



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **CHANGE OF NAME ACT**

## PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

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](http://www.princeedwardisland.ca)).

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## CHANGE OF NAME ACT

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## CHANGE OF NAME ACT CHAPTER C-3.1

### 1. Definitions

In this Act

- (a) “certificate” means a certificate of change of name issued under section 9;
- (b) repealed by 2008, c.20, s.72(9);
- (c) “declaration” means a statutory declaration;
- (d) “Director” means the Director of Vital Statistics appointed under the *Vital Statistics Act* R.S.P.E.I. 1988, Cap. V-4.1;
- (e) “prescribed” means prescribed by regulations under section 16. 1997, c.59, s.1; 2008, c.20, s.72(9); 2015, c.36, s.13.

## USE OF NAME

### 2. Authority for change of name

- (1) A change of name that results in recording the change in the registration of a person’s birth may be made only in accordance with this Act, and the *Vital Statistics Act* or 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 he or she 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 his or her name by usage or reputation at common law nor to adopt or revert from the name of a spouse. 1997, c.59, s.2.

### 3. Form of name

The name by which a person is registered under this Act includes a surname and at least one given name, written in the Roman alphabet, but does not include numbers, initials or symbols. 1997, c.59, s.3.

## APPLICATION

### 4. Application

- (1) A person who

- (a) is 18 or more years of age;
- (b) is not in the lawful custody of another person; and
- (c) has ordinarily resided in the province for at least three months immediately preceding the application,

may apply to the Director for registration of a change of name.

**Family change of name**

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

## CHANGE OF NAME OF CHILD, ETC.

### 5. Change of name of person who is in another's custody

- (1) If a person who is
  - (a) under the age of 18 years; or
  - (b) in another person's lawful custody

has ordinarily resided in Prince Edward Island for at least three months immediately before the application is made, the custodian may apply to the Director for a change of the person's name.

**Consent of others with custody or access**

- (2) The application shall be accompanied by the written consent of
  - (a) any other person who has lawful custody of; and
  - (b) any parent who is lawfully entitled to access to,the person whose name is to be changed.

**Consent of person twelve or older**

- (3) If the application relates to the name of a person who is twelve years of age or older, it shall be accompanied by the person's written consent. *1997, c.59, 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 prescribed form 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) if 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) such 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.*

## REGISTRATION AND PUBLICATION

**8. Registration of change of name**

- (1) On receiving an application together with all necessary supporting material under subsection 7(2) and the prescribed fee, the Director shall, subject to subsection (2), register the change of name in a register of changes of name and record or transmit it in accordance with subsection 10(1) of the *Vital Statistics Act*.

**Exception**

- (2) The Director shall not register a change of name if, in his or her opinion, the application contains a misrepresentation or the change of name is sought for a fraudulent or unlawful purpose. *1997,c.59,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 prescribed form. *1997,c.59,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 the Royal Canadian Mounted Police and such other police authorities as may be prescribed;
  - (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) Such notices as are required by subsection (1) shall be in the form and manner prescribed, 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 of Justice and Public Safety and Attorney General 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.*

## 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 prescribed form together with the prescribed fee, the Director shall conduct a search of the records with respect to the change of any person's name and 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 of Justice and Public Safety and Attorney General order sealing record**

- (3) The Minister of Justice and Public Safety and Attorney General 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.*

## 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 thirty 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.*

## REVOCATION

### 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 his or her 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
- (a) note the revocation in his or her records wherever the change of name was noted;
  - (b) cause a notice of the revocation to be published in the Gazette;
  - (c) notify any person to whom notice was given under subsection 10(1); and
  - (d) 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.*

**16. Regulations**

The Lieutenant Governor in Council may make regulations. *1997,c.59,s.16.*

**17. Repeal**

Act repealed. *1997,c.59,s.17.*

