

October 2021

Management Circular No 91

To Heads of all Establishments

Change of Pupil's Surname

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Change of Pupil's Surname

A. Introduction

This management circular has been prepared to address the growing number of requests from parents, carers or people with whom a child resides on a day-to-day basis to change the child's surname in establishment records, often following a divorce, separation or re-marriage. Pupils aged 16 and over can also make such requests and the position in relation to those requests is also addressed.

It is vitally important that information held on the SEEMiS Click & Go record is kept accurate and up-to-date at all times, in accordance with the requirements of the Data Protection Act 2018.

There is also a form that must be completed before the change of surname request can be considered. There is a version for use by the person requesting the change of name where the pupil is aged under 16 (Appendix 2) and one for use by pupils aged 16 or over (Appendix 3).

If the pupil is aged under 16 and is capable of understanding the issue and expressing their view, there is a form that can be used for this purpose (Appendix 4). The views of the pupil are not decisive but must also be considered.

Where the pupil is under 16 and both parents hold parental rights and responsibilities in respect of the pupil, establishments must not, unless there are exceptional circumstances to justify doing so, prefer the rights of one parent over the other in relation to the use of a surname that is different from the surname shown on the pupil's birth certificate. For the avoidance of doubt any reference to parent in this management circular is to a person who holds parental rights and responsibilities.

In taking forward this management circular there should be consideration of the Equality Act 2010 and the protected characteristics in any consideration of a request to change a name. This is not withstanding the legal parameters which will be outlined in this management circular.

B. The legislative framework for changing a child's surname

In accordance with the Schools (General) Scotland Regulations 1975 establishments **must** hold a register showing a pupil's full name (forename and surname). The Council has interpreted this, in accordance with previous case law, as meaning the forename and surname as shown on a pupil's birth certificate. This position is reflected in the Council's enrolment policy and procedures, details of which are set out below.

The requirements for changing a pupil's surname in the Surname field in SEEMiS differ depending on where that pupil's birth was registered and can be summarised as follows:

- If a pupil's birth was registered in Scotland, unless exceptional circumstances exist, his/her surname can only be changed in the Surname field on SEEMiS if a new full birth certificate showing the new surname is produced to the establishment.

Parents and pupils aged 16 and over can be advised to contact the National Records of Scotland¹ for advice on how to obtain a new full birth certificate. A copy of that new full birth certificate must be retained by the establishment.

- If a pupil's birth was registered outwith Scotland (i.e. elsewhere in the UK or outside the UK), unless exceptional circumstances exist, his/her surname can only be changed in the Surname field on SEEMiS if a Deed Poll Certificate showing the new surname (signed by **the pupil** if aged 16 or over OR **by all parties who hold parental rights and responsibilities** if the pupil is under 16) is produced to the establishment.

Parents and pupils aged 16 and over must be advised to seek their own legal advice regarding obtaining deed poll certificates. A copy of that deed poll certificate must be retained by the establishment in the pupil's file.

The views of pupils aged under 16 and expressed in the form at Appendix 4 are not decisive but must be factored into any decision reached in relation to change of name. A copy of the views expressed must be retained by the establishment in the pupil's file.

Enrolment and recording a pupil's surname

When a pupil is enrolled to attend a Glasgow City Council education establishment, the enrolling parent is required to produce the pupil's birth certificate.

The surname as shown on the birth certificate will be entered into the Surname field on the front page of the pupil's record on SEEMiS. This is the surname that will be used for all records and documents produced throughout the pupil's time in education in Glasgow, including report cards and SQA qualification certificates.

¹ National Records of Scotland: <http://www.gro-scotland.gov.uk/>

The general position is that a pupil's surname displayed within the Surname field on the front page of a pupil's SEEMiS record should consistently show the surname on that pupil's birth certificate.

