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Change of Name Act, 1962

Act 67 of 1962

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Change of Name Act, 1962

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Change of Name Act, 1962

Act 67 of 1962

Commenced on 11 January 1963

[This is the version of this document at 1 December 1998.]

An Act to provide for the right to assume a surname.

1. Short title

This Act may be cited as the Change of Name Act, 1962.

2. Interpretation

In this Act, unless the context otherwise requires—

"**district**" and "judicial officer" have the meanings assigned to them by section 2 of the Subordinate Courts Proclamation (Cap. 20);

"**Minister**" means the Minister responsible for Justice and Constitutional Development.

3. Penalty for change of surname without authority

- (1) Subject to this Act, if any person, who at any time bore or was known by a particular surname, assumes or describes himself or passes under any other surname which he had not, before the first day of January, 1963 assumed or by which he had not described himself or under which he had not passed, he shall be guilty of an offence unless the Minister has authorised him to assume such surname, and caused a copy of such authorisation to be published in the gazette.
- (2) Any person convicted of an offence under this section shall be liable to a fine not exceeding two hundred emalangeni or, in default of payment thereof imprisonment not exceeding six months.
- (3) A conviction or an acquittal of any 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 thereunder if such person after the first-mentioned conviction or acquittal, again assumes or describes himself by or passes under such surname or any other surname.

4. Exceptions

Section 3 shall not apply to a—

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

5. Requirements for authorisation

No authorisation shall be given under [section 3](#)(1) unless—

- (a) the person concerned has, once in each of four consecutive weeks, caused a notice, in accordance with [section 6](#), of his intention to assume another surname to be published in the gazette and in each of two daily newspapers which circulate in the district in which he resides, and which are designated for such publications by a judicial officer of such district;
- (b) the Minister has satisfied himself, from a statement submitted by such person and from written reports to be furnished by the Commissioner of Police and the said judicial officer that such person is of good character, and that there is a good and sufficient reason for his assumption of another surname; and
- (c) the person concerned has paid such fees and complied with such further requirements as may be prescribed.

6. Requirements of notice

- (1) The notice mentioned in [section 5](#)(a) shall set forth in full—

- (a) every christian name and the surname which the person in question bears or by which he is known;
- (b) every other christian name or surname which he previously bore or by which he was previously known;
- (c) the surname he desires to assume;
- (d) his residential address and business address if any; and
- (e) the reasons why he desires to assume another surname;

and shall invite any person who objects to the assumption of such surname to lodge his objection in writing with the appropriate judicial officer of the district in which the person in question resides.

- (2) If a person has lodged an objection, the judicial officer shall attach it to the report mentioned in [section 5](#)(b).

7. Penalty for use of unauthorised surname

Any person shall be guilty of an offence and liable on conviction to the penalty provided by [section 3](#) if, who being at the time authorised under this Act to do so, he assumes a particular surname and thereafter assumes, or describes himself or passes under a surname other than that particular surname.

8. Regulations

The Minister may make Regulations to implement the purposes of this Act and, without prejudice to the generality of the foregoing, may prescribe anything which, under this Act, needs to be prescribed.