

## BILL 26 – 2024

### NAME AMENDMENT ACT (No. 2), 2024

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

**1 Section 4 of the Name Act, R.S.B.C. 1996, c. 328, is amended**

- (a) *in subsection (1) by striking out* “Subject to this section,” *and substituting* “Subject to this section and section 4.1,” *and*
- (b) *in subsection (3) by striking out* “Subject to subsection (4),” *and substituting* “Subject to subsection (4) of this section and section 4.1,”.

**2 The following section is added:**

**No name changes for certain offenders**

- 4.1** (1) Subject to subsection (3), a person may not change the person’s name, or have the person’s name changed, if any of the following apply:
- (a) the person has been convicted of a prescribed offence;
  - (b) the person has been found, under section 672.34 of the *Criminal Code*, to be not criminally responsible on account of mental disorder and the act or omission that formed the basis of the offence charged was an offence to which paragraph (a) of this subsection applies;
  - (c) the person has been found, under section 753 of the *Criminal Code*, to be a dangerous offender;
  - (d) the person has been found, under section 753.1 of the *Criminal Code*, to be a long-term offender.
- (2) For certainty, subsection (1) (c) and (d) applies regardless of whether any of the offences that led to the finding are prescribed for the purposes of subsection (1) (a).
- (3) Unless the regulations provide otherwise, subsection (1) does not apply to a change of a person’s name if, for the purposes of proceedings in relation to a conviction or finding described in that subsection,
- (a) the person was a young person within the meaning of the *Youth Criminal Justice Act* (Canada), and
  - (b) a youth sentence within the meaning of the *Youth Criminal Justice Act* (Canada) was imposed.

**3 Section 6.1 is repealed and the following substituted:**

**Criminal record check**

- 6.1** (1) Subject to subsection (3), a person who intends to apply for a change of name must do one or more of the following, as required by the registrar general, with respect to the person whose name is to be changed:
- (a) obtain a criminal record check;
  - (b) authorize a criminal record check to be obtained by the registrar general;
  - (c) authorize the registrar general to verify the results of a criminal record check.
- (2) The requirements under subsection (1) must be met
- (a) within 30 days before the applicant files an application under section 7,
  - (b) in accordance with the regulations, if any, and
  - (c) to the satisfaction of the registrar general.
- (3) Subsection (1) does not apply with respect to a person whose name is to be changed if the person is less than 12 years of age on the date that is 30 days before the date that the applicant files an application under section 7.

**4 Section 7 is amended**

**(a) in subsection (1) by adding the following paragraph:**

- (c.1) the documentary evidence or information required by the registrar general in relation to the requirements that must be met under section 6.1; , **and**

**(b) in subsections (1.1) and (1.2) by striking out “must file with the registrar general a form” and substituting “must, on request of the registrar general, file with the registrar general a form”.**

**5 Section 10 (2) is amended by striking out “section 4 (3) and (4)” and substituting “sections 4 (3) and (4) and 4.1”.**

**6 Section 17 is amended by adding the following subsection:**

- (4) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) providing that all or part of section 4.1 (1) applies with respect to a person described in section 4.1 (3);
  - (b) for the purposes of paragraph (a) of this subsection, making different regulations with respect to different offences, acts or omissions, or for different circumstances;

- (c) prescribing offences for the purposes of section 4.1 (1) (a), and providing for circumstances in which section 4.1 will not apply in relation to a conviction for a prescribed offence;
- (d) respecting the requirements that must be met for the purposes of section 6.1, including making different regulations with respect to different classes of persons.

### **Consequential Amendments**

#### *Adoption Act*

**7** *Section 36 of the Adoption Act, R.S.B.C. 1996, c. 5, is amended by adding the following subsection:*

- (4) The court must not change a child’s name under this section if either of the following applies:
  - (a) the child may not, under section 4.1 of the *Name Act*, have the child’s name changed;
  - (b) the requirements imposed under section 6.1 of the *Name Act* with respect to the child have not been met.

#### *Vital Statistics Act*

**8** *Section 10 of the Vital Statistics Act, R.S.B.C. 1996, c. 479, is amended*

*(a) in subsection (1) by striking out “Subject to section 9” and substituting “Subject to section 9 and subsection (9) of this section,” and*

*(b) by adding the following subsection:*

- (9) An amendment to a person’s birth registration must not be made under this section if either of the following applies:
  - (a) the person may not, under section 4.1 of the *Name Act*, change the person’s name or have the person’s name changed;
  - (b) the requirements imposed under section 6.1 of the *Name Act* with respect to the person have not been met.

#### **Commencement**

**9** This Act comes into force by regulation of the Lieutenant Governor in Council.