

# LAW ON THE PERSONAL NAME

CONSOLIDATED TEXT **1**

## Article 1

The personal name shall be a personal right of the citizen. The citizen shall use the personal name, written in the registry of births.

## Article 2

The personal name shall consist of a name and surname, and the name and the surname itself can contain more words.

The personal name cannot offend the public morality.

## Article 3

The personal name of the child shall be mutually agreed by the parents.

The surname of the child shall be determined according to the surname of one or both parents, unless the parents determine the child to have a different surname.

If the parent is not alive or is unable to exercise the parental rights or is unknown, the personal name of the child shall be determined by the other parent.

If the parents are not alive or are unable to exercise the parental rights, the personal name of the child shall be determined by the competent body for guardianship, i.e. the guardian with consent of the competent body for guardianship, in accordance with the surname of one or both parents.

In the cases when the parents do not mutually agree in determining the personal name of the child or are unknown, the personal name of the child shall be determined by the competent body for guardianship, i.e. the guardian with the consent of the competent body for guardianship.

## Article 4

The personal name of the adopted child shall be determined by the adoptive parents.

If the adoptee has a personal name, the adoptive parents can during the adoption process, determine their or another surname, unless the act of adoption determines the adopted child to keep his/her surname or add the surname of the adoptive parents to his/her surname.

## Article 5

The citizen shall have the right to change his/her personal name, i.e. only the name or the surname.

The personal name of a minor shall be changed, i.e. only the name or the surname on a request of the parents or adoptive parents, i.e. the guardian with a consent of the competent body for guardianship.

If a change of the personal name of a child at 10 years of age and above is requested, his/her consent shall be also necessary.

## **Article 6**

A change of the personal name, i.e. only of the name and surname, shall not be approved to the person against whom a criminal procedure is conducted for a crime prosecuted *ex officio* , or a person convicted of such a crime until the sentence is executed or while the legal consequences of the sentence last, and to a person who hasn't settled the property and other legal obligations arising from the marriage and the relationship of parents and children towards persons living in the Republic of Macedonia.

In the procedure for decision making upon the request for change of the personal name, the Ministry of the Interior shall *ex officio* determine whether the submitter of the request is convicted for a crime prosecuted *ex officio*.

## **Article 7**

The request for change of the personal name together with the necessary documents shall be submitted to the Ministry of the Interior.

The Ministry of the Interior shall adopt a decision on change of the personal name within a time period of 30 days as of the day of receipt of the request for change of the personal name.

The minister of the interior shall adopt a bylaw regarding the design and the content of the form of the request referred to in paragraph 1 of this Article.

If the Ministry of the Interior does not adopt the decision for change of the personal name i.e. does not adopt a decision rejecting the request for issuance of the decision for change of the personal name within the time period referred to in paragraph 2 of this Article, the submitter of the request shall have the right, within a time period of three working days as of the day of expiry of that time period to submit a request to the intake office of the minister of the interior for the purpose of decision adoption by the minister of the interior.

The design and content of the request referred to in paragraph 4 of this Article shall be prescribed by the minister of interior.

The minister of the interior shall be obliged within a time period of five working days as of the day of submission of the request referred to in paragraph 4 of this Article to the intake office of the minister of the interior to adopt a decision whereby the request for adoption of the decision for change of the personal name is accepted or rejected. In case the minister of the interior does not have an intake office, the request shall be submitted to the intake office of the head office of the Ministry of the Interior.

A copy of the request for adoption of a decision for change of the personal name referred to in paragraph 1 of this Article shall be submitted by the submitter of the request together with the request for adoption of the decision referred to in paragraph 4 of this Article.

If the minister of the interior does not adopt a decision within the time period referred to in paragraph 6 of this Article, the submitter of the request may notify the State Administrative Inspectorate within a time period of five working days.

The inspector shall be obliged within a time period of ten days as of the day of receipt of the notification referred to in paragraph 8 of this Article to conduct supervision in the Ministry of the Interior and to determine whether the procedure has been conducted in accordance with law, and

within a time period of three working days as of the day of the conducted supervision notify the submitter of the request regarding the determined condition during the supervision.

Following the completed supervision in accordance with law, the inspector shall adopt a decision obliging the minister of the interior to decide upon the submitted request i.e. accept or reject the request within a time period of ten days and to notify the inspector in the same time period and to submit a copy of the act whereby it has been decided upon the request.

