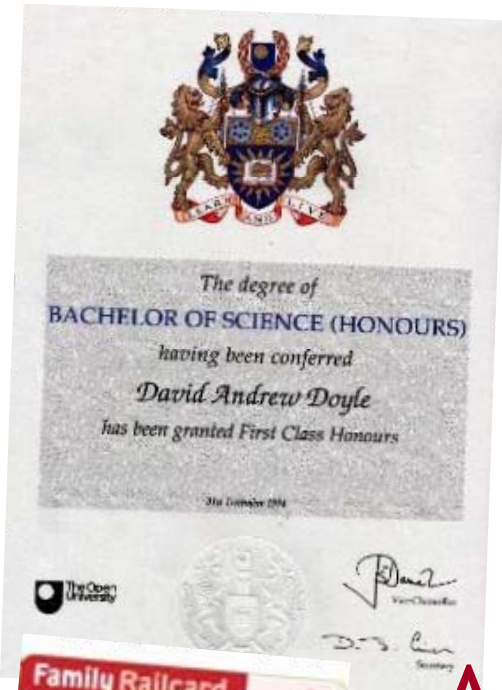


# Press For Change



BM Network, London WC1N 3XX

The Leading Authority on Trans People and the Law



## Name Changing on Personal Documents: A Guide for Organisations



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# “Respect and Equality for ALL Trans People”



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## Contents

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Part 1: A GUIDE FOR ORGANISATIONS TO THE CHANGE OF NAME FOR TRANS PEOPLE.....	2
Introduction.....	2
What is going wrong? .....	2
Does the Gender Recognition Act have any impact on changing names? .....	3
What Names Can a Person Have? .....	3
How Many Names Can a Person Have? .....	4
Changing Names .....	4
Part 2: BEST PRACTICE: CHANGING THE RECORDS OF TRANS PEOPLE. ....	5
Typical examples where names and gender pronouns can be changed include:.....	5
Making the Change: What the Trans Person must do and what You must do.....	5

## PART 1: A GUIDE FOR ORGANISATIONS TO THE CHANGE OF NAME FOR TRANS PEOPLE.

### Introduction

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For transsexual and transgender people who commence living permanently in their preferred gender role the changing of one's documentation is a crucial part of the transition process. Changing a person's name and gender pronouns can be relatively easy in this time of automated computerised systems, and there is every reason why the lawful change of name and pronouns for a trans person, in your records and face to face practice, should be extremely easy.

This short guide is to enable institutions to understand how a trans<sup>1</sup> person can request that their name and pronouns be changed on your records, and your lawful obligation to meet these requests. Or as one trans woman who had been embroiled in discussions with her bank for several months said: "A simple guide to prevent middle managers 'making it up on the spot'."

### What is going wrong?

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Unfortunately all too often it is reported by trans people that their banks and other financial institutions fail to promptly change the details on people's records. Health providers argue with patients as to whether they will call the person Mr or Miss. Universities argue that they cannot issue new degree certificates in a person's new name, for fear of fraud. Banks refuse to issue credit cards in two names to trans people, despite the fact that they already do this for spouses and partners, actors, writers, lawyers and many other people who use a different name for professional purposes. The Gender Recognition Act 2004, of itself, has confused some organisations, including universities, the police and health authorities, now falsely claiming that no change of name, gender or pronouns can be made without a gender recognition certificate.

None of this is necessary, and some of these practices are in themselves unlawful, according to the provisions of European law, and could lead to court action being taken by a trans person who is refused this simple and easily met right. The uncertainties, and poor practice raised within institutions are an unnecessary burden on trans people as their lives move forward.

For over thirty years a whole range of institutions have routinely changed people's details on production of a doctor's note and a formal change of name. This **good, lawful custom and practice** has existed and can continue to exist but those institutions holding records of people's names and genders – their identity – must reflect on what happened within their institution in the past, and then continue this established set of conventions.

