's full name and address and place of ordinary residence at the time of making the application and the length of residence in the province;
 - (e) in the case of an application under section 5, the address and place of ordinary residence of the person whose name is to be changed and the length of residence in the province;
 - (f) in the case of an application under section 5, that the applicant has lawful custody of the person, and the relationship between the applicant and the person.

Supporting material

- (2) An application shall be accompanied by the following:
- (a) where subsection 5(2) or (3) applies, the written consent referred to in that subsection, or a certified copy of a court order dispensing with the consent;
 - (b) the prescribed fee;
 - (c) any additional information and documents as may be prescribed or as the Director may reasonably require in order to substantiate the application. *1997,c.59,s.7; 2021,c.5,s.6.*

REGISTRATION AND PUBLICATION**8. Change of Name Register**

- (1) The Director shall maintain a record called the Change of Name Register in which shall be entered the changes of name registered under this Act.

Form of Register

- (2) The Change of Name Register may be maintained in an electronic format.

Registration of change of name

- (3) On receiving an application together with all necessary supporting material under subsection 7(2) and the prescribed fee, the Director shall, subject to subsection (4),

- (a) register the change of name of a person and record it in the Change of Name Register referred to in subsection (1) where the birth or marriage of the person is registered in the province; or
- (b) on request of a person, transmit notice of the change of name of the person, where the birth or marriage of the person is registered outside the province, to the officer in charge of registration of births and marriages in the jurisdiction in which the person was born or married, as the case may be.

Exception

- (4) The Director shall not register a change of name if, in the opinion of the Director, the application contains a misrepresentation or the change of name is sought for a fraudulent or an unlawful purpose. *1997,c.59,s.8; 2021,c.5,s.8.*

9. Certificate of change of name

On registering a change of name under section 8, the Director shall issue to the applicant a certificate of the change of name in the form approved by the Director. *1997,c.59,s.9; 2021,c.5,s.9.*

10. Notice in Gazette, etc.

- (1) Subject to subsection (3), on registering a change of name under section 8 the Director shall cause notice of the change of name to be
 - (a) published in the Gazette;
 - (b) provided to all police services, as defined in the *Police Act*;
 - (c) filed with the registrar of deeds for the county in which the person whose name is changed resides;
 - (d) provided to the Director of Maintenance Enforcement appointed under the *Maintenance Enforcement Act R.S.P.E.I. 1988, Cap. M-1*; and
 - (e) provided to such other authorities as may be prescribed.

Form of notice

- (2) The notice of a change of name referred to in subsection (1) shall be in the form and manner approved by the Director and shall contain the name and former name of the person whose name is changed.

Exceptions

- (3) Notice of a change of name shall not be published in the Gazette, and the Director may decline to cause notice to be provided or filed pursuant to subsection (1)
 - (a) if the Director is satisfied that publication would cause undue hardship;
 - (b) if the person whose name is changed is a child who has been committed permanently to the Director of Child Protection;
 - (c) if the Minister has made an order under subsection 12(3) with respect to the change of name; or
 - (d) in the prescribed circumstances. *1997,c.59,s.10; 2010,c.28,s.34; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3; 2021,c.5,s.10.*

INTER-PROVINCIAL REGISTRATION

11. Registration of change of name made outside P.E.I.

On receiving proof that a person's name has been changed in accordance with the law of another jurisdiction, the Director shall, if the birth or marriage of the person is registered in the province,

- (a) record the change in the register of changes of name; and
 - (b) record the change in the registration of the person's birth and marriage as applicable.
- 1997,c.59,s.11.*

SEARCH

12. Search of change of name records

- (1) On receiving an application in the form approved by the Director together with the prescribed fee, the Director shall
 - (a) conduct a search of the records with respect to the change of any person's name; and
 - (b) provide the applicant with a copy of or information from any certificate issued under this Act with respect to that change of name.

Exception

- (2) Notwithstanding subsection (1), the Director shall not provide a copy of or information from any certificate issued under this Act where, in accordance with subsection 10(3), notice of the change of name was not published and provided or filed pursuant to subsection 10(1).

