Tonga

REGISTRAR GENERAL'S (CHANGE OF NAME) REGULATIONS

Chapter 6.01.03

2020 Revised Edition

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REGISTRAR GENERAL'S (CHANGE OF NAME) REGULATIONS

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Tonga

REGISTRAR GENERAL'S (CHANGE OF NAME) REGULATIONS

Made under section 5 of the Births, Deaths and Marraiges Registration Act

Commencement [25 May 2011][1]

1 Short Title

(1) Thise Regulations may be cited as the Registrar General's (Change of Name) Regulations .

(2) These Regulations shall come into force on publication in the gazette.

2 Application

These Regulations shall apply to all Tongan subject by birth or naturalization other than Nobles and Matapules who are estate holders.

3 Mode of Application

(1) An application for a change of name may only be made by a Tongan subject.

(2) The application shall be made by application notice in Form A in the First Schedule accompanied by an affidavit setting out and fully explaining the grounds for the application.

(3) The application shall be accompanied by a deed in Form B of the First Schedule which shall be registered and enrolled in the Supreme Court on payment of the prescribed fees in the Second Schedule.

4 Registration of Alias

A person wishing to register an alias (a.k.a.) shall apply for a change of name under the provisions of these Regulations and upon grant of the application shall be issued with a certificate of registration of name in Form D of the First Schedule.

Provided that regulations 3(3) and 10 shall not apply to an application made under this regulation.

5 Evidence Required

(1) As evidence of Tongan nationality the applicant shall produce —

(a) his Tongan birth certificate; or

(b) a certificate of citizenship by naturalization.

(2) In addition to the documents set out in sub-regulation (1) —

(a) a married woman shall produce her marriage certificate, and shall, unless good cause is shown to the contrary, obtain the written consent of her husband to her change of name. Such consent shall be endorsed on the deed and shall be witnessed by a Magistrate or a Registrar of the Supreme Court;

(b) an applicant whose spouse has died shall produce the marriage certificate and the death certificate of the deceased spouse; or (c) a divorced woman who has not remarried shall produce the decree absolute of divorce.

6 Affidavit in Support

For the purpose of identification, the deed required by regulation 3 (3) shall be accompanied by an affidavit of a Tongan subject of over 18 years of age who has personally known the applicant for not less than 10 years.

7 Signature of Deed

The deed shall be signed by the applicant in both his old and new names.

8 Applications by children

(1) If the applicant is under 18 years of age the application shall be made by a parent or legal guardian of the applicant.

(2) Where the applicant is under 18 but over 16 years of age his signed consent shall be endorsed on the deed and duly witnessed.

9 Certificate of Registration of Name

(1) A notice of change of name in Form C of the First Schedule shall be advertised in the Taimi ‘o Tonga, or such other publication as the Registrar General may, by notice, specify.

(2) After the application is submitted and upon proof of such advertisement and upon payment of the prescribed fee in the Second Schedule, the Registrar General shall deliver to the applicant a certificate of registration of name in Form D in the First Schedule.

10 Restrictions of Change of Names

The new name (or combination of names) may not be accepted for registration if, in the opinion of the Registrar General —

(a) it might cause offence to a reasonable person;

(b) it is unreasonably long;

(c) without adequate justification it is, includes, or resembles, an official title or rank;

(d) it is a name that cannot meaningfully be expressed in language;

(e) the grounds for the application are frivolous; or

(f) the change is not for bona fide use.

FIRST SCHEDULE

FORM A

APPLICATION NOTICE

TAKE NOTICE that I, (full name) of (address and date of birth) hereby apply:

(a) To change my name to: [insert new name or delete if not applicable]

(b) To register as an alias the name: [insert alias which it is desired to register or delete if not applicable]

I attach hereto:

(i) the explanatory affidavit required by regulation 3 (2);

(ii) evidence of my nationality as required by regulation 5 (1);

(iii) additional evidence required by regulation 5 (2) [delete if not applicable];

(iv) a deed in Form B as required by regulation 3 (3) [delete if only registration of alias is applied for];

(v) proof of notice of change of name required by regulation 9 [delete if only registration of alias is applied for];

(vi) consent of parent or Legal Guardian as required by regulation 8 [delete if not applicable].

Signed: (Signature of applicant)

Dated:

FORM B

DEED

By this Deed I the undersigned……(new name) of ……lately called……(old name and date of birth) a Tongan subject by birth/naturalization do hereby —

1 Wholly renounce relinquish and abandon the use of my former name of …….and in place thereof do assume from the date hereof the name of …….....

2 For the purpose of evidencing such my determination, I declare that I shall at all times hereafter in all records, deeds and writings, and, in all future proceedings, dealings and transactions as well private as public and upon all occasions whatsoever use and sign the names of …….....

3 Expressly authorize and request all persons at all times hereafter to designate and address me by my new name accordingly.

In witness whereof I have hereunto subscribed my former and adopted names of …….……...
…….....
and
……
…….…….....

And affixed my seal this ……..day of ……, 20……

Signed, sealed and delivered by the above named…….....
formerly…….……. in the presence of …….....
witness…….....

FORM C

NOTICE OF CHANGE OF NAME

I…….of…….....heretofore called and known by the name of ……. a Tongan subject by birth/naturalization, hereby give public notice that on the ……day of ……I formally and absolutely renounced and abandoned the use of my said name of ……..... and assumed and adopted in place thereof the name of …….....

And further that such change of name is evidenced by a Deed dated the ……day of …….under my hand and seal duly executed by me and attested and enrolled in the Office of the Registrar General of Tonga at Nuku'alofa on the ……day of ……., 20……..

(Signed) ……

Formerly ……..

Witness …….

FORM D

TONGA

Births, Deaths and Marriages Registration Act

Registrar General's (Change of Name) Regulations

CERTIFICATE OF NAME REGISTRATION (Serial No.)

REGISTERED NAME Family Name Christian or Given Name(s) Sex Date of Birth Place of Birth Date name registered Registration number No. of Original Birth Registration	
FORMER NAME *(if applicable)* Family Name Christian or Given Name(s) Registration number	
REGISTERED ALIAS *(if applicable)* Date alias registered	**The person whose registered name is certified above is also known as:**
This certificate confirms lawful name registration only. **If verification of birth details is required, it should be obtained from other documentation.** **Before accepting copies, sight unaltered original. The original has a coloured background.**	

REGISTRY OF BIRTHS, DEATHS AND MARRIAGES

I hereby certify that this is a try copy of particulars recorded in a Register in the Nuku'alofa Registry, Tonga

NUKU'ALOFA (Date) Registrar

SECOND SCHEDULE

The fees payable in respect of any application for a change of name under these Regulations shall be those prescribed from time to time by the Registrar General

ENDNOTES

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[1] GS 18/2011