B. C. Procedures for changing a pupil's surname shown in the Surname field on SEEMiS

Pupils under the age of 16

If a request is received to change the pupil's surname, the educational establishment must take the following action:

- Follow the steps set out in the Change of Surname flow chart (Appendix 1) to ensure that the person making the request is given the correct advice;
- Take appropriate steps to determine who has parental rights and responsibilities for the pupil. A copy of the **full** birth certificate must be provided by the person requesting the change. If not readily available, the person requesting the change can obtain one from the local authority in which the birth was registered.
- Ask the person making the request for the change to complete the Change of Surname Form (Appendix 2);
- Obtain the appropriate documentary evidence of change of surname e.g. new full birth certificate where the pupil's birth was registered in Scotland or deed poll certificate signed by all persons with parental rights and responsibilities, where the pupil's birth was registered outside Scotland;
- If the pupil aged under 16 is capable of understanding the issue and wishes to express their views, those views must also be considered (ask the pupil to complete Appendix 4);
- Change the name in the Surname field on SEEMiS – select basic tab>click padlock icon>change student name. In pastoral notes, insert full details of the original birth certificate name, the date of change of surname and the reasons for this change, as set out in Part D of this document – latest pastoral notes>manage pastoral notes>event type>centrally recorded. This will allow the information to transfer with the pupil's record if the pupil changes school.

Documentary evidence and the consent of parties who hold parental rights and responsibilities

In some cases, parents have produced statutory declarations, copies of passports or copies of medical cards as evidence of a legal change of a pupil's surname. If a pupil's birth was registered in Scotland, even where a document - such as a statutory declaration - indicates that all parties holding parental rights and responsibilities have given written consent to the use of the new surname, the Council will not accept that document as authorisation to change a pupil's surname in the Surname field on SEEMiS. Additional information as to why the appropriate documentary evidence, i.e. a new full birth certificate, cannot be produced would require to be provided to the establishment.

Similarly, if a pupil's birth was outside Scotland, even where a document - such as a statutory declaration - indicates that all parties holding parental rights and responsibilities have given written consent to the use of the new surname, the Council will not accept that document as authorisation to change a pupil's surname in the Surname field on SEEMiS. Additional information as to why the appropriate documentary evidence (i.e. a deed poll certificate showing the new surname and signed by all parties with parental rights and responsibilities) cannot be produced would require to be provided to the establishment.

If the appropriate documentary evidence of change of surname, i.e. new full birth certificate or deed poll certificate depending on place of birth registration, **cannot be produced and the establishment is aware that one person who holds parental rights and responsibilities in relation to a pupil refuses to consent to the use of the proposed new surname, no change to the Surname field on SEEMiS can be made.**

If the appropriate documentary evidence cannot be produced, **but all parties who hold parental rights and responsibilities in relation to a pupil provide written consent** to the use of the proposed new surname, then it may be that the SEEMiS Surname field can be amended to show that new surname. This will depend on the nature of the additional information provided which sets out why the appropriate documentary evidence cannot be produced.

This is set out in more detail below and at Part E.

Once the additional information is available as to why the appropriate documentary evidence cannot be produced, the establishment must seek advice in the first instance from Legal Services to determine whether the Surname field on SEEMiS can be changed to show the surname requested without the appropriate documentary evidence. **This would only be permitted in exceptional circumstances.**

- In a case where the circumstances have been deemed to be so exceptional as to permit the Surname field to be amended without the appropriate documentary evidence, the Surname field on SEEMiS should be changed to show the new surname. In pastoral notes, insert full details of the original birth certificate name, the date of change of surname and the reasons for this change without the necessary documentation, as set out in Part D of this document – latest pastoral notes>manage pastoral notes>event type>centrally recorded. This will allow the information to transfer with the pupil's record if the pupil changes school. This is described in detail in Part D below.

Where a request to change a pupil's surname is received without the appropriate documentary evidence and - after consulting with Legal Services it is decided that the Surname field cannot be changed - if the establishment understands that no one who holds parental rights and responsibilities in relation to the pupil is refusing to consent to the use of the proposed new surname, it may be possible to allow the pupil to use the new surname on a day to day basis ("known as"), subject to the steps and procedures described in more detail at Part E below.

Pupils aged 16 and over

If a pupil aged 16 or over, makes a request to change his/her surname, the educational establishment must take the following action:

- Ask the pupil to complete the change of surname form (Appendix 3).
- Obtain the appropriate documentary evidence of change of surname e.g. new full birth certificate or deed poll certificate.
- Change the name in the Surname field on SEEMiS – select basic tab>click padlock icon>change student name. In pastoral notes, insert full details of the original birth certificate name, the date of change of surname and the reasons for this change, as set out in Part D of this document – latest pastoral notes>manage pastoral notes>event type>centrally recorded. This will allow the information to transfer with the pupil's record if the pupil changes school.

Lack of documentary evidence

If the appropriate documentary evidence of change of surname **cannot** be provided, additional information as to why that evidence is not available must be provided by the pupil.