If the minister of the interior does not decide within the time period referred to in paragraph 10 of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor anticipated by the Law on Administrative Inspection and shall determine an additional time period of five working days during which the minister of the interior shall decide upon the submitted request and shall notify the inspector regarding the adopted act within the same time period. A copy of the act whereby it has been decided upon the submitted request shall be attached to the notification. The inspector shall notify the submitter of the request regarding the undertaken measures within a time period of three working days.

If the minister of the interior does not decide in the additional time period referred to in paragraph 11 of this Article, the inspector shall file a report to the competent public prosecutor within a time period of three working days and shall notify the submitter of the request regarding the undertaken measures in the same time period.

If the inspector does not act upon the notification referred to in paragraph 9 of this Article, the submitter of the request shall have the right to file an objection to the intake office of the director of the State Administrative Inspectorate, within a time period of five working days. In case the director does not have an intake office, the request shall be submitted to intake office of the head office of the State Administrative Inspectorate.

The director of the State Administrative Inspectorate shall be obliged, within a time period of three working days as of the day of receipt to review the objection referred to in paragraph 12 of this Article and if he/she determines that the inspector failed to act upon the notification from the submitter of the request referred to in paragraph 9 of this Article and/or failed to file a report in accordance with paragraph 12 of this Article, the director of the State Administrative Inspectorate shall file a motion for initiation of a misdemeanor procedure for a misdemeanor anticipated in the Law on Administrative Inspection against the inspector, and shall determine an additional time period of five working days during which the inspector shall conduct supervision in the Ministry of the Interior for the purpose of determining whether the procedure has been conducted in accordance with law, and shall notify the submitter of the request regarding the undertaken measures within a time period of three days as of the day of the completed supervision.

If the inspector does not act in the additional time period referred to in paragraph 14 of this Article, the director of the State Administrative Inspectorate shall file a report to the competent public prosecutor against the inspector and shall notify the submitter of the request regarding the undertaken measures within a time period of three working days.

In the case referred to in paragraph 15 of this Article, the director of the State Administrative Inspectorate shall immediately and within a time period of one working day at the latest, authorize another inspector to conduct the supervision immediately.

In the case referred to in paragraph 16 of this Article, the director of the State Administrative Inspectorate shall inform the submitter of the request regarding the undertaken measures within a time period of three working days.

If the director of the State Administrative Inspectorate does not act in accordance with paragraph 14 of this Article, the submitter of the request may file a report to the competent public prosecutor within a time period of eight working days.

If the minister of the interior does not act within the time period referred to in paragraph 12 of this Article, the submitter of the request may initiate an administrative dispute with the competent court.

The procedure with the Administrative Court shall be urgent.

The bylaw referred to in paragraph 5 of this Article shall be adopted within a time period of 15 days as of the day of adoption of this Law.

The final decision for change of the personal name shall be submitted to the bodies and organization obliged by law to keep records with data about the personal name of the citizen.

## Article 8

Fine in the amount of Euro 50 to 150 in Denar counter-value shall be imposed for a misdemeanor on a person who does not use the personal name written in the registry of births. (Article 1, paragraph 2).

## Article 8-a

A Commission within the Ministry of the Interior shall conduct the misdemeanor procedure for the misdemeanor anticipated in the provision referred to in Article 8 of this Law.

The Commission referred to in paragraph 1 of this Article shall consist of two members and president of the Commission.

The members of the Commission shall have completed higher education and work experience of at least four years in the subject matter, and the Commission president shall be a law graduate with completed judiciary exam and at least six years working experience in the subject matter.

## Article 9

As of the day this Law enters into force, the Law on the Personal Name ("Official Gazette of SRM" no. 30/72, 41/85, 51/88 and 19/90) shall cease to be valid.

## Article 10

This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia".

PROVISIONS	OF	OTHER	LAWS:
Law Amending the Law on the Personal Name ("Official Gazette of the Republic of Macedonia" no.103/2008):			
<b>Article</b>			<b>2</b>
The bylaw anticipated by this Law shall be adopted within a time period of six months as of the day this Law enters into force.			
Law Amending the Law on the Personal Name ("Official Gazette of the Republic of Macedonia" no.			51/2011):
<b>Article</b>			<b>3</b>
The bylaw referred to in Article 2 paragraph 6 of this Law shall be adopted within a time period of three months as of the day this Law enters into force.			

Law Amending the Law of the Personal Name ("Official Gazette of the Republic of Macedonia" no. 51/2011):

**Article**

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This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia", and shall start to be applied within a time period of three months as of the day of its entry of force.