This guide is intended to meet the real need for an easily accessible point of information for employers and other institutions on how to reinstate this simple and lawful process which has

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<sup>1</sup> Trans is a UK based umbrella term used to cover all members of the transgender community. In the UK context, a **transsexual person** is a person who wishes to obtain, or obtains medical gender reassignment procedures sometimes including surgery to alter the genitals, in order to live permanently in their new gender role. A **transgender person** may also live permanently in their new gender role, but without undertaking gender reassignment surgeries, though some will have hormone therapy. Or a transgender person can be someone who is not intending to live permanently in their new gender role and undergo gender reassignment surgeries, but who may take hormones, or who might choose not to use any bodily modification process, but still identify as a trans person.

already been in existence for many years, and which is necessary for trans people to continue their lives in peace, and with privacy.

### Does the Gender Recognition Act have any impact on changing names?

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The simple answer is **NO**. It must be made quite clear at this point;

- a Gender Recognition Certificate (proof of a change of gender for all lawful purposes) is never required for a lawful change of names and gender pronouns for trans people
- Requiring a Gender Recognition Certificate from a trans person is in itself, unlawful. However you can ask for their new birth certificate, but not their old one, to confirm their identity.

Once a trans person has a Gender Recognition Certificate they do not have to disclose their past to anyone, except in very special circumstances. The purpose of legal recognition for all purposes of a gender change is to afford trans people privacy in relation to their medical and social history. If all and sundry, including banks, hospitals, local authorities etc., could demand to see the Gender Recognition Certificate of a trans person, the purpose of the Gender Recognition Act 2004, which was implemented to comply with decisions made in the European Court of Human Rights, would be completely undermined.

Secondly, to refuse to change names without a Gender Recognition certificate would undermine the medical process of gender transition. A person who is changing gender must permanently live in their new gender role for all purposes, for at least 2 years before they can apply for a Gender Recognition certificate. Similarly they must permanently live and work, or do the equivalent of full time work, for between at least one and two years before they will receive a referral for any gender reassignment surgeries. Imagine, for a moment, having to comply with either of those requirements if you could not formally change your name and gender pronouns on your day to day records. It would not be easy, which is why a lawful system of custom and practice has been developed over the last 30 years, to allow trans people to change all of their records, other than their birth certificate, in advance of gender recognition in law. This advice note will explain what that custom and practice is and how you can comply with it.

The 'Changing your name' section on the Press for Change website is primarily a guide to trans people on how to complete the relevant documentation to enable them to unambiguously inform institutions of the changes that are taking place in their lives, and to let them know in a clear and concise way that their public records, and mode of address are to be changed. This document is for all those other institutions which will be called upon to change a person's name and gender pronouns in their records and workplace practices.

### What Names Can a Person Have?

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A person can have whatever name they choose, so long as it is not contrary to public decency according to the registrar who records a child's birth or adoption. When an adult, a person can choose to have any name they wish for any lawful purpose. Mickey Mouse is as lawful as Minnie Mouse, and giving your child the complete names of the English football team, though weird, is perfect lawful. The only basis for disputing an adult's name is if the name is being used for fraudulent purposes. Trans people need to change their name and gender pronouns in advance of formally changing their legal gender using the provisions of the Gender Recognition Act. They can do this lawfully following a simple procedure, leading to lawful changes in all aspects of their public records, and many private records.

- It is not fraudulent for a trans person to have a new name and gender pronouns to match their public identity.

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## How Many Names Can a Person Have?

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In the UK, it is lawful to have as many names made up in whatever way, as a person wants. They can be combined, they can be separate. They can be a professional name, typical of artists and many professional women, e.g. Mrs Cherie Blair and pay tax on her writing, Mrs Cherie Booth can pay tax on her work as a barrister, but she will have only one personal tax allowance.

To be named Frances David Beckham Jones is as equally lawful as going about your business as Frances Jones in your florists shop, and David Beckham when you put on your football kit at the weekend. We could change Frances' name to Francis and suddenly we have an apparent gender change. Francis the man with a florist shop, and David the Sunday morning footballer does not seem that strange an idea to us, as Frances the woman and David the man. But both are perfectly within the law.