Once that additional information is available, the establishment must seek advice in the first instance from Legal Services to determine whether the Surname field on SEEMiS can be changed to show the surname requested without the appropriate documentary evidence. **This would only be permitted in exceptional circumstances.**

- In a case where the circumstances have been deemed to be so exceptional as to permit the Surname field to be amended without the appropriate documentary evidence, the Surname field on SEEMiS should be changed to show the new surname. Change the name in the Surname field on SEEMiS – select basic tab>click padlock icon>change student name. In pastoral notes, insert full details of the original birth certificate name, the date of change of surname and the reasons for this change without the necessary documentation, as set out in Part D of this document – latest pastoral notes>manage pastoral notes>event type>centrally recorded. This is described in detail in Part D below. This will allow the information to transfer with the pupil's record if the pupil changes school.

D. Recording a change in the Surname field on SEEMiS

A change of surname should be entered into SEEMiS by following these steps:

1. After logging in to SEEMiS click Application>Records>Edit and select the pupil's record to view their name details. Please note that the names listed in these examples are fictitious.

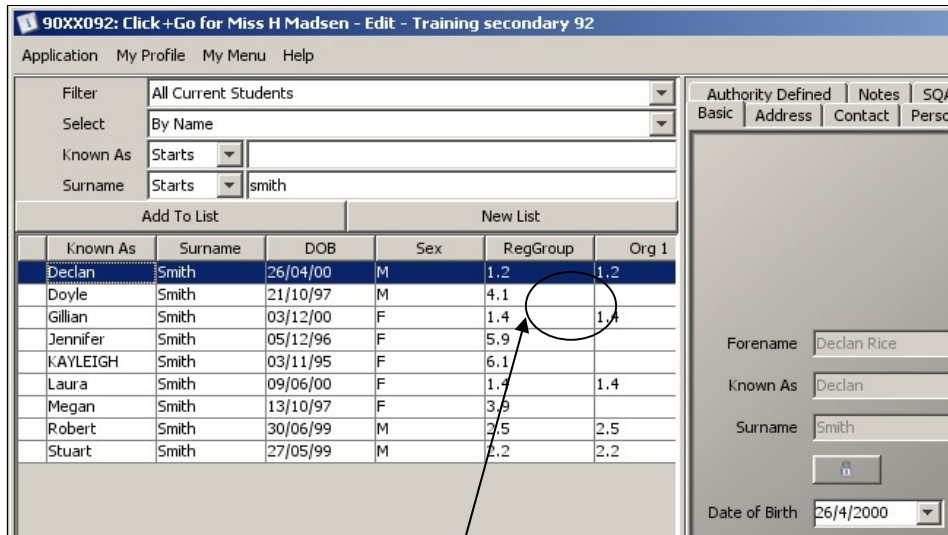


Fig 1: pupil records screen with padlock.

2. Click on the padlock icon to unlock the pupil name fields.
3. Insert amended surname into the Surname field.

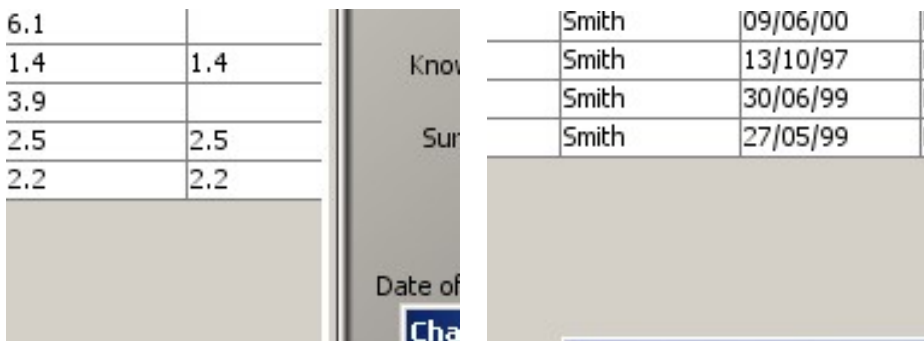


Fig 2: example of reason given “Exceptional circumstances 7.1.13 – see pastoral notes”.

4. Tick the “Actual change” box to confirm that the change is not a spelling correction and enter a reason for the change of name in the Reason box and the date the change was approved.

Only the following reasons should be entered in the reason box:

- Submission of a new full birth certificate (with date); or
- Submission of a Deed Poll Certificate² (with date); or
- Exceptional circumstances (with date). Full details of those exceptional circumstances which allowed the change of Surname field without the necessary documentation should be entered in latest pastoral notes>manage pastoral notes>event type>centrally recorded.

