Changing your name - an overview

It is a principle of the law in England and Wales that a person's legal name can be changed simply by using a new name and becoming known by it. There is no legal requirement for a new name to be enrolled or registered. Despite this, many organisations insist that trans and non-binary individuals show proof of their legal name by enrolled deed poll.

This requirement discriminates against trans and non-binary people by creating unnecessary barriers to recognition of their name.

This document outlines the law on name changing, the impact of these administrative burdens for trans individuals and other minority groups, and suggestions for how this process can be challenged.

Name change process:

Historically, England and Wales have taken a laid-back approach to changing your name.

Your registered name is what is printed on your birth certificate. However, the basic legal position is that "your name is what you call yourself". Your name can therefore legally be changed simply by using a new name, as long as:

- You have genuinely changed your name in good faith;
- You have publicly assumed your name; and
- You have no fraudulent reason for changing your name.

For example, changing your name to "Alan Sugar" and then attempting to access Lord Sugar's bank accounts would be fraudulent and not in good faith.

Furthermore, there is no law in England and Wales that restricts the type of name that parents can legally give to their children. However, names that contain obscenities, numerals, misleading titles, or are impossible to pronounce are likely to be rejected by the Registering Officer.

Required Documentation

In the past, notifying organisations of a change of name could be as simple as, for example, sending a signed letter to a bank manager who would then update the person's banking records. However, a shift occurred in the 2000's when the government sought to clamp down on identity theft, fraud, and money laundering. The government introduced laws that placed the onus on banks and other financial institutions to stamp out these unlawful practices.

The response from the finance industry was to institute a variety of formal administrative procedures. In most cases, it is no longer sufficient to simply send a signed letter. Now, individuals must provide 'proof' of 'their legal' name change by providing one of several documents. Examples of some accepted documents include:

- A deed poll
- An enrolled deed poll
- A statutory declaration

Whereas a deed poll and statutory declaration could be handmade by the individual and need not be registered, an enrolled deed poll makes a permanent, public record of the individual's personal details at the time of the enrolment:

- A copy of the deed poll will be kept in the Enrolment Books of the Senior Courts of England & Wales, at the Royal Courts of Justice in London. After 5–10 years, the copy of the deed poll is taken to the National Archives at Kew in Surrey.
- The individual's old name, new name and home address will be published in the London Gazette. Any information contained in the London Gazette is open to review by members of the public.

In 2010, this demand for documentation was largely restricted to private enterprise, mostly financial institutions. However, in the years since, and particularly since 2015, Government departments, such as HMRC and the Passport Office, have also insisted on proof of legal name through provision of these documents. The UK government website outlines further information on making a deed poll and enrolling them with the courts.

Many organisations are disproportionately affecting trans and non-binary individuals by imposing onerous requirements upon them to recognise their name. In addition to requiring formal documentation as proof of a legal name, at least one government organisation has requested evidence of a gender recognition certificate before recording a name change for a trans or non-binary individual.

What proof will my bank ask to see?

Different banks have different policies; here is the most recent data for some of the UK's most popular banks. Of the banks we researched, none required an enrolled deed poll, although Nationwide do require additional supporting documents.

Bank	Proof accepted	Process
Barclays	– Photo ID – Deed poll	Barclays process
Co-op Bank	– Deed poll	Co-op process
Halifax	– Deed poll – Statutory declaration	Halifax process
HSBC	– Deed poll – Statutory declaration	HSBC process
Lloyds	– Deed poll – Statutory declaration	Lloyds process
Monzo	– Photo ID – Deed poll	Monzo process
Nat West	– Photo ID	Nat West process
Nationwide	– Enrolled deed poll – Statutory declaration – Unenrolled deed poll plus one form of ID in new name	Nationwide process
RBS	– Photo ID	RBS process
Santander	– Photo ID – 'relevant supporting documents'	Santander process
TSB	– Deed poll (certified copy) – Statutory declaration (certified copy)	TSB process

Fees

Changing your legal name can also carry a financial burden. If an organisation is willing to accept an unenrolled deed poll, this can be made by the individual without incurring any costs. However, if a solicitor or notary is employed to witness a statutory declaration, the fee is £5 in England and Wales, and it can be challenging for individuals to identify a solicitor or notary who is willing to provide this service.

If organisations require an enrolled deed poll, this is significantly more expensive at £49.32. This is the only method of name change that creates a public record of name change and has increasingly become the most popular documentation requested by organisations.

Impact on transgender or non-binary individuals

Trans and non-binary individuals are negatively affected by the enrolled deed poll requirements.

An unforeseen and disturbing effect of an enrolled deed poll is to essentially “out” trans and non-binary individuals and allow their information, including their old name and address, to be viewed by the public. This is particularly concerning when children seek to change their name. This disregards the individual’s choice in disclosing their gender identity and has the potential to subject trans and non-binary individuals to personal attacks from transphobic individuals who could easily target trans and non-binary members of our community.

Legal issues

We have identified two areas where the superfluous requirement to produce “proof” of a name change can be challenged under the law.

Discrimination

The Equality Act 2010 is the law that protects you from discrimination and gives you the right to challenge it. There are nine “protected characteristics” in the Equality Act, including sex and gender reassignment. If you are treated unfairly because of your protected characteristic, this is unlawful discrimination.

Although the requirements for producing proof of a name apply to everyone, they result in a particular disadvantage for two key groups: women (as they are more likely to be survivors of abuse) and trans and non-binary people. This is indirect discrimination.

GDPR

Data protection is regulated under the General Data Protection Regulation (“GDPR”). The GDPR says that personal data shall be accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that is inaccurate is rectified without delay.

Although there is no definition for the term “accuracy”, the UK Data Protection Act 2018 states that personal data is inaccurate if it is incorrect or misleading as to any matter of fact. An organisation can only refuse to comply with a request if it is manifestly unfounded or excessive.