Minister order sealing record

- (3) The Minister may make an order that the Director's records with respect to the particular person's change of name be sealed and in that event, the Director shall not disclose information concerning the change from those records to any person, unless a court orders the disclosure or the person whose name was changed consents to the disclosure. *1997,c.59,s.12; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3; 2021,c.5,s.11.*

APPEAL

13. Appeal from Director's decision

- (1) A person whose application for a change of name under section 7 or for a search under section 12 is rejected by the Director may, within 30 days after receiving notice of the Director's decision, appeal to the court.

Powers of court on appeal

- (2) The court may consider any relevant evidence and make any appropriate order.

Duty of Director

- (3) On receiving a certified copy of the order, the Director shall comply with the order. *1997,c.59,s.13; 2021,c.5,s.12.*

REVOCACTION

14. Revocation of change of name

- (1) Any person with a substantial interest in the matter may apply to the court for the revocation of a change of name under this Act on the grounds that the application contained a misrepresentation or the change of name was sought for a fraudulent or unlawful purpose.

Powers of court

- (2) If the court is satisfied that the change of name ought not to have been registered, the court may revoke it and order that any certificate issued under this Act be returned to the Director.
1997, c.59, s.14.

GENERAL

15. Fraud or misrepresentation

- (1) A person who obtains a change of name under this Act by misrepresentation or for a fraudulent or unlawful purpose, or who fails to return a certificate pursuant to subsection 14(2) or 15(2), is guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for not more than three months.

Revocation of change of name

- (2) If a court is satisfied that a person has obtained a change of name under this Act by misrepresentation or for a fraudulent or unlawful purpose the court may, by order, revoke the registration of the change of name, on another person's application or in the course of a proceeding under subsection (1) against the person who obtained the change of name and order that any certificate issued under this Act be returned to the Director.

Director may be added as party

- (3) In a proceeding under this section, the court shall add the Director as a party on the Director's motion.

Copy to be sent to Director

- (4) When the court revokes a change of name, the registrar of the court shall send a certified copy of the order to the Director.

Duty of Director

- (5) On receiving the certified copy of the order, the Director shall
- note the revocation in the Director's records wherever the change of name was noted;
 - cause a notice of the revocation to be published in the Gazette;
 - notify any person to whom notice was given under subsection 10(1); and
 - where notice of the change of name has been transmitted to another jurisdiction, notify the registration authority there of the revocation. *1997, c.59, s.15; 2021, c.5, s.13.*

16. Regulations

The Lieutenant Governor in Council may make regulations

- (a) prescribing fees for the purposes of this Act;

- (b) prescribing the information, evidence and supporting material required for the purposes of section 3;
- (c) prescribing additional information and documents for the purposes of clause 7(2)(c);
- (d) exempting persons or classes of persons from the fingerprinting requirement under section 7.1;
- (e) respecting procedures to be followed when a person applying for a change of name is fingerprinted, including prescribing additional information or documentation to be provided to an authorized agency;
- (f) respecting the process by which fingerprints are provided to the office of the Royal Canadian Mounted Police responsible for the National Repository of Criminal Records;
- (g) establishing requirements to protect the confidentiality of fingerprints and other personal information relating to applications for a change of name in the custody or under the control of an authorized agency, including
 - (i) restrictions on the time that personal information may be retained by an authorized agency,
 - (ii) the manner in which records of fingerprints and other personal information relating to applicants are to be destroyed by an authorized agency;
- (h) prescribing an organization as an authorized agency;
- (i) prescribing authorities for the purposes of clause 10(1)(e);
- (j) prescribing circumstances under which the Director may decline to cause notice to be provided or filed, for the purposes of clause 10(3)(d);
- (k) prescribing circumstances under which the Director may waive or modify a fee;
- (l) respecting the manner in which the Director may charge an additional fee to comply with a person's request for rush service or to provide a special service involving extra costs;
- (m) respecting any matter the Lieutenant Governor in Council considers necessary and advisable to carry out effectively the intent and purposes of this Act. *1997,c.59,s.16; 2021,c.5,s.14.*

17. Repeal

The *Change of Name Act* R.S.P.E.I. 1988, Cap. C-3 is repealed. *1997,c.59,s.17.*