The Change of Name Act, 1995

being

Chapter C-6.1 of the *Statutes of Saskatchewan, 1995* (effective November 15, 1996) as amended by the *Statutes of Saskatchewan,* 1996, c 41; 2000, c 70; 2001, c 51; 2003, c 30; 2004, c 66 and c 67; 2009, c V-7.21; 2020, c 2; and 2023, c 28.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-6.1

An Act respecting Changes of Name

PART I
Short Title and Interpretation

Short title

1 This Act may be cited as *The Change of Name Act, 1995*.

Interpretation

2(1) In this Act:

"application" means an application for a change of name required pursuant to section 5; *(«demande»)*

"change" means, with respect to a person's name, a change by way of alteration, substitution, addition or abandonment; *(«changement»)*

"child" means a person under 18 years of age who has never been married and who has never cohabited in a spousal relationship; *(«enfant»)*

"director" means the Registrar of Vital Statistics; *(«directeur»)*

"given name" means a name other than a surname; *(«prénom»)*

"legal custodian" means a child's legal decision-maker, as defined in *The Children's Law Act, 2020*, but does not include the following:

(a) the member of the Executive Council to whom for the time being the administration of *The Child and Family Services Act* is assigned;

(b) an agency within the meaning of *The Adoption Act, 1998*; (« *gardien légal* »)

"name" means a person's given name or surname or both; *(«nom»)*

"prescribed" means prescribed in the regulations; *(version anglaise seulement)*

"spouse" means the legally married spouse of a person or a person with whom that person is cohabiting as spouses; (« *conjoint* »)

"surname" includes the family name. *(«nom de famille»)*

(2) For the purposes of this Act, a name is to be written entirely in characters of the Roman alphabet.

1995, c C-6.1, s 2; 2001, c 51, s 3; 2004, c 66, s 2; 2009, c V-7.21, s 116; 2020, c 2, s 86.

How Act to be interpreted

3 This Act is to be interpreted in a manner that achieves uniformity in the interpretation of similar laws respecting changes of name that are in force in other provinces and territories of Canada.

1995, c C-6.1, s 3.

Change of name registry

3.1(1) The change of name registry is established.

(2) Subject to the regulations, the change of name registry consists of:

(a) all records respecting changes of name that, on the day before the coming into force of this section, are in the possession, or under the control, of the registrar pursuant to *The Vital Statistics Administration Transfer Act* or pursuant to a provision of any other Act that imposes a duty or confers a power on the registrar or a former registrar, as defined in *The Vital Statistics Act, 2009*, respecting changes of name; and

(b) all records respecting changes of name that, on or after the coming into force of this section, come into the possession, or under the control, of the registrar pursuant to this Act or any other Act.

2009, c V-7.21, s 116.

PART II
Change of Name by Application

Effect of change of name

4 Except in the case of a female party to a marriage in Saskatchewan before April 17, 1985 assuming at the time of the marriage the surname of the other party to the marriage, no change of name has any effect unless:

(a) it was made in accordance with:

(i) this Act or any former *Change of Name Act*;

(ii) *The Vital Statistics Act, 2009* or any former *Vital Statistics Act*; or

(iii) *The Adoption Act, 1998* or any former Act governing adoptions; or

(b) it was made by a deed poll in Saskatchewan before May 1, 1933.

2009, c V-7.21, s 116.

Application for registration required

5(1) Subject to subsection (2) and to Part III, a person wishing to make a change of name pursuant to this Act shall file with the director an application for a change of name.

(2) No person shall file an application with the director unless that person:

(a) is ordinarily resident in Saskatchewan;

(b) has actually resided in Saskatchewan for at least three consecutive months in the 12-month period preceding the date of his or her application;

(c) is legally entitled to remain in Canada; and

(d) is at least 18 years of age or is legally married, widowed, divorced or cohabiting in a spousal relationship or has cohabited in a spousal relationship.

(3) Subject to sections 6 to 9, a person mentioned in subsection (1) may apply for a change of name for his or her spouse and any child of whom he or she is the legal custodian.

