

Change of name
for the purposes of the
Gender Recognition Act 2005

The Gender Recognition Act 2005 requires a person to have lived exclusively in his/her acquired gender for at least 2 years prior to his/her application for a Gender Recognition Certificate (GRC). A key element to the evidence of the persons acquired gender and living exclusively in that gender is that he/she has adopted an appropriate name. There is no legal requirement for the change of name to be documented. However, for practical purposes to change a name with official bodies, a document evidencing the change of name is required. The Gender Recognition Panel (GRP) would normally expect to see such a document.

The documentary evidence of a change of name can take several forms. The simplest and most common form is a Change of Name Document. This is a document confirming that the person making the document relinquishes his/her former name and in its place assumes a new name from the date of the document. The document has to be signed by the person changing his/her name, in the presence of a witness. The witness then signs to confirm that he/she has witnessed the person signing the document in his/her presence and add an address where they can be contacted in case there is a query over when or how the document was signed. There are no specific requirements as to who can and cannot be a witness. The document can be prepared by a solicitor or a blank form can be obtained from the internet or a stationers.

A slightly more formal approach would be for the change of name to be evidenced by a Statutory Declaration. This will usually be drafted by a solicitor (although again blank forms can be obtained from the internet or a stationer). In this case the Declaration has to be sworn in front of a person authorised to administer Oaths, which will be a solicitor, Commissioner for Oaths, Notary Public, or a Legal Executives authorised to administer Oaths; all of whom are available through a solicitor's office. Alternatively the Declaration can be made before a Magistrate (also called a Justice of the Peace) or some Magistrates Clerks at a Magistrates Court. Abroad, Consular officials are allowed to administer oaths. A small fee will be payable when swearing an Oath.

The GRP would normally expect to see one of these two types of documents. A more formal version of the Statutory Declaration is a Deed Poll. They are formally registered and are more costly to produce. A solicitor would advise when a Deed Poll was legally required instead of a Statutory Declaration. Deed Polls are rarely used these days and the GRP certainly does not require one.

Some applicants changed their names so long ago that they have either lost their document evidencing the change of name, or did it informally without a document to evidence the change. In these exceptional circumstances the GRP would require other forms of documentary proof of the change of name such as a statement from someone who has know the individual in their previous and current names. Where the GRP does not consider there is sufficient evidence of the change of name, directions can be given to highlight the additional evidence that needs to be produced. If an applicant is aware that

he/she lacks the necessary evidence of the change of name he/she can seek general guidance from the GRP before lodging his/her application and supporting documentation.

The GRP needs to be satisfied that the person making the application for a GRC is the same person as appears on the birth certificate. It is, therefore, necessary to produce evidence of all changes of name if there has been more than one during the individual's lifetime.