

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
FAMILY DIVISION**

2024

FAM/div/00226

BETWEEN

S. S. (nee T.)

Petitioner

AND

T. F. S.

Respondent

AND

D. E. M.

Co-Respondent

AND

THE ATTORNEY GENERAL

Interested Party

Before: The Hon. Madame Justice J. Denise Lewis-Johnson MBE

Appearances: Glenda Roker of Counsel for the Petitioner
Rayshon Deleveaux of Counsel for the Interested Party

Hearing Dates: 24th February 2026, 27th February 2026

Decree Absolute – revert to maiden name – name change – Deed Poll – Passport Office

RULING

1. By Amended Summons filed the 20th February 2026 the Petitioner sought an Order that:-
 - I. The “Petitioner be at liberty to reassume her given maiden name T”.
 - II. Further or in the alternative directions as to the interpretation of Rule 37 of the Matrimonial Causes Rules, Chapter 125 relative to the prescribed form of the Certificate for Making Decree Nisi Absolute based on the policy position of the Passport Office of The Commonwealth of The Bahamas relative to the resumption of the maiden name following the dissolution of a marriage.
 - III. Cost of the application be provided for.

Background and Procedural History

2. The Petitioner joined the Attorney General as an Interested Party.
3. The Certificate for Making Decree Nisi Absolute was filed on the 14th July 2025 in this matter.
4. In January 2026 the Petitioner made application to the Passport Office to renew her passport, requesting it be issued in her maiden name. She attached a copy of the Certificate for Making Decree Nisi Absolute.
5. The Petitioner was told by the Passport Officer that she required an Amended Certificate for Making Decree Nisi Absolute which explicitly states that she could assume her “given maiden surname “T” or that she required a Deed Poll.”
6. That the Petitioner was advised by her counsel that in the past the Certificate for Making Decree Nisi Absolute was accepted by the passport office in order to revert to her maiden name as it signified that the marriage had legally come to an end.
7. After further inquiries to the Passport Office, the Petitioner received correspondence from the Chief Passport Officer, dated 12th January 2026 which stated in part “Accordingly, where a Decree Absolute does not expressly state or reference a reversion to a maiden name, applicants are advised of the following lawful options to regularize their records:-
 1. An Amendment to the Decree Absolute through the courts or,
 2. The execution of a Deed Poll in accordance with Bahamian law.”

8. That the Petitioner was concerned that she was being asked to change the form of a statutory document substantively. That she was being forced to incur additional expenses and her matrimonial issues would be subject to wider public knowledge by advertisement of a Deed Poll in the newspaper.
9. That the Petitioner stated that when she had her passport changed into marriage name she was only required to present the marriage certificate, there was no further requirement for a Deed Poll, nor was there a need for a “directive from the court.”

Issue

10. Whether the Certificate for Making Decree Nisi Absolute is sufficient to allow a party to that decree to revert to their maiden name?
11. Whether the Statutory Form of a Certificate for Making Decree Nisi Absolute should/could be amended by the Court?

Submissions

12. The Court invited the counsel for the Petitioner and the Interested Party to provide submissions on the Summons, issues and to consider the Marriage Act, Matrimonial Causes Act, along with the Rules and relevant law.
13. The Petitioner advanced that the marriage certificate was used to change her last name at the Passport Office and there was no other requirement. She was not required to get a court order or change her name by Deed Poll. Therefore, she saw no reason why the Certificate of Making Decree Nisi Absolute cannot be used for her to revert to her maiden name.
14. The Petitioner further stated that the Certificate for Making Decree Nisi Absolute is a statutory form that cannot be amended by a policy request of the Chief Passport Officer; but would require legislative action.
15. Finally, the Petitioner stated that the Decree Absolute ends the marriage just as the marriage certificate starts a marriage.
16. The Interested Party submitted that under the CPR Rule 42.10, known as the slip rule the Court had jurisdiction and power to amend the statutory Form, in this case being the Certificate for Making Decree Nisi Absolute.

17. Counsel further relied on the case of **Thynne v. Thynne 1955 P 272** which affirmed the court's power to amend for clerical errors, omissions and mistakes.
18. The Interested Party stated that while they had no objection to the submissions of the Petitioner, they were advancing the position of the Passport Office, in that a Deed Poll or court order should be used to revert to one's maiden name.

Decision

19. Both Counsels agreed that the Marriage Act, the Matrimonial Causes Act and Rules were silent on the issue of changing a surname on marriage or on divorce.
20. The court notes that there is no legal requirement to assume one's spouse's last name on marriage or to revert to one's maiden name upon divorce. It is a matter of choice by the individual. The act of adopting a husband's last name is one of custom, convention and tradition, the act of relinquishing your maiden name, using a spouse's last name solely or adding his name and having a hyphenated name, is a matter of choice and not law.
21. Any adult can choose to change their forename or their surname, this can be done by Deed Poll, or by use and repetition. We must distinguish the choice of an adult to change your original name which can be done by Deed Poll and the present issue before the court which is the choice to revert to your maiden name by virtue of divorce. This ruling is limited in its scope to name change upon divorce as there are other rules and laws on name changes in other circumstances.
22. It is to be noted that when asked by the court to be taken to the error, omission or mistake, on the Certificate for Making Decree Nisi Absolute, the Interested Party conceded that, what was being requested by the Chief Passport Officer would not fall under the slip rule.
23. No authority, law or evidence was presented by the Interested Party to support the argument that the Form should or could be amended by the court.
24. In addressing the issue of amending the Certificate for Making Decree Nisi Absolute which a Statutory Form, to include a paragraph that the Petitioner is allowed to revert to her maiden name, the court rejects this argument of the Attorney General that it can be done under the slip rule. This is neither an error, omission or mistake to the document. The case of Thynne relied on by the Interested Party does not assist their argument as it

confirms the right to amend errors, mistakes and omissions in documents. This is not the situation before us. The Form as it exists in the Matrimonial Causes Rules from 1957 serves the purpose of declaring a marriage at an end, thereby conveying to the parties all legal rights of a divorced person, among them being the right to remarry and the right to revert to their maiden name. I find no error, omission or mistake on the Form which requires an amendment.

