

CHANGE OF NAME (REGULATION) BILL, 2016

ARRANGEMENT OF CLAUSES

*Clause:*

1. Change of Surname, forename or any other name
2. Prohibition of change of surname, forename and any other name
3. Maximum number of names authorized by the Commission
4. Natural name
5. Rejection of change of name by the Commission
6. Change of name by female spouse
7. Change of name by a man
8. Resumption of previous name by spouse.
9. Procedure for change of name.
10. Contents of application for change of name.
11. Police record check
12. Surrender of old certificate
13. Publication of change of name
14. Exemption from publication of change of name
15. Power of the Attorney-General of the Federation to declare certain persons as requiring change of name
16. Entitlement of person to use new name
17. Grounds for revocation of name
18. Offences and Penalties
19. Regulations
20. Interpretation
21. Citation



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE REGULATION AND PROHIBITION OF  
ARBITRARY CHANGE OF NAME IN NIGERIA AND FOR RELATED MATTERS

*Sponsored by Hon. Gyang Istifanus Dung*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows-

- |   |  |
|---|--|
| <p>1                   <b>1.</b> A person shall not change his or her surname, forename and any</p> <p>2                   other name either by adding, substituting or reducing the number of names</p> <p>3                   in his birth certificate or any certificate issued by the Commission except in</p> <p>4                   accordance with this Bill.</p>  | <p>Change of<br/>Surname,<br/>forename or any<br/>other name</p>                     |
| <p>5                   <b>2.</b> No person shall be allowed to change his surname, forename</p> <p>6                   and any other name together or at separate times throughout his life time</p> <p>7                   such that such change shall give the person a totally new identity provided</p> <p>8                   such change shall only be an addition to the already existing surname,</p> <p>9                   forename and any other name.</p> | <p>Prohibition of<br/>change of<br/>surname, forename<br/>and any other<br/>name</p> |
| <p>10                  <b>3.</b> For the purpose of the records kept by the Commission or any</p> <p>11                  other agency, a person shall only be entitled to have a maximum of 4 names.</p>  | <p>Maximum<br/>number of names</p>   |
| <p>12                  <b>4.</b> Subject to the provisions of this Bill and any other relevant law,</p> <p>13                  a person's natural name is the name that appears on the person's birth</p> <p>14                  certificate or change of name certificate issued under this Bill.</p>  | <p>Natural name</p>  |
| <p>15                  <b>5.-(1)</b> Except for marriage and other exceptional circumstances,</p> <p>16                  the Commission shall reject an application for change of name of a person.</p>   | <p>Rejection of<br/>change of name<br/>by the Commission</p>                         |
| <p>17                  (2) Exceptional circumstances under subsection 1 of this section</p> <p>18                  include:</p>   |  |
| <p>19                  (a) Where the change of name is for religious purposes or adoption</p> <p>20                  of a new religion;</p>   |  |
| <p>21                  (b) where the change of name is for cultural purposes, rejection or</p>  |  |

	1	adoption of a new culture; and
	2	(c) where in the opinion of the Commission the change of name is for
	3	sentimental reasons.
	4	(3) In the case of a child who was a product of adoption in accordance
	5	with the law and has attained the age of 18 years, such a person may change his
	6	name surname to any other name different from the one he or she grew up with
	7	according to the provisions of this Bill.
Change of name by female spouse	8	6. A female spouse may at any time after her marriage and in the
	9	prescribed form, elect to change her surname to the surname of her husband.
Change of name by a man	10	7. A man may change his surname subject to approval from the
	11	Commission.
Resumption of previous name by spouse	12	8. A female spouse may elect in the prescribed form to resume her
	13	former surname upon the-
	14	(a) dissolution of marriage;
	15	(b) annulment of marriage; or
	16	(c) death of her spouse.
Procedure for change of name	17	9.-(1) A person may change either his surname or forename contained
	18	in the person's certificate under section 1 of this Bill if the person-
	19	(a) applies to the Commission in written form stating cogent reasons
	20	for requiring the change;
	21	(b) pays the prescribed fees by the Commission;
	22	(c) produces police records check under this Bill;
	23	(d) attaches photocopies of his certificate; and
	24	(e) fulfills any other requirement by the Commission.
	25	(2) The Commission may issue approval where it is satisfied that the
	26	person has fulfilled all the requirements.
	27	(3) The Commission reserves the right to deny the person seeking the
	28	change of name under section 1 of this Bill where it is not satisfied that the
	29	person has fulfilled the requirements.
	30	(4) Where the Commission denies the person seeking the change of

1 name under section 1 of the Bill, the person may apply to court for a review  
2 of the decision of the Commission refusing the change of name sought under  
3 Section 1 of this Bill.