If an individual has genuinely changed their name and publicly assumed their new name, then an organisation handling that individual’s personal data has a duty to update the individual’s records so that the personal data they hold is accurate.

Therefore, if an organisation refuses to update their records to include an individual’s new legal name, they could be in breach of their obligations under the GDPR.

Updating your details with organisations:

What you might change

You can ask many different organisations to update your:

- **name**: by asking the organisation; you may need to provide evidence such as a deed poll or statutory declaration.
- **title**: by asking the organisation – no evidence is required.
- **gender**: by asking the organisation. You may need a Gender Recognition Certificate (GRC) to update the gender recorded with some specific organisations. You do not need a GRC to update your medical records, employment records, bank account, driving licence, or passport.

Who to inform

Here's a list of suggestions for places you might want to update after a change of name, title, or gender:

- **Passport office**: See the Passports section of TransActual's page for information about how to do this. for information about how to do this.
- **Driving licence**: See the Driving Licence section of TransActual's page for information about how to do this.
- **Vehicle registration**: You can find instructions for how to update this on the GOV.UK website.
- **Bank/building society**: Some banks and building societies will need you to show photo ID in your new name before updating your details, so getting a passport or driving licence in your new name or gender first may be helpful. Please see above for more details.
- **HMRC and DWP**: HMRC have published guidance on how to notify them of a change of name or a change of gender. HMRC will normally notify the DWP and Pension Service for you.
- **GP surgery**: See the Updating Medical Records section of TransActual's page which includes important information about screening tests.
- **Hospitals and clinics**: Hospitals and clinics often keep their own records, so clinics and hospitals may not automatically update their records when you tell your GP.
- **Vehicle insurance**
- **Vehicle breakdown cover**
- **Exam certificates and qualifications**: see the Qualifications section of TransActual's page for more information about how to do this.
- **Travel passes**
- **Concessionary passes**
- **Employer/educational institution**: If you're updating what gender is recorded on your records, employers will need to complete the steps listed on the GOV.UK website.
- **Student Loans Company**
- **Dentist**
- **PASS ID card**
- **Electoral roll**: There is information about how to change name on the electoral roll on the GOV.UK website.
- **Visas and immigration**: There are more details what to do if you have a Visa or BRP on the GOV.UK website, and this guidance may also be useful to read.
- **Local council**
- **Land registry**: If you own property and change name you will need to update your details with the Land Registry. There is information about how to do this on the GOV.UK website.

- **TV Licensing**: There is a form to update your details on the TV Licensing website.
- **Libraries**
- **GHIC or EHIC**: You can apply for a new Global Health Insurance Card or EHIC in your new name. You can find more information on the NHS website.
- **Pharmacy**
- **Medical alert jewellery** or medical information cards
- **Credit Reference Agencies**: Updating your information with CRAs allows you to change what name and gender are shown when a credit check is carried out on you. You can read more about updating your details with UK CRAs on the Experian website.
- **Loyalty cards**
- **Online shopping accounts**
- **Vets**
- **Opticians**
- **Electricity, gas, and water suppliers**
- **Internet service provider**
- **Mobile phone provider**
- **Landline phone provider**
- **Landlord, letting agent, or housing association**
- **Pet insurance**
- **Pet microchip details**
- **Mortgage provider**
- **Private health or life insurance**
- **Home/contents insurance**
- **Website hosting and DNS provider**
- **Gym or leisure centre membership**
- **Pension providers**
- **Loans and investments**
- **Premium bonds**
- **Professional bodies**
- **Companies House**
- **Police**: Some people may be legally required to notify the police – you can find out more about this on the Unlock website.
- **Probation service**

You might also want to make sure that emergency contact details are updated if you've been listed as an emergency contact by your child, partner, family member, or friend.

What do I do if something goes wrong?

Sometimes organisations will tell you that they are unable to update your name, title, or gender.

It's important to remember that to change your name and title:

- you **do not** need to enrol your deed poll
- you **do not** need a deed poll with an official seal or stamp
- you **do not** need a Gender Recognition Certificate

If an organisation is not willing to update your name, title, or gender on their records, the following steps can often be useful:

1. **Try a different employee:** It may be worth asking a different staff member to update your details as they may be willing to help you more. This might mean asking to speak to the manager.

2. **Ask why:** Ask to see a copy of the policy or procedure that says why they can't make a change. Often staff will then discover no such policy exists.

3. **Highlight existing photo ID changes:** If you have already updated your passport or driving licence, explain that the UK government have already accepted your evidence to make a change of name or title.

4. **Explain their legal obligations:** You can explain the obligations of organisations to update the information they hold about you to keep it accurate – this is the principle of accuracy (Article 5(1)(d)) and right to rectification (Article 16) under the UK General Data Protection Regulation (GDPR).

5. **Contact the head office:** It's often useful to contact the head office of the organisation, rather than a local branch, as they may have a better knowledge of the organisation's processes and of your rights. The easiest way to do this is normally to use social media to message the organisation's main social media account. You could also ask staff at the local branch to give you contact details for their head office.

6. **Formally complain by letter:** If you're still not successful, you can make a formal written request to the organisation asking them to update your information. You can do this using the template on the Information Commissioner's Office website to ensure you are doing this correctly.

7. **Report the organisation:** If the organisation still does not update your details, you can read about how to get support to make an official report using the information on the Information Commissioner's office website.

All above information sourced from TransActual's website:

https://transactual.org.uk/names/

This document summarises general legal information relating to the rights of transgender and/or non-binary individuals under the law in England and Wales. It is not intended to give specific legal advice on which you should rely. If you require legal advice, or further details on any matter referred to, please consult an independent legal professional.