25. As to the requirement for a Deed Poll, what is most concerning to the court is the lack of consistency in the policy at the Passport Office. The requirement for issuance of a passport in a maiden or marriage name ought not be dependent on who sits in the chair as Chief Passport Officer. There must be consistency in what is required in keeping with the law. The Court accepts the Petitioner's argument that over the years the policy has fluctuated between accepting the Certificate for Making Decree Absolute to requiring a Deed Poll in order to obtain a passport when reverting to one's maiden name.

26. In considering the effect of a marriage certificate and a Certificate of Making Decree Nisi Absolute, it is clear that one commences a marriage and the latter dissolves a marriage, i.e. brings it to an end. At the commencement of a marriage, a spouse has the right to assume the other spouse's surname and at the dissolution of the marriage, a spouse has a right to revert to their maiden name. While not grounded in statutory law, it is well grounded in customary law with all its binding effects.

27. Moylan L J in **Shahzad v. Mazher (2021)2 FLR 707** stated:

"It has been stated that a Decree Absolute is "equivalent to a judgment in rem and as a result is an order which does not simply affect the personal rights of the parties to the decree but...'good against the world'. Accordingly, everyone is entitled to rely on it as establishing that the parties are no longer married." And I will add is now free to choose to relinquish their spouse's last name."

28. I accept that a decree absolute while it is evidence of a dissolution of a marriage does not of its own effect a change of name. It changes one's marital status. A further step is required, a choice has to be made by a party to the Decree Absolute that they desire to have their name changed [their intention] and upon so choosing, the adopting and usage of the maiden name is recognized as sufficient at common law to change one's name. The courts require no formal process such as a Deed Poll or statutory declaration. See

John O’Driscoll v Vincent Raymo Clayton (Junior) [2024] EWHC 1118. where HHJ Paul Matthews stated:

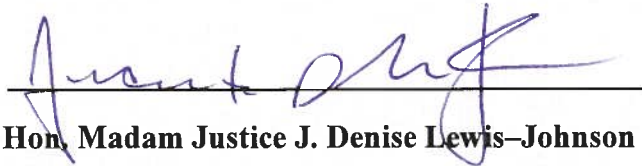
“The important point to derive from the decision of the Court of Appeal in D v B is that the deed poll is merely evidence of the change of name. The change of name itself occurs because the person concerned wishes to be called by the new name and invites everyone else to do so. A deed poll is not the only kind of evidence that may serve to show that a change of name has occurred. It is common enough also to use a statutory declaration for this purpose. On the other hand, when two people are married, or enter a civil partnership, and one of them decides to change a previous surname to that of the other person, there is no deed poll or statutory declaration to evidence the change. In particular, the marriage registration certificate is not of itself evidence of a change of name by anybody.”

29. The requirement for a name change is based on intention to change, the choice of adopting/assuming the new name, and usage. There is no legal basis for requiring more. The production of the marriage certificate and the Certificate for Making Decree Nisi Absolute certificate provides the reason and basis for the decision.
30. There is no time limit on when the choice to change a name is to be made upon marriage or after the dissolution of a marriage. Some persons choose to wait until children reach the age of majority to revert of their maiden name as a matter of expediency. The time chosen is not to be considered a delay.
31. While some persons have applied to the court for an order to revert to their maiden name, that procedure is not a legal requirement for reverting to a name, it is one method and is not a mandatory method, there it cannot be insisted on to effect the change of name.
32. It appears unreasonable and perhaps discriminatory to require a costly and generally embarrassing step of Deed Poll to revert to a maiden name. The advertising in the newspaper causes a new public scrutiny to a private, personal, emotional matter. It is unnecessary and not grounded in law. Similarly, is the requirement for a costly application to the court for an order.
33. The Court, therefore, finds that a Deed Poll or Court Order is not a legal requirement for a party who has obtained a Certificate for Making Decree Nisi Absolute to revert to

their maiden name and to have legal documents issued to them in their maiden name. The Petitioner is at liberty to revert to her maiden name. That the law requires only the intention, the choice, the adoption of the new name, that is usage and reputation.

34. As established by Moylan LJ in **Shahzad v Mazher** “all public authorities and all other individuals are entitled to rely on the declaratory effect of the decree” that the marriage has ended and is dissolved. While the decree alone does not change the name, coupled with the intent, choice, adoption of new name, usage is sufficient.
35. If the marriage certificate is sufficient to change a party to that certificate’s last name, then the Certificate for Making a Decree Nisi Absolute must be sufficient to revert to a party to that decree’s maiden name without more.
36. There be no order as to costs.

Dated this 18th day of March, A.D. 2026

A handwritten signature in blue ink, appearing to read 'J. Denise Lewis-Johnson', is written over a horizontal line.

The Hon. Madam Justice J. Denise Lewis-Johnson MBE