4 (5) Where the court is satisfied that the applicant has adduced  
5 sufficient reasons for the change of name, the court may by order compel the  
6 Commission to grant the change of name sought under section 1 of this Bill.

7 (6) Subject to the provisions of subsection 5 of this section, the  
8 Commission shall register the change of name upon the payment of the  
9 prescribed fees, attachment of old certificate and fulfillment of any other  
10 requirement by the Commission.

11 (7) A female spouse who elects to change her surname under  
12 section 6 of this Bill shall-

13 (a) apply to the Commission stating reasons for electing to change  
14 her surname;

15 (b) pay the prescribed fees to the Commission; and

16 (c) fulfill any other requirement by the Commission.

17 (8) A man who intends to change his surname under section? of  
18 this Bill shall-

19 (a) apply to the Commission in the prescribed form;

20 (b) pay the required fees;

21 (c) produce cogent reason for the change sought;

22 (d) produce police record check; and

23 (e) fulfill any other requirement by the Commission.

24 (9) A female spouse who intends to change her surname under  
25 section 6 and 8 of this Bill shall-

26 (a) apply to the Commission stating reasons for electing to change  
27 her surname;

28 (b) pay the prescribed fees to the Commission; and

29 (c) fulfill any other requirement by the Commission.

Contents of  
application for  
change

- 1                   **10.** An application in the prescribed form for change of name under  
2 this Bill shall state-
- 3                   (a) the persons name, date and place of birth;
- 4                   (b) where the person is married, state the full name, before marriage,  
5 of the person's spouse and the date and place of the marriage;
- 6                   (c) the full names, and all former names, if known, of the persons  
7 father and mother;
- 8                   (d) where applicable, particulars of every criminal offence of which  
9 the person has been convicted except where pardon has been granted by the  
10 Governor of the State or President of the Federal Republic of Nigeria as the  
11 case may be;
- 12                  (e) where applicable, particulars of every offence of which a person  
13 has been discharged under Nigerian Criminal law;
- 14                  (f) where applicable, particulars of every outstanding law  
15 enforcement order against the person including a warrant, prohibition or  
16 restraining order, drivers license suspension of which he or she is aware;
- 17                  (g) where applicable, particulars of every pending criminal charge  
18 against the person of which he or she is aware;
- 19                  (h) whether the person is an undischarged bankrupt;
- 20                  (i) particulars of any change of name made before under the previous  
21 application;
- 22                  (j) the proposed name;
- 23                  (k) the reasons for the change of name sought;
- 24                  (l) police record check under section 11 of this Bill; and
- 25                  (m) any other requirement by the Commission.

Police record  
check

- 26                   **11.**-(1) A person who seeks to change his name under this Bill shall  
27 apply to the Inspector-General of Police who shall provide a police record  
28 check of the person.
- 29                   (2) The Police record check under subsection (1) of this Section shall  
30 contain where applicable and state-

1 (a) criminal offence for which the applicant under this Bill has been  
2 convicted, except an offence in respect of which a pardon has been granted  
3 by the Governor of the State or President of the Federal Republic of Nigeria  
4 as the case may be;

5 (b) all outstanding law enforcement order against the applicant  
6 under this Bill including a warrant, prohibition or restraining order, drivers  
7 license suspension where applicable;

8 (c) all pending criminal charge against the applicant under this Bill;  
9 and

10 (d) any other information the police may wish to add to the record.

11 **12.** A person who fulfills the requirement for change of name  
12 under this Bill shall surrender to the Commission his old certificate upon  
13 issuance of a new certificate.

Surrender of old  
certificate

14 **13.** Where the Commission grants a change of name under this Bill  
15 and issues a new certificate under section 12 of this Bill, the Commission  
16 shall cause notice to the change of name to be published in the official  
17 gazette of the Commission and two national dailies.

Publication of  
change of name

18 **14.** The Commission shall not publish notice of change of name  
19 under section 13 of this Bill in categories of names mandated by the  
20 Attorney-General of the Federation under section 15 of this Bill.

Exemption from  
publication of  
change of name

21 **15.-(1)** The Attorney-General of the Federation where necessary  
22 shall declare certain persons as requiring change of name under this Bill.

Power of the  
Attorney-General  
of the Federation  
to declare certain  
persons as  
requiring change  
of name

23 (2) The Commission shall, where persons requiring change of  
24 name under this Bill attach a certificate issued by the Attorney-General  
25 under subsection (1) of this section, issue the change of name certificate and  
26 shall not publish same as required under section 13 of this Bill.