Examples of SEEMiS Surname field recording new surname

1. Elizabeth is known on a day to day basis at the school as Beth. Her surname on her birth certificate is Imrie. Beth’s birth was registered in Scotland and her mother has produced a new full birth certificate showing her surname as “Brown”.

Name before change request SEEMiS Click & Go Basic tab	What will print on establishment records e.g. report cards?
Forename Elizabeth	Beth Imrie

² As set out at Part A above, this is only relevant where the pupil’s birth was registered outwith Scotland.

Known As	Beth	What will print on SQA certificates (where appropriate)?
Surname	Imrie	
		<i>Elizabeth Imrie</i>

Name after change applied SEEMiS Click & Go Basic tab		What will print on establishment records e.g. report cards?
Forename	Elizabeth	<i>Beth Brown</i>
Known As	Beth	What will print on SQA certificates (where appropriate)?
Surname	Brown	<i>Elizabeth Brown</i>

2. Michael Crosby's birth was registered in Wales. His father does not have parental rights and responsibilities in relation to Michael. Michael's mother produces a Deed Poll Certificate, which only she has signed, showing that Michael's new surname is "Lord".

Name before change request SEEMiS Click & Go Basic tab		What will print on establishment records e.g. report cards?
Forename	Michael	<i>Michael Crosby</i>
Known As		What will print on SQA certificates (where appropriate)?
Surname	Crosby	<i>Michael Crosby</i>

Name after change applied SEEMiS Click & Go Basic tab		What will print on establishment records e.g. report cards?
Forename	Michael	<i>Michael Lord</i>
Known As		What will print on SQA certificates (where appropriate)?
Surname	Lord	<i>Michael Lord</i>

E. Day to day use of a different surname from that on a pupil's birth certificate (a "known as" name)

The Known As field on SEEMiS is usually populated to show a forename by which a pupil is commonly known, which is different from the forename on the pupil's birth certificate. For example, where a pupil's forename is Robert but he is commonly known as Robbie, the Known As field should show the name Robbie, and where a pupil's forename is Elizabeth but she is commonly known as Beth, the Known As field should show Beth.

However, where a request to change a pupil's surname is received without the appropriate documentary evidence being produced as set out above, and it has been decided that the circumstances of the case are not so exceptional as to allow the establishment to change the Surname field without that documentary evidence, it may be possible to allow the pupil to use the new surname on a day to day basis, subject to the steps and information set out in more detail below. Such a surname might be used in classes, by staff at the establishment, written on jotters and work books and on the pupil's class/course work and would be recorded on SEEMiS in the Known As field, with the Surname field continuing to show the pupil's surname as on his/her birth certificate.

Pupils under the age of 16

A pupil can be referred to by a surname other than that shown on his/her birth certificate throughout the establishment on a day to day basis **if all parties who hold parental rights and responsibilities in respect of that pupil have given written consent to that use of the surname.**

If the pupil is aged under 16 and is capable of understanding the issue and expressing their views and wishes to express those views, the views of the pupil must also be considered (see Appendix 4).

The written consent of parties who hold parental rights and responsibilities might be in any form, e.g. it can be in the form of a statutory declaration, letter etc. However, for the establishment to use that written consent to refer to the pupil by a new surname, the document must be signed by all parties who hold parental rights and responsibilities in respect of that pupil. Where the pupil is aged under 16, the pupil's views are not decisive but must be considered and factored into any decision re: use of a new day to day surname.

The following information in relation to the use of the new day to day surname in respect of the pupil must be retained:

1. a copy of the written consent of all parties who hold parental rights and responsibilities in relation to the pupil to the day to day use of the new surname; and
2. a copy of the pupil's views if applicable.

This information must be recorded as "external" pastoral notes (latest pastoral notes>manage pastoral notes>event type>centrally recorded) to ensure that it transfers with the pupil's records if the pupil changes school and any hard copies placed in the pupil's file.

Where a surname is used on a day to basis in this way, the person(s) who has made the request must be advised that for all official purposes at the establishment, the pupil will continue to be recorded on the SEEMiS system using the surname on his/her birth certificate (* see note 1 below).