1995, c C-6.1, s 5; 2001, c 51, s 3.

Contents of application

6(1) Every application must be in the prescribed form.

(2) Every application must be accompanied by:

(a) the consent of every person that is required pursuant to this Act or an order dispensing with consent;

(b) an affidavit of qualification and bona fides; and

(c) the prescribed fee.

(3) The director may require an applicant to provide, at any time, any other information or documentary evidence that the director considers necessary to determine whether to register the application.

(4) Without limiting the generality of subsection (3), if, in the opinion of the director, it is necessary in the public interest, the director may do any of the following:

(a) require an applicant to provide the director with evidence, in any form that the director may specify, of the applicant's identity or the identity of any person who is a subject of the application;

(b) require the attendance at his or her office of the applicant or any other person, and examine that person respecting any matter pertaining to the proposed change of name

1995, c C-6.1, s 6; 2003, c 30, s 3.

Consents: change of name by married person, spouse

7(1) Every application for a change of name of a person who has a spouse must be accompanied:

(a) by proof of notice of the application to the person's spouse; or

(b) in the case of a legally married spouse,by an affidavit signed by the applicant stating that the spouses are living separate and apart from each other.

(2) No person shall file an application for a change of name for his or her spouse unless the application is accompanied by the written consent of his or her spouse.

1995, c C-6.1, s 7; 2001, c 51, s 3.

Consents: change of name by legal custodian

8(1) Where a person who meets the requirements of clauses 5(2)(a), (b) and (c) is the legal custodian of a child, that person may file an application for a change of name for the child.

(2) An application pursuant to subsection (1) must be accompanied:

(a) by the written consent of every other person who is a legal custodian of the child mentioned in subsection (1); and

(b) if the child is 14 years of age or older, by the written consent of that child.

1995, c C-6.1, s 8.

Dispensing with consent

9 Where an applicant is unable to obtain a consent required pursuant to section 7 or 8, the applicant may apply to a judge of the Court of King's Bench for an order dispensing with the consent, and the judge may grant or refuse to grant the order.

1995, c C-6.1, s 9; 2023, c 28, s 17-13.

Director's decision re registration

10(1) The director may register a change of name requested in an application if the director is satisfied:

(a) that the application is complete;

(b) that the applicant has complied with all other requirements of this Act;

(c) as to the identity of the applicant and each other person who is a subject of the application;

(d) as to the truth and sufficiency of the information provided in the application; and

(e) that the application was submitted in good faith.

(2) The director may refuse to register a change of name requested in an application if:

(a) the director is not satisfied with respect to any of the matters set out in clauses (1)(a) to (e); or

(b) in the opinion of the director, it would not be in the public interest to register the change of name.

2003, c 30, s 4.

Effect of registration

11 The registration of a change of name pursuant to section 10 effects for all purposes the change of name requested in the application.

1995, c C-6.1, s 11.

Records and certificate of registration

12(1) Registration of a change of name pursuant to section 10 is completed when the director has:

(a) completed and signed the form entitled "Registration of Change of Name";

(b) indexed the registration by noting the registration on the annual index for the year in which the application requesting the change of name is filed; and

(c) filed the registration in numerical sequence beginning with the number one on the first day of January in each year.

(2) The director shall maintain for each year an annual index in which the director shall note the registration pursuant to section 10 or 15 of changes of names requested in applications filed in that year.

(3) The annual indexes and registrations of changes of name are to be kept in the office of the director.

(4) After registering a change of name, the director shall issue a certificate to the applicant setting out the change of name.

1995, c C-6.1, s 12.

Alteration of vital statistics records

13(1) On registration of a change of name pursuant to section 10, the director shall alter the vital statistics records maintained pursuant to *The Vital Statistics Act, 2009* or any former *Vital Statistics Act* so that they conform with a registered change of name.

(2) The director shall not charge a fee to alter the vital statistics records.