In recent discussions with Government over ID cards, it was accepted that there would be a need for some people to carry more than one ID card, for example Bob Smith the plumber and Hey Presto his weekend alter ego, the magician. Similarly, for those trans people who are part time cross dressers (transvestites) or who are commencing the long road to fully transition into their preferred gender role (transgender or transsexual) there may well be a need for John to have a male identity including a bank account and credit card for his workplace, as Joanne, his alter ego, to have a female identity and, at least, a credit card in her new name for when she goes on a weekend break to practice living as a woman, to see whether she wants to take the next very big step to commencing gender reassignment treatments in order to fully transition into permanently living as a woman.

- A person can have as many names, with whatever gender pronouns they prefer so long as it is not for fraudulent purposes.
- All of this is lawful.

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## Changing Names

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There is no one set procedure for changing a person's name. It can be done in as complex a way as having a fully drawn up deed poll or it can be by simple custom and practice i.e. the continued and ongoing usage of the new name for lawful purposes. Press for Change advises trans people to use a system which has been working successfully with government departments including the passport office for over 20 years.

The process accepted by government departments including such as HMRC, the DVLA, the Department of Health, the Passport Office, the Home Office and the Ministry of Justice is simple, low cost and easy to check. The next part of this document explains how it works in practice.

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For further information and advice contact Press for Change at [letters@pfc.org.uk](mailto:letters@pfc.org.uk)

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## PART 2: BEST PRACTICE: CHANGING THE RECORDS OF TRANS PEOPLE.

The process of instigating a name and pronoun change is relatively easy, and lawful. Institutions are advised to follow this process, rather than face the alternative which might well be an irate customer or client who will take their business elsewhere, and a possible court action.

The process detailed below can be used to change all documents and records, other than the birth record. That can be changed later using the gender recognition process.

### Typical examples where names and gender pronouns can be changed include:

**BANKS:** Bank records, letters, credit cards, account details, terms of address.

**HEALTH SERVICES:** Medical card, medical records, terms of address, placement on wards appropriate to new gender.

**GOVERNMENT AGENCIES:** Tax and Social security records, national insurance contributions (other than secure gender marker), passports, driving licences [Criminal records cannot be changed, unless they are spent], incarceration placement in new gender facilities

**SCHOOLS, COLLEGES AND UNIVERSITIES:** certificates of achievement, registration records, terms of address, school uniform to that of the new gender, residential placements to that of new gender

**CONTRACTUAL OBLIGATIONS:** terms of address

### Making the Change: What the Trans Person must do and what You must do.

1. Trans people are advised to make a **statutory declaration** of their name change. This might or might not include details of their intending gender role change, but this is not required.
2. Where the person is transsexual and is undergoing gender reassignment, they are then advised to obtain a **letter from their doctor** in which the doctor confirms their gender role change and states that the change is **intended to be permanent**.
3. These documents, or copies of them, are then submitted to the institution wherein the change of records is to be made with **proof of their former identity, with whatever fee is required to make these changes**. Any fees should be in line with those normally charged for replacement documents.
4. On receipt of these documents, the institution concerned changes the trans persons records to record their new name and gender pronouns, and where relevant, the gender role marker - e.g. the 'm' or 'f' on documents.
5. The institution informs the trans person of the changes, and reissues relevant documents as required e.g. passport, driving licence, credit cards, bank books, certificates of qualifications, medical records.
6. Links may be maintained to former records, but these are highlighted as secure and in need of review by senior staff before opening.

That is it - simple, easy, low cost and a huge helping hand to trans people starting up in their new life. The process is lawful, widely accepted, and an example of best practice.

Later on when a person does get a Gender Recognition Certificate, and is recognised as a member of their new gender (sex) for all legal purposes, they may well contact you and ask that their former name and gender is purged from their old records. In almost all cases, this request is lawful and must be complied with so as to ensure the future privacy of their past identity.

