

**APPLICATION/REQUÊTE N° 11046/84**

David John LANT v/the UNITED KINGDOM

David John LANT c/ROYAUME-UNI

**DECISION** of 10 December 1985 on the admissibility of the application

**DÉCISION** du 10 décembre 1985 sur la recevabilité de la requête

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**Article 8, paragraph 1 of the Convention :** *A refusal by prison authorities to use a prisoner's new name subsequent to a unilateral Deed of Change of Name recognised by English law does not concern the right to respect for private life.*

**Article 8, paragraphe 1, de la Convention :** *Le refus de l'administration pénitentiaire d'utiliser le nouveau nom patronymique d'un détenu après changement de nom par acte unilatéral, selon une procédure du droit anglais, ne relève pas du droit au respect de la vie privée.*

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**THE FACTS** (Extracts)

(français : voir p. 238)

The applicant is a British citizen, born in 1945 and at present detained at HM Prison Parkhurst, Isle of Wight. He is represented before the Commission by Messrs George E. Baker & Co., Solicitors, Guildford.

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The applicant was convicted of murder by Reading Crown Court on 6 October 1977 and was sentenced to life imprisonment.

The applicant changed his original surname by deed poll on 13 October 1982 by a straightforward procedure of English law which involves merely the execution

of a document in standard form and its submission for stamping with duty of 50 pence. (The stamping requirement has since been repealed.) A solicitor need not be involved, although one is frequently employed. The applicant's representatives state that such legal services are unlikely to cost more than £ 20.

Pursuant to Circular Instruction 21/1982, the Home Office refuses to use the applicant's new name for official purposes, although he is permitted to correspond in his new name. Thus, as regards official documents, the applicant's prison and correspondence files, together with most of their contents, and official photographs, are headed by the original surname. Some of the documents in the prison file, the Category A logbook and prison index card are headed by both names. A few of the documents in the prison file and the applicant's letter/visits record are headed by the new name.

The applicant claims that the document by which he has changed his name has legal consequences which are being ignored by the Home Office. He also argues that his change of name was designed to aid in his rehabilitation since a great deal of notoriety was attached to his previous surname under which he was convicted for murder.

## THE LAW (Extract)

1. The applicant complains of the refusal of the prison authorities fully to recognise the legal effects of the Deed of Change of Name executed on 13 October 1982, and claims that this refusal constitutes a breach of his right to respect for his private life as guaranteed by Article 8 of the Convention.

The relevant part of Article 8 reads as follows :

"1. Everyone has the right to respect for his private ... life."

Insofar as the applicant complains of the refusal of the relevant authorities to amend all the applicant's records in prison to show only his new name, the Commission considers that this matter is one which relates not to the right to respect for private life under Article 8 of the Convention, but is a question relating to the public administration of prisons. Therefore this complaint falls outside the scope of Article 8.

It follows that this part of the application is incompatible *ratione materiae* with the provisions of the Convention, within the meaning of Article 27 para. 2.