(3) Where any vital statistics records are altered pursuant to subsection (1), the director may do any of the following:

(a) retain any of the following submitted in support of an application for the registration of a change of name:

(i) any birth certificate, certified copy or photographic print of the registration of a birth or extract from the registration of a birth issued pursuant to *The Vital Statistics Act, 2009* or any former *Vital Statistics Act* or any equivalent document issued pursuant to similar legislation of any other jurisdiction;

(ii) any certificate or duplicate certificate of change of name issued pursuant to this Act or any former *Change of Name Act* or any equivalent document issued pursuant to similar legislation of any other jurisdiction;

(b) by order, require any person with respect to whom a change of name has been registered pursuant to this Act to return to the director immediately any of the following documents issued with respect to that person before the registration of the change of name:

(i) any birth certificate, certified copy or photographic print of the registration of a birth or extract from the registration of a birth issued pursuant to *The Vital Statistics Act, 2009* or any former *Vital Statistics Act* or any equivalent document issued pursuant to similar legislation of any other jurisdiction;

(ii) any certificate or duplicate certificate of change of name issued pursuant to this Act or any former *Change of Name Act* or any equivalent document issued pursuant to similar legislation of any other jurisdiction.

(4) No person shall refuse to comply with an order of the director made pursuant to clause (3)(b).

(5) Every person who fails to comply with an order made pursuant to clause (3)(b) is guilty of an offence and is liable on summary conviction to a fine of not more than $5,000.

1995, c C-6.1, s 13; 2003, c 30, s 5; 2009, c.V-7.21, s 116.

Notice to public officers, agencies

13.1 On registration of a change of name pursuant to section 10, the director may provide notice respecting the change of name to the following public officers or agencies:

(a) the officer of the Government of Canada in charge of issuing social insurance numbers;

(b) with respect to persons 15 years of age or older, the administrator as defined in *The Traffic Safety Act* ;

(c) with respect to a person born or married in another province or territory, the officer of the government of that province or territory in charge of the registration of births and marriages in that province or territory;

(d) with respect to a person born outside of Canada:

(i) the officer of the Government of Canada in charge of issuing certificates of citizenship; and

(ii) the officer of the Government of Canada in charge of issuing visas, authorizations and other documents pursuant to the *Immigration and Refugee Protection Act* (Canada);

(e) any prescribed public officer or agency.

2003, c 30, s 6; 2004, c 67, s 3.

Notice of change of name

14(1) Subject to the regulations, the director shall publish in the Gazette a notice of each change of name that results from registration pursuant to section 10.

(2) The notice mentioned in subsection (1) is to include the name and former name of every person whose name is changed as a result of the registration of the change of name pursuant to section 10.

(3) The director may decide that publication of the notice pursuant to subsection (1) is not to be made where the person to whom the change of name applies files a statutory declaration with the director stating that the person assumed the name proposed in the application prior to May 1, 1933 and has continued to use that name.

1995, c C-6.1, s 14.

Procedure if change of name has been made in another jurisdiction

15(1) Where a change in a person's name has been made in accordance with the laws of another jurisdiction, the director may register the change of name where that person or another person on behalf of that person:

(a) files with the director an application for registration of the change of name;

(b) provides proof satisfactory to the director of the change of name, the identity of the person whose name was changed and, if that person is not the applicant, the identity of the applicante; and

(c) pays the prescribed fee.

(1.1) The director may refuse to register the change of name requested in the application if:

(a) the director is not satisfied with respect to any of the matters set out in the application; or

(b) in the opinion of the director, it would not be in the public interest to register the change of name.

(2) Registration of a change of name pursuant to this section is completed when the director has:

(a) completed and signed the form entitled "Registration of Change of Name Effected Outside the Province of Saskatchewan";

(b) indexed the registration by noting the registration on the annual index maintained pursuant to section 12 for the year in which the application requesting the change of name is filed; and

(c) filed the registration in numerical sequence beginning with the number one on the first day of January in each year.

