



Charities Act 2011

2011 CHAPTER 25

PART 4

REGISTRATION AND NAMES OF CHARITIES

Power to require charity's name to be changed

42 Power to require name to be changed

- (1) If this subsection applies to a charity, the Commission may give a direction requiring the name of the charity to be changed, within such period as is specified in the direction, to such other name as the charity trustees may determine with the approval of the Commission.
- (2) Subsection (1) applies to a charity if—
 - (a) it is a registered charity and its name (“the registered name”)—
 - (i) is the same as, or
 - (ii) is in the opinion of the Commission too like,
the name, at the time when the registered name was entered in the register in respect of the charity, of any other charity (whether registered or not),
 - (b) the name of the charity is in the opinion of the Commission likely to mislead the public as to the true nature of—
 - (i) the purposes of the charity as set out in its trusts, or
 - (ii) the activities which the charity carries on under its trusts in pursuit of those purposes,
 - (c) the name of the charity includes any word or expression for the time being specified in regulations made by the Minister and the inclusion in its name of that word or expression is in the opinion of the Commission likely to mislead the public in any respect as to the status of the charity,
 - (d) the name of the charity is in the opinion of the Commission likely to give the impression that the charity is connected in some way with Her Majesty's

Status: Point in time view as at 14/03/2012.

Changes to legislation: Charities Act 2011, Cross Heading: Power to require charity's name to be changed is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Government or any local authority, or with any other body of persons or any individual, when it is not so connected, or

- (e) the name of the charity is in the opinion of the Commission offensive.
- (3) Any direction given by virtue of subsection (2)(a) must be given within 12 months of the time when the registered name was entered in the register in respect of the charity.
 - (4) In subsection (2) any reference to the name of a charity is, in relation to a registered charity, a reference to the name by which it is registered.
 - (5) Any direction given under this section with respect to a charity must be given to the charity trustees.

43 Duty of charity trustees on receiving direction under s.42

- (1) On receiving a direction under section 42 the charity trustees must give effect to it regardless of anything in the trusts of the charity.
- (2) If the name of any charity is changed by virtue of section 42, the charity trustees must without delay notify the Commission of—
 - (a) the charity's new name, and
 - (b) the date on which the change occurred.
- (3) Subsection (2) does not affect section 35(3) (duty of charity trustees to notify changes in registered particulars).

44 Change of name not to affect existing rights and obligations etc.

A change of name by a charity by virtue of section 42 does not affect any rights or obligations of the charity; and any legal proceedings that might have been continued or commenced by or against it in its former name may be continued or commenced by or against it in its new name.

45 Change of name where charity is a company

- (1) In relation to a charitable company, any reference in section 42 or 43 to the charity trustees of a charity is to be read as a reference to the directors of the company.
- (2) Subsections (3) to (5) apply if a direction is given under section 42 with respect to a charitable company.
- (3) The direction is to be treated as requiring the name of the company to be changed by resolution of the directors of the company.
- (4) Where a resolution of the directors is passed in accordance with subsection (3), the company must give notice of the change to the registrar of companies.
- (5) Where the name of the company is changed in compliance with the direction, the registrar of companies must—
 - (a) if satisfied that the new name complies with the requirements of Part 5 of the Companies Act 2006, enter the new name on the register of companies in place of the former name, and
 - (b) issue a certificate of incorporation altered to meet the circumstances of the case;

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and the change of name has effect from the date on which the altered certificate is issued.

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