

Western Australia

Change of Names Regulation Act 1923

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Change of Names Regulation Act 1923

CONTENTS

1.	Short title	1
1A.	Interpretation	1
2.	Change of name regulated	1
2A.	Procedure in relation to change of name	2
2B. ²	Register of changes of name	3
2C.	Public access to register	4
2D.	Certified copy is evidence	4
2E.	Delegation	5
3.	Exemptions	5
4.	Fees	5
5.	Regulations	5

NOTES

Change of Names Regulation Act 1923

An Act to regulate the conditions under which persons can change their names.

1. Short title

This Act may be cited as the *Change of Names Regulation Act 1923*.

1A. Interpretation

In this Act —

“**Registrar General**” means the Registrar General appointed under the *Registration of Births, Deaths and Marriages Act 1961*;

“**Registrar of Deeds and Transfers**” means the Registrar of Deeds and Transfers within the meaning of the *Registration of Deeds Act 1856*.

[Section 1A inserted by No. 11 of 1989 s.4.]

2. Change of name regulated

- (1) A person shall not assume, use, or purport to assume or use any name other than any name —
- (a) by which he was registered at birth;
 - (b) which was assumed by marriage;
 - (c) by which he had been known by repute at the commencement of this Act;
 - (d) which he had assumed under any statute, deed poll or licence before the commencement of this Act;

s. 2A

- (e) which he assumed under the provisions of this Act as in force from time to time before the commencement of the *Change of Names Regulation Amendment Act 1989*; or
- (f) which, after the commencement of that Act, he assumes by virtue of —
 - (i) a deed poll executed by him; or
 - (ii) a written licence for a change of name granted by the Registrar General,registered in either case in the office of the Registrar General at Perth.

Penalty: \$2 000.

- (2) Where a person has by marriage or by deed poll or by license assumed a name in place of a former name, it shall be unlawful for the person to again assume that former name unless that former name was a name by which he was registered or which he was given at birth or unless by subsequent marriage or by further deed poll or license or by statute he has again assumed that former name.

Penalty: \$1 000.

- (3) In the issue of a license referred to in subsection (1) the Registrar General is subject to any direction given by the Minister either generally or in a particular case.

[Section 2 amended by No. 113 of 1965 s.8; No. 13 of 1980 s.3; No. 11 of 1989 s.5; No. 78 of 1995 s.147.]

2A. Procedure in relation to change of name

- (1) A person who wishes to change his name may lodge with the Registrar General —
 - (a) a deed poll and a memorial of a deed poll; or
 - (b) an application for change of name by licence,in a form approved in each case by the Registrar General.

- (2) Subject to section 2 (3) and to subsection (3), the Registrar General may refuse to register a deed poll or grant a licence for a change of name if —
- (a) subsection (1) has not been complied with;
 - (b) he has reason to believe that the proposed change of name is intended to enable or facilitate the carrying out of an unlawful act;
 - (c) he considers that the name proposed to be adopted is obscene, offensive, frivolous or contrary to the public interest; or
 - (d) a registration fee or other prescribed fee has not been paid.
- (3) Where the Registrar General refuses to register a deed poll or grant a licence for a change of name, the applicant may in writing, within 21 days after the day on which he received notice of the Registrar General's decision, request the Minister to direct the Registrar General to register the deed poll or grant the licence, as the case may be, and where the Minister so directs, the Registrar General shall give effect to the direction of the Minister.
- (4) Registration of a change of name is effected on the day and at the time when a memorial of a deed poll or of a licence for change of name is entered in the register referred to in section 2B and signed by the Registrar General.

[Section 2A inserted by No. 11 of 1989 s.6.]

2B.² Register of changes of name

The Registrar General shall establish and maintain a register and index of the memorials of all deed polls and licences recording a change of name registered in the office of —

- (a) the Registrar of Deeds and Transfers in Perth in respect of the period commencing on 31 January 1957 and ending with the commencement of the *Change of Names Regulation Amendment Act 1989*; or

s. 2C

- (b) the Registrar General in Perth, after the commencement of that Act.

[Section 2B inserted by No. 11 of 1989 s.6.]

2C. Public access to register

- (1) Subject to this section, the Registrar General shall at the request of, and on payment of the prescribed fees by, any person cause a search to be made during ordinary office hours of the register or index referred to in section 2B and, where required, issue a certified copy of a memorial in the register.
- (2) The Registrar General shall refuse to comply with a request under subsection (1) where he has reason to believe that compliance with the request would be —
 - (a) prejudicial to the safety of a person; or
 - (b) otherwise contrary to the public interest.
- (3) Where the Registrar General exercises his power under subsection (2), the person whose request has been refused may in writing, within 21 days after the day on which he received notice of the Registrar General's decision, ask the Minister to direct the Registrar General to comply with the request, and where the Minister so directs, the Registrar General shall give effect to the direction of the Minister.

[Section 2C inserted by No. 11 of 1989 s.6.]

2D. Certified copy is evidence

A certified copy of a memorial of a change of name registered under this Act, if it purports to be sealed with the seal of the Registrar General and signed by him or on his behalf, is evidence in all proceedings of the matters appearing in the memorial.

[Section 2D inserted by No. 11 of 1989 s.6.]

2E. Delegation

The Registrar General may delegate in writing to any person employed in his office any of his functions under this Act, other than this power of delegation.

[Section 2E inserted by No. 11 of 1989 s.6.]

3. Exemptions

Nothing in this Act shall apply to the use of a firm name under the *Business Names Act 1962*, or to the use of a name under the *Adoption of Children Act 1896*.

[Section 3 amended by No. 13 of 1980 s.4.]

4. Fees

Fees shall be payable under this Act as may be prescribed by regulation.

[Section 4 inserted by No. 54 of 1948 s.4 (3); amended by No. 13 of 1980 s.5.]

5. Regulations

The Governor may make regulations for the registration of deeds poll, for the registration of licenses, and for other purposes of this Act.

[Section 5 amended by No. 13 of 1980 s.6.]

Notes

- ^{1.} This is a compilation of the *Change of Names Regulation Act 1923* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Change of Names Regulation Act 1923</i>	40 of 1923	22 Dec 1923	22 Dec 1923
<i>Acts Amendment (Increase of Fees) Act 1948, section 4</i>	54 of 1948	21 Jan 1949	21 Jan 1949
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Sections 4 to 9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965
<i>Change of Names Regulation Amendment Act 1980</i>	13 of 1980	15 Oct 1980	Section 3 (c), (d) and (e): 1 Dec 1980 (see <i>Gazette</i> 28 Nov 1980 p.3997); balance: 15 Oct 1990
<i>Change of Names Regulation Amendment Act 1989</i>	11 of 1989	2 Nov 1989	29 Jun 1990 (see <i>Gazette</i> 29 Jun 1990 p. 3139)
<i>Sentencing (Consequential Provisions) Act 1995, section 147</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)

- ^{2.} Section 7 of the *Change of Names Regulation Amendment Act 1989* (Act No. 11 of 1989) reads as follows: —

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- 7. Registrar of Deeds and Transfers to transfer certain records**
The Registrar of Deeds and Transfers shall, notwithstanding the *Registration of Deeds Act 1856*, transfer to the custody and control of the Registrar General the memorials and related indexes of changes of name registered in the office of the Registrar of Deeds

and Transfers in Perth in respect of that period commencing on
31 January 1957 and ending with the commencement of this Act.

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