

CHAPTER 15:02
CHANGE OF NAME
ARRANGEMENT OF SECTIONS

SECTION

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Law 28, 1963,
L.N. 28, 1965,
L.N. 84, 1966,
Act 44, 1968.

An Act to restrict and regulate the right of any person to assume a surname and to provide for matters incidental thereto.

[Date of Commencement: 31st December, 1963]

1. Short title

This Act may be cited as the Change of Name Act.

2. Penalty for change of surname without authority

(1) Subject to the provisions of this Act, no person who at any time bore or was known by a particular surname shall assume or describe himself or pass under any other surname (other than a surname which he had assumed or by which he had described himself or under which he had passed before the commencement of this Act) unless the Minister has-

- (a) authorized him to assume that other surname; and
- (b) caused a copy of that authorization to be published in the *Gazette*.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P200.

(3) A conviction or an acquittal of a person on a charge under subsection (1) of having assumed or described himself by or passed under a particular surname shall not be a bar to a further charge and conviction under that subsection if that person after the first-mentioned conviction or acquittal, again assumes or describes himself by or passes under that surname or any other surname.

3. Exceptions

Section 2 shall not apply where-

- (a) a woman on her marriage assumes the surname of her husband;
- (b) a married or divorced woman or a widow resumes a surname which she bore at a prior time;
- (c) a woman who lives or lived with a man as his putative wife assumes the surname of that man or, after having assumed his surname, resumes a surname which she bore at a prior time;
- (d) a person who has been adopted in Botswana in accordance with any law relating to the adoption of children, assumes the surname of the person who adopted him;
- (e) a person, born as an illegitimate child, assumes the surname of his father after the marriage of his parents to one another;
- (f) a person assumes, as a surname, a name attaching to a title to which he succeeded by inheritance or which was conferred upon him by the state; or

- (g) a woman, on her husband assuming another surname under the provisions of this Act, assumes that other surname.

4. Applications to the Minister

(1) An application to the Minister for his authority under the provisions of section 2(1) shall be in such form as the Minister may determine, shall be accompanied by such fees as may be prescribed, and shall state the reason why a change of name is desired.

(2) The Minister shall cause notification of an application under subsection (1) to be published in the *Gazette* and in a newspaper circulating in the district in which the applicant resides; the notice shall call upon any person who objects to the application to notify the Minister of such objection and the grounds thereof within 30 days of the publication of such notice.

(3) The Minister shall, after considering any objection lodged under the provisions of subsection (2) and after making such inquiries as he may deem fit, grant his authority in accordance with the provisions of section 2(1) unless he has reason to believe that there is insufficient reason for the assumption of another surname or that the application has been made for an improper purpose.

5. Minor children of an applicant

(1) Where the father of a minor child assumes another surname under the provisions of this Act, that child shall be deemed to have assumed such surname under this Act, unless the Minister otherwise directs.

(2) The Minister shall cause notification of any direction given under subsection (1) to be published in the *Gazette*.

6. Penalty for use of unauthorized surname

A person who, being at the time authorized under this Act to do so, assumes a particular surname and thereafter assumes, or describes himself or passes under a surname other than that particular surname, shall be guilty of an offence and liable to the penalty provided by section 2.

7. Regulations

The Minister may make regulations for carrying into effect the provisions of this Act, and without prejudice to the generality of the foregoing, may, prescribe anything which, under this Act, is required to be prescribed.