(3) After registering a change of name, the director shall:

(a) issue a certificate of registration to the applicant setting out the change of name; and

(b) alter the vital statistics records maintained pursuant to *The Vital Statistics Act, 2009* or any former *Vital Statistics Act* so that they conform with a registered change of name.

(4) The director shall not charge a fee to alter the vital statistics records.

1995, c C-6.1, s 15; 2003, c 30, s 7; 2009, c V-7.21, s 116.

Application for duplicate certificates

16 Any person may apply to obtain a duplicate certificate of any change of name made pursuant to this Part by filing with the director an application in the prescribed form and paying the prescribed fee.

1995, c C-6.1, s 16.

Evidentiary value of certificate and duplicate certificates

17 A certificate or duplicate certificate of change of name issued pursuant to this Part is proof, in the absence of evidence to the contrary, of its contents without proof of the appointment or signature of the director.

1995, c C-6.1, s 17.

Substitution of new name in documents

18 Without restricting the effect that a change of name may have at law, a change of name pursuant to this Part entitles the person whose name was changed to have the new name substituted for the former name in every record, certificate, instrument, document, contract or writing whatsoever, whether public or private, where the person:

(a) produces the certificate or duplicate certificate of change of name;

(b) produces satisfactory proof of his or her identity; and

(c) pays any fee or fees that may be prescribed pursuant to any statute or law for the substitution to be made.

1995, c C-6.1, s 18.

PART III
Change of Surname by Election

Interpretation of Part

19 In this Part:

"birth name" means the legal surname of a person as recorded in the birth registration records of the jurisdiction where that person was born; *(«nom à la naissance»)*

"resident of Saskatchewan" means a person who:

(a) is ordinarily resident in Saskatchewan;

(b) has actually resided in Saskatchewan for at least three consecutive months in the 12-month period preceding the date of his or her election; and

(c) is legally entitled to remain in Canada. *(«résidant de la Saskatchewan»)*

1995, c C-6.1, s 19.

Use of surname

20(1) Subject to subsection (2), a person who elects to use a surname in accordance with section 21 or 23 is not required to file an application for a change of name with respect to that election.

(2) Where a person who wishes to elect to use a surname in accordance with clause 21(2)(a), (c) or (d) is not legally married, that person must file with the Director a declaration in the form required by the Director, attesting to the person's spousal relationship and signed by the person and the person's spouse.

2001, c 51, s 3.

Persons in spousal relationship

21(1) In this section, **"previous surname"** means the legal surname that a person was using immediately before entering into his or her current spousal relationship.

(2) A spouse who is a resident of Saskatchewan may elect to use one of the following as a legal surname:

(a) the person's previous surname;

(b) the person's birth name;

(c) subject to subsections (3) and (4), the surname of the person's spouse;

(d) subject to subsections (5) to (7) and sections 22 and 24, a double surname.

(3) A person may elect to use his or her spouse's surname as a legal surname only where the spouse elects to use:

(a) the spouse's previous surname; or

(b) the spouse's birth name.

(4) A person who elects to use his or her spouse's surname in accordance with this section may continue to use that surname notwithstanding that the spouse subsequently changes his or her surname:

(a) by an election pursuant to this section; or

(b) by any other means authorized pursuant to this Act.

(5) Where a person elects to use a double surname and his or her spouse does not elect to use a double surname, the person may use a double surname consisting of:

(a) the person's birth name or previous surname; and

(b) the surname that his or her spouse elects to use in accordance with subsection (2).

(6) Where a person elects to use a double surname and his or her spouse also elects to use a double surname, the person may use a double surname consisting of:

(a) the person's birth name or previous surname; and

(b) the spouse's:

(i) birth name, where the spouse uses his or her birth name as part of his or her double surname; or

(ii) previous surname, where the spouse uses his or her previous surname as part of his or her double surname.

(7) A person who elects to use a double surname in accordance with this section may continue to use that double surname notwithstanding that his or her spouse subsequently changes his or her surname:

(a) by an election in accordance with this section; or

(b) by any other means authorized pursuant to this Act.

