



Charity Names Guidance

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What this guidance covers

This guidance sets out the key points charities and applicants to become a charity need to know about the rules around charity names, including the rules under charity law and company law which apply to companies and Scottish Charitable Incorporated Organisations (SCIOs).

The guidance also explains what OSCR does if there is a problem with a name.

Who is this guidance for?

This guidance is for:

- People thinking about setting up a charity.
- Charities that are thinking about changing their name.
- People advising charities.

How to use the guidance

The guidance is split into sections to help you find the information most relevant to you and your charity:

1. **Charity law: objectionable names**
2. **Company law: 'sensitive words or expressions' in names**
3. **Our decision**

Sources of help and advice

OSCR publishes general guidance for charities, but we can't provide specific advice on the full range of things which can affect your charity. These organisations can help with some of the areas set out in the guidance:

- Local **Third Sector Interfaces** offer a range of support to voluntary organisations.
- The **Scottish Council for Voluntary Organisations (SCVO)**.
- You may need to consult a professional advisor. The **Law Society of Scotland** and the **Institute of Chartered Accountants in Scotland** may be able to help you to identify a professional firm with expertise in charity law or accounting.
- If your charity is part of an umbrella organisation or has a parent charity, they may be able to give you support.

1. Charity law: objectionable names

The **Charities and Trustee Investment (Scotland) Act 2005** (2005 Act) states that OSCR must refuse to enter a charity in the **Scottish Charity Register** if the name is objectionable. The 2005 Act sets out four types of objectionable name:

1. Names that are 'the same as, or too like, the name of a charity'
2. Names that are 'likely to mislead the public as to the true nature of the purposes of the body or of the activities which it carries on, or intends to carry on, in pursuit of those purposes'
3. Names that are 'likely to give the impression that the body is connected in some way to the Scottish Administration, Her Majesty's Government in the United Kingdom, or any local authority, or with any person, when it is not so connected'
4. Names that are 'offensive'.

Having rules about charity names helps to make sure:

- that individual charities are easy to recognise
- the public can clearly distinguish between charities
- charity names don't confuse the public and stakeholders about what the charity does.

We will always consider the specific circumstances in making decisions in individual cases.

What the law says

A name is objectionable if it is 'the same as, or too like, the name of a charity'

What this means

1. A 'charity' means an organisation which is entered in the **Scottish Charity Register**. It does not cover organisations registered as charities elsewhere, like another part of the UK or organisations that are not charities.
2. When deciding if a name is 'the same as' the name of another charity, we will ignore very small differences that have little or no impact on the name.

For example: 'The' at the beginning of the name: 'Samaritans' would be regarded as the same name as 'The Samaritans'. Or Abbreviations and different forms of the same word: 'Limited' and 'Ltd', '&' and 'and'. Different spellings of the same word (for example medieval and mediaeval) are considered to be the same. However, just because words sound the same does not mean they are the same word: the 'Ayr Trust' and the 'Air Trust' are not the same.

3. When deciding if a name is 'too like' the name of another charity, we look at the what the differences are and consider if it is likely that the public would get the two confused.

For example: Where the only difference is that the words are in a different order: 'Countrywatch Scotland' and 'Scotland Countrywatch' are too like one another.

However, 'Edinburgh Aid Society' and 'Edinburgh AIDS Society' are not too alike as the words 'Aid' and 'AIDS', have different meanings.

What the law says

A name is objectionable if it is 'likely to mislead the public as to the true nature of the purposes of the body or of the activities which it carries on, or intends to carry on, in pursuit of those purposes'

What this means

When deciding if a name is likely to mislead the public, we will look at:

- the purposes set out in your charity's governing document
- the day to day activities that your charity carries out in support of its purposes
- where there is a geographic area of operation in the name, we check that this is accurate and reflects the extent of your operations.

For example: a charity that operates solely in Haddington and does not intend to expand its operations to other areas is likely to mislead the public if its name is the 'The Borders and Lothians Homelessness Society'.

The use of a national reference, such as Scottish, National, British or UK, can suggest that your organisation is outstanding or important in the country or in its field. If your charity is not outstanding in what it does or it does not have particular recognition from government or other relevant bodies, then the name may be misleading.

This doesn't mean that charity names need to describe the purposes or activities. Many charities have names that convey no sense of their purposes or activities and this is fine as long as they're not misleading. For example a charity named after the individual who set it up would not have a misleading name.

Sometimes a word or phrase within the name has a dominant or common meaning. When this happens, we will assume that the public will attach this more common meaning to the word or phrase.

For example: the public would expect a charity called 'The Humpty Dumpty Trust' to work with children.

What the law says

A name is objectionable if it is 'likely to give the impression that the body is connected in some way to the Scottish Administration, Her Majesty's Government in the United Kingdom, or any local authority, or with any person, when it is not so connected'

What this means

When deciding if a name suggests a connection we look at two things:

- (a) Is the name likely to suggest a connection to government or some other person or corporate body, like a company or a SCIO?