Dispensing with the consent of one party who holds parental rights and responsibilities

There may, however, be some situations where a parent (Parent A) wishes to have a child known on a day to day basis throughout the establishment as a surname other than that shown on the child's birth certificate and is unable to provide written consent to the day to day use of that surname from another person who holds parental rights and responsibilities for the child (Parent B).

This could be for several reasons e.g. Parent A does not know where Parent B lives and has no means of contacting Parent B, or Parent A fled from Parent B in a situation of domestic violence so for Parent A to contact Parent B would put Parent A in fear as to his/her personal safety.

In all cases where Parent A has been unable to provide written consent from Parent B to the day to day use of the new surname at the establishment Parent A must explain the circumstances surrounding this using the form at Appendix 2. The establishment must seek advice in the first instance from Legal Services to determine whether it can begin using the surname requested by Parent A on a day to day basis without consent of Parent B.

It must be noted, however, that if Parent B is known to be refusing to consent to the use of a new surname, then the proposed new surname cannot be used at the establishment either in

the Surname field or in the Known As field unless there is a court order stating otherwise.

There may be circumstances where a child is already known by a surname that is not on their birth certificate. This could be for a variety of reasons. For example, the child may have been registered under the name some years ago or arrived in Glasgow from another local authority area/country. In exceptional circumstances it may be appropriate to list the surname that does not appear on the birth certificate in the “known as” field on SEEMiS. The registered name must be the name on the birth certificate. Please contact legal services for advice if required.

This issue was discussed in a legal case in 2002, M v C. The reasoning in that case is provided at Appendix 5 and provides a good basis for deciding on whether exceptional circumstances exist. If parents cannot reach agreement either parent can raise court proceedings to seek a specific issues order in the Sheriff Court. This is what happened in M v C.

In a case **where Parent B is not known to be refusing to consent** and the circumstances have been deemed to be so exceptional as to allow the establishment to refer to the child on a day to day basis throughout the establishment as a surname other than that shown on the child’s birth certificate without the consent of Parent B, the following information in relation to the use of the new day to day surname in respect of the pupil must be retained:

1. the date of change of surname;
2. the reasons as to why the surname by which the pupil is known on a day to day basis has been changed without the consent of all parties who hold parental rights and responsibilities; and
3. a copy of the pupil’s views if applicable.

This information must be recorded as “external” pastoral notes (latest pastoral notes>manage pastoral notes>event type>centrally recorded) to ensure that it transfers with the pupil’s records if the pupil changes school and any hard copies placed in the pupil’s file.

Again, in these circumstances, where a surname is used on a day to basis and the consent of one person who holds parental rights and responsibilities has been dispensed with, the person(s) who made the request must be advised that for all official purposes at the establishment, the pupil will continue to be recorded on the SEEMiS system using the surname on his/her birth certificate (* see note 1 below).

Pupils aged 16 and over

Where a pupil is aged 16 or over, that pupil can elect to use a new surname throughout the establishment if that pupil sets out in writing that he/she wishes to use that new surname.

The written instruction from the pupil may be in any form, e.g. a statutory declaration, letter etc. It must, however, be signed by the pupil and a copy retained on the pupil’s file. The new surname can, thereafter, be inserted into the Known As field on SEEMiS, with the Surname field showing the surname as it is recorded on the pupil’s birth certificate.

In these circumstances, the pupil must be advised that for all official purposes at the establishment, the pupil will continue to be recorded on the SEEMiS system as the surname on his/her birth certificate (* see note 1 below).

Examples of SEEMiS Known As field recording new surname

1. Penny Green’s mother has asked for her to be known as the surname “Brown” (presuming all consent issues have been resolved).

Name before change request SEEMiS Click & Go Basic tab		What will print on establishment records e.g. report cards?
Forename	Penelope	<i>Penny Green</i>
Known As	Penny	What will print on SQA certificates (where appropriate)?
Surname	Green	<i>Penelope Green</i>

Name after change applied SEEMiS Click & Go Basic tab		What will print on establishment records e.g. report cards?
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Forename	Penelope	<i>Penny Brown Green</i>
Known As	Penny Brown	What will print on SQA certificates (where appropriate)?
Surname	Green	<i>Penelope Green</i>