2001, c 51, s 3.

Double surname certificates

22 At the request of any person and on payment of the prescribed fee, the director shall issue a copy, certified by the director to be a true copy, of a notice of use of double surname that was registered by the director prior to the coming into force of *The Change of Name Amendment Act, 1996.*

1996, c 41, s 2.

Surname of former spouse

23(1) In this section, **"previous surname"** means the legal surname that a person was using immediately before entering into his or her most recent spousal relationship.

(2) A resident of Saskatchewan whose most recent spousal relationship was a legal marriage and whose marriage has ended may elect to use one of the following as a legal surname:

(a) the legal surname that the person was using in accordance with this Act at the time the marriage ended;

(b) the person's previous surname;

(c) the person's birth name.

(3) A resident of Saskatchewan whose most recent spousal relationship was not a legal marriage, and who is no longer cohabiting in that spousal relationship, may, after filing with the Director a declaration in the form required by the Director attesting to the termination of the person's spousal relationship, elect to use one of the following as a legal surname:

(a) the legal surname that the person was using in accordance with this Act at the time of the termination of the spousal relationship;

(b) the person's previous surname;

(c) the person's birth name.

2001, c 51, s 3.

PART IV
General

Double surnames

24(1) For the purposes of this Act, no double surname may consist of more than two components.

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

1995, c C-6.1, s 24.

Director may annul registration if fraud or misrepresentation

25(1) The director may, by order, annul a change of name or a registration made pursuant to this Act if satisfied that a change of name has been obtained by fraud or misrepresentation.

(2) An order to annul a change of name or a registration is effective from the date set out in the order, and a memorandum of the order is to be endorsed on the folio in which the change of name or registration appears in the annual index maintained pursuant to section 12.

(3) The director shall publish a notice of the annulment in the Gazette.

(4) When an order is made pursuant to subsection (1), the director shall make any necessary alterations in the vital statistics records maintained pursuant to *The Vital Statistics Act, 2009* or a former *Vital Statistics Act*.

(5) The director shall also file a copy of the order with:

(a) **Repealed.** 2000, c 70, s 5.

(b) the local registrar of the Court of King's Bench at every judicial centre;

(c) the sheriff at each judicial centre; and

(d) if the registration of the change of name was made pursuant to section 15, the appropriate registry of the jurisdiction in which the change of name was made.

(6) On receipt of a copy of the order mentioned in subsection (5), the persons mentioned in clauses (5)(b) and (c) shall make any alterations to their records that are necessary as a result of the order.

1995, c C-6.1, s 25; 2000, c 70, s 5; 2009, c V-7.21, s 116; 2023, c 28, s 17-13.

Requirement to return certificates

26(1) Where a registration of a change of name has been annulled pursuant to section 25, the director may, by order, require any person to whom a certificate or a duplicate certificate has been issued pursuant to this Act to return the certificate or duplicate certificate immediately.

(2) No person shall refuse to comply with an order of the director made pursuant to subsection (1).

(3) Every person who fails to comply with an order made pursuant to subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding $5,000.

1995, c C-6.1, s 26; 2003, c 30, s 8.

Offences re false statements, false documents, improper use, etc.

27(1) In this section, **"false document"** means a false document as defined in section 321 of the *Criminal Code*.

(2) No person shall, for the purpose of procuring for himself or herself or for any other person the registration of a change of name or the issuance of a certificate or duplicate certificate with respect to any matter pursuant to this Act:

(a) make a written or an oral statement that he or she knows is false or misleading; or

(b) provide the director with a false document.

(3) No person shall:

(a) create, or cause to be created, a false document that purports to be a certificate, duplicate certificate or certified copy issued pursuant to this Act;

(b) without lawful excuse, have in his or her possession a false document that purports to be a certificate, duplicate certificate or certified copy issued pursuant to this Act; or

(c) knowing that a document purporting to be a certificate, duplicate certificate or certified copy issued pursuant to this Act is a false document:

(i) use, deal with or act on it; or

(ii) cause or attempt to cause any person to use, deal with or act on it.

