

EXPLANATORY NOTES

BILL No. 36

An Act to amend *The Change of Name Act, 1995*

Clause of Bill

- 1 *The Change of Name Amendment Act, 2025.*
- 2 *The Change of Name Act, 1995 - SS 1995, c C-6.1.*
- 3 **Existing Provision**

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.

Explanation (1)

The definition of “name” is amended to include a single name when a request is made in accordance with a person’s culture or religion, evidence of which to be prescribed within the regulations.

Explanation (2)

Subsection 2(2) is amended to provide authority to prescribe any other characters in the formatting of a person’s name within the regulations.

4 Existing Provision

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.

Explanation

Clause 5(2)(c) is amended to clarify eligibility requirements for a change of name to those who are legally entitled to remain in Canada on a permanent basis.

5 Existing Provision

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.

Explanation (1)

Subsection 6(1) is amended to remove reference to prescribed forms to coincide with future proposed removal of the prescribed appendix forms within the regulations.

Explanation (2)

Housekeeping amendment to clause 6(2)(b) to reflect modern drafting terminology from "bona fides" with "good faith".

6 Existing Provision

Consents: change of name by legal custodian

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.

Explanation

Subsection 7(1) is repealed to remove the requirement for a person to notify their spouse upon an application for a change of name.

7 Existing Provision

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.

Explanation (1)

Clause 12(1)(a) is amended to remove reference to the titled form to coincide with future proposed removal of the prescribed appendix forms within the regulations.

Explanation (2)

Subsection 12(4) is amended to provide authority for a change of name certificate to be issued to each person whose name is changed within an application.

8 Existing Provision

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.

Explanation (1)

Subsection 13(1) is amended to ensure consistency with statutory guidelines for the alteration of vital statistics records in accordance with *The Vital Statistics Act, 2009*.

Explanation (2)

Subsection 13(2) is amended to clarify that a fee will not be charged to alter a person's birth record in Saskatchewan following a change of name.

Fees will apply to the alteration of a marriage record following a change of name in accordance with the Vital Statistics Registry Services Fee Schedule (Order in Council 127/2017).

9 Existing Provision

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.

Explanation (1)

A new clause (b.1) is added to provide authority to notify members of a police force as defined in *The Vital Statistics Act, 2009* of a change of name.

Explanation (2)

Clause (c) is amended to clarify authority to provide notice of a change of name that occurs in Saskatchewan to other Canadian vital statistics agencies.

10 Existing Provision

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.

Explanation

Section 15 is amended to align with jurisdictional standards, permitting alteration of Saskatchewan vital statistics records to reflect a legal change of name made in another Canadian jurisdiction.

11 Existing Provision

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.

Explanation

Section 16 is amended to remove reference to the titled form to coincide with future proposed removal of the prescribed appendix forms within the regulations.

12 Existing Provision

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.

Explanation

Section 19 is amended to clarify eligibility requirements for a change of name to those who are legally entitled to remain in Canada on a permanent basis.

13 Existing Provision

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.

Explanation

A new subsection (3) is added to provide authority for a person to elect one component of their spouse's multi-component surname.

14 Existing Provision

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.

Explanation

Housekeeping amendment to update all references to a surname consisting of more than one component.

15 Existing Provision

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.

Explanation (1)

Section 24 is amended to remove reference to surname limitations to a maximum of two components.

Explanation (2)

To provide authority to register a change of name with a single name when the request is made in accordance with a person's culture or religion, evidence of which to be prescribed within the regulations.

16 **Existing Provision**

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.

Explanation (1)

Clause 30(a) is repealed to coincide with future proposed removal of the prescribed appendix forms within the regulations.

Explanation (2)

Clause 30(d.3) is added to provide authority for regulations to be developed respecting any other characters that may be used in the writing of a name.

17 **Existing Provision**

None

Explanation

This Act comes into force by order of the Lieutenant Governor in Council.