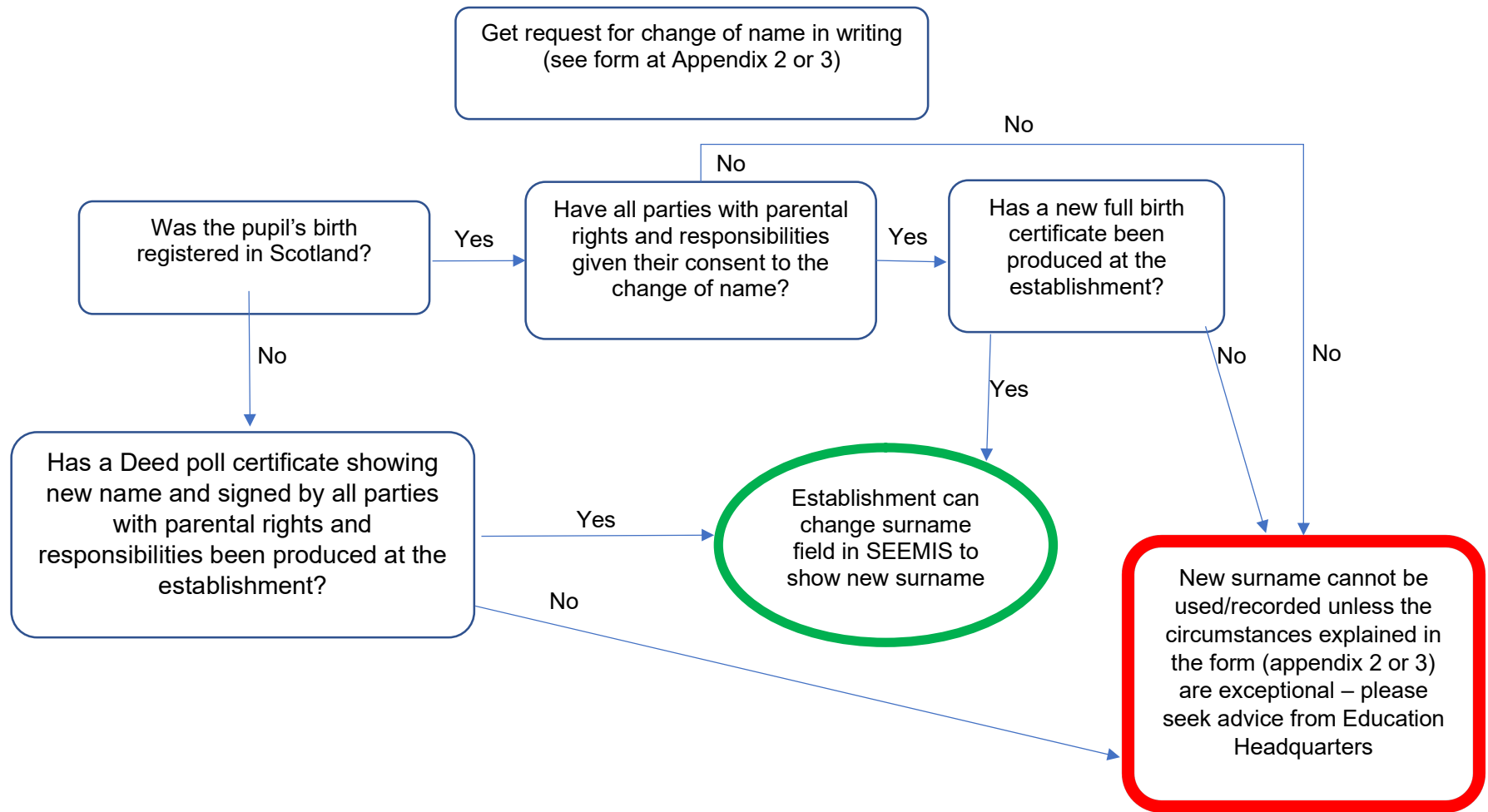
2. Jack is Penny's brother. His mother has also asked for him to be known as the surname "Brown" (presuming all consent issues have been resolved).

Name before change request SEEMiS Click & Go Basic tab		What will print on establishment records e.g. report cards?
Forename	Jack	<i>Jack Green</i>
Known As		What will print on SQA certificates (where appropriate)?
Surname	Green	<i>Jack Green</i>

Name after change applied SEEMiS Click & Go Basic tab		What will print on establishment records e.g. report cards?
Forename	Jack	<i>Jack Brown Green</i>
Known As	Brown	What will print on SQA certificates (where appropriate)?
Surname	Green	<i>Jack Green</i>

* **Note 1:** The parent, or the pupil if over 16, must be advised that the register printed for use in classes, the pupil's reports and the pupil's SQA certificates will continue to show the surname on his/her birth certificate as detailed in the above examples.