(4) No person shall, on his or her own behalf, use, deal with or act on a certificate, duplicate certificate or certified copy issued pursuant to this Act with respect to another person.

(5) No person, being the lawful holder of a certificate, duplicate certificate or certified copy issued pursuant to this Act, shall knowingly part with the possession of that certificate, duplicate certificate or certified copy with intent that it should be used for an improper purpose.

(6) Every person who contravenes any provision of subsection (2), (3), (4) or (5) is guilty of an offence and liable on summary conviction to a fine of not more than $50,000, to imprisonment for a term of not more than two years or to both.

(7) If a person is convicted of an offence pursuant to subsection (6), the convicting judge may, in addition to any penalty imposed, order the director to amend an application that has been received or amend or annul a registration, as the case may require.

(8) If the convicting judge orders the annulment of a registration pursuant to subsection (7):

(a) the convicting judge shall order the person convicted of an offence to immediately return to the director any certificate, duplicate certificate or certified copy issued to the person with respect to that registration; and

(b) the director may order any other person to whom a certificate, duplicate certificate or certified copy has been issued respecting that registration to return the certificate, duplicate certificate or certified copy to the director.

(9) No person shall fail to comply with an order made pursuant to subsection (8).

(10) Every person who fails to comply with an order made pursuant to subsection (8) is guilty of an offence and is liable on summary conviction to a fine not exceeding $5,000.

2003, c 30, s 9.

Appeal

28(1) Any person aggrieved as a result of any of the following of the director's decisions may appeal the decision to a judge of the Court of King's Bench:

(a) a refusal to register an application for a change of name;

(b) an annulment of a change of name pursuant to section 25.

(2) A person wishing to appeal shall file the appeal within 30 days of the date of the decision of the director.

(3) An appeal is to be by notice of motion and is to be served on the director and any other person that the court may direct.

(4) On hearing evidence and considering submissions by the parties, the judge may make an order affirming the decision of the director, directing the registration of the change of name or reversing the annulment of the change of name.

(5) There is no further appeal from the order of the court mentioned in subsection (4).

1995, c C-6.1, s 28; 2023, c 28, s 17-13.

Signature of director

29(1) Where the signature of the director is required for any purpose pursuant to this Act, the signature may be written, engraved, lithographed or reproduced by any other mode of reproducing the signature in a visible form.

(2) Every document issued pursuant to this Act under the signature of the director remains valid notwithstanding that the director has ceased to hold office before the document was issued.

1995, c C-6.1, s 29.

Publication of statistical information

29.1 The director may compile, publish and distribute any statistical information respecting the changes of names registered during any period that the director considers necessary and in the public interest.

2009, c V-7.21, s 116.

Regulations

30 The Lieutenant Governor in Council may make regulations:

(a) prescribing any forms for the purposes of this Act;

(b) prescribing the contents of any application, affidavit, consent, certificate or other document required for this Act;

(c) prescribing and requiring the payment of fees for any service performed by the director pursuant to this Act;

(d) exempting, on any terms or conditions, any person, category of persons, application or category of applications for a change of name from all or any of the requirements of Part II;

(d.1) establishing guidelines for the director in determining whether or not it would be in the public interest to register an event or to do any other thing authorized by this Act;

(d.2) for the purposes of clause 13.1(e), prescribing public officers or agencies to whom the director shall provide notice of changes of name;

(e) respecting any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;

(f) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1995, c C-6.1, s 30; 2003, c 30, s 10.

PART V
Transitional, Repeal, Coming into Force

Transitional

31 All changes of name that were registered pursuant to *The Change of Name Act*, as that Act existed on the day before the coming into force of this Act, remain valid as if they were made pursuant to this Act and may be dealt with as if they were made pursuant to this Act.

1995, c C-6.1, s 31.

Repeal

32 *The Change of Name Act* is repealed.

1995, c C-6.1, s 32.

REGINA, SASKATCHEWAN
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