27 (3) The Attorney-General of the Federation or a person authorized  
28 by the Attorney-General of the Federation shall certify that a change of name  
29 is required under this Bill where in his opinion-

30 (a) it is intended to prevent significant harm to the applicant;

Entitlement of  
person to use  
new name

- 1 (b) the person is under a witness protection programme;
- 2 (c) the person is a foreign national seeking asylum after a grant of
- 3 same by the relevant authority in Nigeria and where such change is intended to
- 4 prevent significant harm to the person; and
- 5 (d) the police record check under section 11 of this Bill is satisfactory.

6 **16.**-(1) After the Commencement of this Bill, a person whose name is

7 changed following the provisions of this Bill shall be entitled to use the new

8 name in subsequent documents after the change of name certificate has been

9 issued by the Commission.

10 (2) Previous documents bearing the old name remains valid upon

11 satisfactory proof of identity.

12 (3) A person whose name has been changed under this Bill is entitled

13 to have the change of name noted on any public or private record or document

14 that mentions the person's name, upon the payment of the prescribed fees

15 prescribed by law and providing satisfactory proof of identity.

Grounds for  
revocation of  
name

16 **17.**-(1) Where a person or the Commission has reason to believe that a

17 change of name has been obtained by fraud, misrepresentation or unlawful

18 purpose under this Bill, the person or the Commission may apply to the court

19 for an order revoking the change of name.

20 (2) The application under subsection (1) of this section shall be

21 accompanied by the applicant's affidavit setting out reasons for believing that

22 the name was obtained as set out under subsection (1) of this Bill.

23 (3) Notice of the application shall be served on the person who has

24 changed his name under circumstances alleged under subsection (1) of this

25 section.

26 (4) Where the court is satisfied that the change of name was obtained

27 as alleged under subsection (1) of this Bill, the court shall by order revoke part

28 of it or all of it.

29 (5) The Registrar of the Court shall send a certified copy of the order

30 to the Commission.



1 (6) Where the Commission receives the certified copy of the order  
2 under subsection (5) of this section, the Commission shall-

3 (a) require a person to whom a certificate has been issued under this  
4 Bill to surrender it immediately;

5 (b) cause notice of the revocation under subsection (4) of this  
6 section to be published in the official gazette and two national dailies; and

7 (c) the person whose change of name has been revoked shall bear  
8 the cost of publication under this section.

9 (7) A person against whom an order revoking a change of name  
10 under this Bill has been made shall be entitled to appeal to a superior court  
11 against the order of the court revoking the change of name.

12 (8) Where notice of such appeal has been served on the  
13 Commission, the Commission shall stay action under subsection (6) of this  
14 section pending the determination of the appeal.

15 **18.-(1)** A person who obtains a change of name under this Bill by  
16 fraud, misrepresentation or any other unlawful purpose commits an offence  
17 and is liable on conviction to a fine of N100,000.

Offences and  
Penalties

18 (2) A person who uses a name which has been revoked under  
19 section 17 of this Bill commits an offence and is liable on conviction to-

20 (a) a fine of N100,000;

21 (b) imprisonment for a term one year; or

22 (c) both such fine and imprisonment.

23 (3) A person who uses a name that he or she sought to adopt in an  
24 application that was refused under this Bill commits an offence and is liable  
25 on conviction to-

26 (a) a fine of N100,000; or

27 (b) imprisonment for 1 year.

28 (4) A person who fails to surrender his certificate issued under this  
29 Bill as required by section 17(6)(a) of this Bill commits an offence and is  
30 liable on conviction to a fine of N100,000.

	1	(5) A person who, after his or her name has been changed under this
	2	Bill, knowingly uses a certificate bearing his former name commits an offence
	3	and is liable on conviction to a fine of N100,000 or to imprisonment for 1 year.
Regulations	4	<b>19.</b> The Commission may make Regulations for the purpose of
	5	carrying out the provisions of this Bill.
Interpretation	6	<b>20.</b> In this Bill-
	7	"applicant" means a person who wishes to change his or her;
	8	name and the person applying to revoke a change of name under section 17 of
	9	this Bill;
	10	"change" means alteration of name by addition, reduction, substitution of the
	11	surname or forename or other names of a person but shall not include a
	12	substitution of the forenames, surnames and other names of a person;
	13	"certificate" means certificate of change of name issued by the Commission or
	14	a birth certificate;
	15	"Commission" means Nigeria Identity Management Commission;
	16	"Court" means Federal High Court of Nigeria;
	17	"name" means surname, forename or other names of a person as seen on the
	18	certificate of such person; and
	19	"person" means natural persons or citizens of the Federal Republic of Nigeria
	20	where applicable who is above 18 years.
Citation	21	<b>21.</b> This Bill may be cited as the Change of Name (Regulation) Bill,
	22	2016.

## EXPLANATORY MEMORANDUM

This Bill seeks to provide for the regulation and prohibition of arbitrary change of name and in exceptional cases provide for the procedure to change name in Nigeria, offences and penalties for violation.