

Stepfamilies are formed through the blending of different families, and as a result there may be many different surnames in a stepfamily. For some, agreeing to have the same surname can be the first step in building a closer family relationship. However, names form an important part of a child's identity and history, and changing names might seem to them like a criticism of their past. Consequently, it is important that name changes are carefully discussed and agreed with everyone in the family. This leaflet provides some guidance on what you need to do if you decide you want to change a family name.

In Scotland, there is no such concept as changing a name by 'Deed Poll' (this is the current practice in England). A person may call themselves or their children whatever they wish, provided the name is not used for a criminal purpose. Also, there is no legal need to officially record a change in name. All you have to do is begin using the new name for everyday things, such as registering for the doctor or school. Once the person has used the new name for two years they can make the name change official. If you would like to make a name change official then there are a number of important things that you need to consider.

### Children of 2 years or younger

The law states that a new family name (surname) must be in use for at least two years before it can be recorded officially. Therefore a new surname **cannot** be recorded for a child under the age of two because it is impossible for the child to have used the name for the required length of time.

### Children between 2 and 16 years Old

The surname of a child between the age of two and sixteen years can be changed by a 'qualified applicant' (see below). However, the new name must have been in use for at least two years.

### Maximum Age for Adoption

The maximum age for adoption is 18. Over 18's can be adopted ONLY if the action was invoked before the young person turned 18. If the child/young person has been married/entered into a civil partnership before reaching 18 then that said individual cannot be adopted.

### Who are qualified applicants?

This area of the law can be complicated. It may help your understanding to also read our leaflet on 'Parental Rights and Responsibilities'.

### Married Parents

If the parents were married during pregnancy or after the birth of the child, then both parents will have to agree to the name change and sign the application form. This is because legally both parents have parental responsibilities and rights towards the child. If both signatures cannot be provided, then the parent will have to provide evidence of a Court Order that has granted them sole parental responsibilities and rights.

### Unmarried Parents

#### Child registered before 4th May 2006

If the parents were not married during pregnancy or after the birth of the child, then only the mother will automatically have legal parental responsibilities and rights (PRR's) towards the child. This means that only the mother needs to sign the application to officially change a name. The father's consent will only be required if both parents made a PRR agreement or if a Court Order granted PRR's to the natural father.

### Unmarried Parents

#### Child registered on or after 4th May 2006

If the father is named on the birth certificate, then he will automatically have parental responsibilities and rights, regardless of the marital status of the parents. This means that both the father and

## Changing a Family Name

**Stepfamily Scotland Helpline: 0845 122 8655**

[www.stepfamilyscotland.org.uk](http://www.stepfamilyscotland.org.uk)

mother need to sign the application to officially change a name, unless their rights have been removed by a Court Order.

### Other Qualified Applicants

This category may include stepparents and grandparents who have been granted sole parental responsibilities and rights by a court, or have been made a sole guardian of the child. If a parent still has parental responsibilities and rights, then they will be required to sign the application.

### A person over the age of 16 years old

A person over the age of sixteen can change their name in their own right. An application may be obtained from any Registrar in Scotland. Evidence will be required which proves that the new name has been in use for at least two years. This evidence could be a NHS medical card or school certificate.

A change in name means that a new birth certificate or 'extract' is issued, however the original name remains on the new extract. A fee will be charged for this process. Further details may be obtained from any Registrars Office in Scotland.

### Other ways to change a name

There are other ways to officially declare that a name has been changed. The Parent(s) may go to a Notary Public or a Justice of the Peace and swear to a statement that there has been a change in name. Full details can be obtained from your local council. There are many practicing solicitors who are also Notary Publics. The Citizens Advice Bureau can advise on solicitors who offer this service.

A person may place a notice in a local newspaper declaring that a change has been made. The Registrar General may also ask for

this to be done if there is insufficient evidence of the new name being in use for two years.

### A final note....

It is important to consider who wants the child to change their name – you, your partner or the child themselves. Ask your child what they want. Do remember that for a child under the age of sixteen, only one change may be recorded.

**Stepfamily Scotland offers support and information to anyone in or related to a stepfamily. If you feel you need some additional support or just need to talk to someone about some of these issues, then you can call the Stepfamily Scotland Helpline and talk to one of our fully trained helpline workers. They are non-judgemental, will listen, and can help you explore your situation.**

### Useful Contacts:

#### General Register Office for Scotland

[www.gro-scotland.gov.uk](http://www.gro-scotland.gov.uk)

Provides all the information that you need to know on changing a name, as well as the necessary forms, which are available to download.

#### Citizen's Advice Bureau

[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

The advice guide offers online independent advice and a 'find your local CAB' tool. If you do not have access to the internet you can find the number for your local office in the Yellow Pages.

#### Scottish Child Law Centre

**Legal Adviceline for children: 0800 328 8970.**

**Advice for parents, professionals, or carers: 0131 667 6333.** Provides advice on legal issues relating to a young person under 18 years old.

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