Change of pupil surname – Process flow chart





Education Services

Change of pupil surname
Pupils aged under 16 years

1. Pupil's details

Name on original birth certificate

Place birth registered

Date of registration

Date of birth

Current address

Establishment attended

Proposed new surname

2. Applicant's details

Relationship to pupil

Name

Address

Phone number

Email address

3. Proof of change of name

Please detail what proof of change of name you are providing

Please tick as appropriate ✓

New full birth certificate (if birth registered in Scotland)

Deed poll certificate (if birth registered outwith Scotland)

4. Parental rights and responsibilities

Do you (the applicant) have parental rights and responsibilities for the pupil named above?

Yes No

Does anyone else have parental rights and responsibilities for the pupil named above?

Yes No If NO, please go to section 6.

If yes, please provide full details of the person(s) holding parental rights and responsibilities for the pupil below:

Relationship to pupil

Name

Address

Phone number

Email address

Does this person consent to the change of name for the pupil?

Yes No Please go to section 5. Don't know Please go to section 5.

If YES, please ask this person to complete the declaration of consent below:

Declaration of Consent

I (*insert name*) _____ being the (*insert relationship to child*) _____

of (*insert name of child*) _____ hereby consent to the change of name for

(*insert name of child*) _____ to (*insert new name*) _____.

Signature _____

Date _____

Please note:

- The establishment will verify consent with the above named person before considering this request.

5. Consent not given / not obtainable

If the other person holding parental rights and responsibilities for the pupil does not consent to the new surname, or there are reasons why their consent cannot be sought, please provide full details below:

6. Reason for change of name

Please give the reasons for changing the child's name

7. Additional information

Please provide any additional information you think we should be aware of when considering your application (please use separate sheet if necessary).

Signature of Applicant _____

Date _____

Please note:

- This form must be presented to your child's school with any appropriate documents.
- A record of the child's original surname and the new surname will be retained on the pupil's school record.

For school use only

Original birth certificate seen and copy retained

Yes

New full birth certificate seen and copy retained
(if birth registered in Scotland)

Deed poll certificate seen and copy retained
(if birth registered outwith Scotland)

Date application received

Date consent in section 4 verified

Decision on application

Change name in SEEMIS surname field

Use "Known as" field

Please give full details of reasons for making decision. If exceptional circumstances apply - please explain.

Signature of person making decision

Date

Designation

Date changed in SEEMIS

(include copy of change of name history page from SEEMIS)

Signature of person completing change



Education Services

**Change of pupil surname
Pupil aged 16 years and over**

1. Your details

Name on birth certificate

Place birth registered

Date of registration

Date of birth

Current address

School attended

Proposed new surname

2. Proof of name change

Please detail what proof of change of name you are providing

New full birth certificate (if birth registered in Scotland)

Please tick as appropriate ✓

Deed poll certificate (if birth registered outwith Scotland)

If you cannot provide documentation regarding your change of name, please go to section 4.

3. Reason for change of name

Please give the reasons for changing your surname

4. Additional information

Please provide any additional information you think we should be aware of when considering your application (please use separate sheet if necessary).

Signature of Applicant _____ **Date** _____

A record of your original surname as well as your new surname will be retained on school records.

Please present this completed form to your school with any appropriate documentation.

For school use only

Original birth certificate seen and copy retained

Yes

New full birth certificate seen and copy retained
(if birth registered in Scotland)

Deed poll certificate seen and copy retained
(if birth registered outwith Scotland)

Date application received

Decision on application

Change name in SEEMiS surname field

Use "Known as" field

Please give full details of reasons for making decision. If exceptional circumstances apply - please explain.

Signature of person making decision

Date

Designation

Date changed in SEEMiS

(include copy of change of name history page from SEEMiS)

Signature of person completing change



Appendix 4

Education Services

Change of name in school records

Views of pupil aged under 16 years

1. Your details

Your name

Your school

2. Change of surname

Proposed new surname

3. Your views on using a new surname

Please let us know any views that you have on using a new surname at school (use another sheet if necessary).

Signature of pupil _____ **Date** _____

Please present this completed form to your school with any appropriate documentation.

The school will consider your views and all of the circumstances when taking the matter forward.