Here we look at words and word combinations to decide if a name suggests a possible connection. We look at the uniqueness or 'brand value' of the word or words used in the name. By 'brand value', we mean words and word combinations that are unique to a particular organisation or person by general association.

For example: names that include the words 'Red Cross' (but not 'Red' or 'Cross' on their own) suggest a connection.

We also look for words or word combinations that might suggest a connection to government. For example, the name 'Scottish Assembly' could suggest a connection to the Scottish Government and/or the Scottish Parliament (where one does not exist).

- (b) Is there actually a connection?

If there is a genuine connection then the name won't be objectionable. We may ask for evidence from you that this is the case.

For example: If the name has a reference to any person who is a well-known public figure, then a genuine, personal connection must exist.

What the law says

A name is objectionable if it is 'offensive'

What this means

Generally, we consider names as offensive if they contain racist, sexist, vulgar or other derogatory references or suggest contempt for a certain particular section of society. This includes offensive acronyms.

We understand that the public view can vary in terms of what is and isn't considered offensive. What may offend one person may not offend someone else.

We will carefully consider the specific context and factors in each case before reaching our decision:

- Is there any dual meaning implied by the word or phrase used?
- Will the name offend the charity's intended beneficiary group?
- Is the name counterproductive? Could it result in reputational risk to the charity?
- Words and phrases in a foreign language can also be offensive.

2. Company law: ‘sensitive words or expressions’ in names

SCIOs and Companies

The Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2014 set out ‘sensitive words or expressions’ that Companies House must check and approve before they can be used in a company or SCIO. For example:

- Trust
- Foundation
- Association
- Society
- Fund.

For full details of ‘sensitive words or expressions’, please see the Companies House [website guidance](#) (Annex A).

While ‘charity’ and ‘charitable’ are sensitive words, you do **not** need to seek approval from Companies House before applying to OSCR for incorporation of a SCIO with one of these words in its name. If we decide to incorporate the SCIO, this will allow Companies House to include it on the Index of Company Names.

Where the proposed name for the SCIO includes a ‘sensitive word or expression’ you will need to contact Companies House to get approval before you apply to OSCR.

Applications should be sent to enquiries@companieshouse.gov.uk with ‘SCIO’ in the subject line of your email.

Before applying to Companies House you should look at their [website guidance](#), in particular Annex A, which sets out the criteria for approval. Some words require you to seek the view of a government department or other body before you send your email to Companies House. This is made clear in [Annex A](#). You are also advised to read Annexes B and C.

If the relevant body has no objection to your proposed name it will provide you with a 'statement of non-objection' you should give to Companies House as part of the application for prior approval. For example:

- if you are looking to incorporate a SCIO with a name including the words 'Fund' or 'Bank' you must be able to provide a letter or email of non-objection from the Financial Conduct Authority.

Certain words or expressions will require you to provide evidence or additional information to Companies House. For example:

- if you are looking to incorporate a SCIO with the word 'Foundation' in its name you must be able to show that it has a pool of money or a regular source of finance available to promote its objects. It must also include a non profit distribution clause in its constitution (this is required in any case for charitable status).

When OSCR looks at an application for incorporation as a SCIO or a change of name that includes a sensitive word or expression we will:

- expect applicants to confirm that they have the prior permission of Companies House to use it.
- also check that the proposed name is not 'objectionable' in one of the ways set out in the Charities and Trustee Investment (Scotland) Act 2005. Some of these overlap with the sensitive word or expressions.

See our [FAQs: SCIO's on the Index of Company Names](#) for more details.

3. Our decision

OSCR will decide whether a charity's name is 'objectionable' in the following situations:

1. on application to register a new charity or incorporate a SCIO
2. on application for **consent to change the name** of a charity
3. on request from a charity that considers that the name of another charity is too like its name
4. where OSCR becomes aware at any other time (for example in the course of an inquiry) that a charity's name is objectionable.

What happens if we decide a name is objectionable?

Application to become a charity: During the process of applying for charitable status if we think the name you are proposing is objectionable we will give you an opportunity to reconsider and change the name of the proposed charity. If you don't change the name of the proposed charity and we consider that the name is objectionable, we must refuse the application.

If we refuse your application to become a charity we will give reasons for our decision and provide information on how to request a **review of the decision**.

Application to change charity name: If your charity is seeking our consent to change name and we consider that the new name is objectionable we will direct the charity not to change its name. If we do this we will explain our reasons and give you information on **how to ask us for a review**.

In cases where we become aware of an objectionable name in an existing charity, we will contact the charity trustees to alert them to the issue and to take action to resolve it (probably by seeking our consent to change the name). If they do not do so, then we must direct the charity to change its name. Where the issue is that two charities have names that are too like to each other, we must direct one or both charities to change their name.

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