

SCHEDULE FURTHER MODIFICATION OF THE 2005 ACT

Oversight in relation to working names

- 6 (1) The 2005 Act is modified as follows.
- (2) In section 3(3)(e)(i) (Scottish Charity Register), after “12(2)” insert “, (2A)”.
- (3) In section 10 (objectionable names)—
- (a) in subsection (1), paragraph (a), after “name” insert “or working name”,
 - (b) after subsection (2), insert—

“(3) Nothing in this section, or in any of sections 5(2)(a), 11(4), 12(3), 54(4)(a) or 57(3)(a), requires OSCR to undertake any investigation into the working name of a charity.”.
- (4) In section 12 (power of OSCR to require charity to change name)—
- (a) in subsection (1), for “of” to the end substitute “or working name of another charity is the same as or too like its name or working name, request OSCR to conduct a review.”,
 - (b) after subsection (2), insert—

“(2A) OSCR may, if satisfied following such a review that the working name of a charity (“charity A”) is the same as or too like the name or working name of another charity (“charity B”), as appropriate—

 - (a) direct charity B to change its name,
 - (b) direct either one or both of the charities to stop using its working name within such period as may be specified in the direction.”,
 - (c) for subsection (3), substitute—

“(3) At any other time—

 - (a) where OSCR considers that a charity's name falls within section 10, it must direct the charity to change its name,
 - (b) where OSCR considers that a charity's working name is objectionable, it may direct the charity to stop using that working name within such period as may be specified in the direction.”,
 - (d) after subsection (3A) (inserted by [paragraph 4](#)), insert—

“(3B) A direction under this section—

 - (a) may be revoked at any time,
 - (b) may be varied, but only by extending the period specified in it.”,
 - (e) in subsection (4), after “this section” insert “to change name”,
 - (f) in subsection (5), after “direction” insert “to change name”,
 - (g) after subsection (5), insert—

“(6) For the purposes of subsection (3)(b), a charity's working name is objectionable where it would, if it were the charity's name, fall within section 10(1).”.

Status: This is the original version (as it was originally enacted).

- (5) The heading of section 12 becomes “Power of OSCR in relation to charity names and working names”.
- (6) In section 71 (decisions)—
- (a) in paragraph (d), after “12(2)” insert “, (2A)”,
 - (b) in paragraph (e), after “12(2)” insert “or (2A)”.
- (7) In section 106 (general interpretation), after the definition of “SCIO”, insert—
- ““working name”, in relation to a charity, means a name that is not the charity’s name but which is used to identify the charity and under which it carries out activities.”.