M v C Legal Case (2002)

The case of M v C was decided on 26 March 2002 in the sheriff Court by a sheriff sitting alone. It has been reported in The Scots Law Times (2002 S.L.T. (Sh. Ct.) 82)

A wife raised an action of divorce against her husband. He sought two specific issue orders in relation to the parties' five year old son. For the purposes of the present management circular only the first, that "the wife could not alter the child's surname without his consent" is relevant. The Sheriff was clear in his approach. Both parents had parental rights and responsibilities. He agreed with a statement made by Professor Norrie in the second edition of *Parent and Child at para 8.61* which states: "Having a name is one of the most fundamental elements of a person's sense of self and personal identity, which itself makes an essential contribution to his or her psychological development and well-being. For this reason the parental responsibility to safeguard and promote the child's health, development and welfare [1995 Act, s 1 (1) (a)] includes an obligation to provide the child with a name."

He concluded that the naming of a child was a parental responsibility which was shared by both parents, as a general rule it was quite inappropriate for either parent to take a unilateral decision to change a child's name, and there were no overwhelming reasons why the child's surname should be changed without one parent's consent, even though eight months had elapsed since the child was registered at school under the changed name.

Section 43, Registration of Births, Deaths and Marriages (Scotland) Act 1965 confirms that parents with parental responsibilities can register a change in the child's name where that child is under 16 years of age. If both parents have these responsibilities the application is to be made by both parents.

It is worthwhile quoting the reasoning of The Sheriff in M v C because his views emphasise the importance placed on the naming of a child.

"The naming of a child is a parental responsibility which is shared by both parents.

This being the case, it is, in my opinion, as a general rule quite inappropriate for either parent to take a unilateral decision to change a child's name. There may be situations where there are overwhelming reasons why a child's name should be changed despite the objections of one parent. However, such cases must be exceptional. Even in such cases I should expect the parent who wishes a change of name at least to attempt to obtain the consent of the other parent and to give that parent an opportunity to consider and reflect on the proposal for a change.

I am far from satisfied that the present case is one of these exceptional ones. There are really no overwhelming reasons why M's surname should be changed. It is, for better or for worse, not unusual nowadays for a child to be a member of a family the surname of some of whose members is not the same as his or her own. I cannot accept that a child is likely to be embarrassed or traumatised by such an event. I think that this is implicitly accepted by the pursuer herself given her stated intention to retain her maiden name even if she remarries and has other children who would take their father's surname.

I have accepted that the pursuer was genuine in her belief that the defender was not opposing the proposed change, but I have found as a fact that her belief was ill founded. The defender was presented with the stated wish of the pursuer. The pursuer had already taken steps to inform the school of her intention. She waited until a matter of days before M started school to tell the defender. Her reason for delaying doing so does not, in my view, do her much credit. It was not fair to the defender to spring this on him. He was entitled to a reasonable opportunity to reflect on it and to seek professional advice. I am satisfied that he did not intend to agree to the proposed change. It therefore should not have taken place.

The solicitor for the pursuer argued that, even if I were to hold that the defender should have given his consent but had in fact not done so, the passage of some eight months made it unreasonable now to insist on M's reverting to his former surname. He submitted that this would cause him confusion. It would not be in M's best interests to insist on the change.

I can see the attraction of this submission, but, in my opinion, it should be rejected. Among children of M's age surnames are little used. It may be, as the evidence suggested, that some of M's friends will know what his surname is, but I question whether any of them will refer to it to any great extent. In any event, M's original surname is still that which is being used on his passport and thus for all purposes of the Florida holiday. He has thus not completely departed from its use.

I heard no evidence which persuaded me that M was likely to be adversely affected by again changing his name. It has not been demonstrated to me to be particularly in his interests that his surname should be McC. Until eight months ago his surname was indubitably C. I am satisfied that he should revert to that name and that, so long as he is a child, his name should not be changed in the future unless the defender agrees.

I have found support for this view in the passage from *Parent and Child* (para 8.63) to which the defender's solicitor referred me and in the case of *Re B (Minors) (Change of Surname)*. I accept that English cases in this field must be viewed with caution, but the general principle "that a child's welfare is served by his or her retaining the name by which he or she has hitherto been known, so that if there is no significance to the change the court will not authorise it" (*Parent and Child*, 2nd ed, para 8.63) seems to me to be of as much application this side of the border as in the other jurisdiction.

There is always, of course, the possibility that circumstances may alter in the future and that an exceptional situation may arise which would justify a change of name even though the defender objected. However, I have to say that I have the greatest difficulty in envisaging what such circumstances would be."