



# Co-operative and Community Benefit Societies Act 2014

## 2014 CHAPTER 14

### PART 2 **E+W+S**

#### NAME, RULES, POWERS ETC

##### *Name and charitable status*

#### 10 A society's name **E+W+S**

- (1) A society may not be registered under this Act under a name which in the opinion of the FCA is undesirable.
- (2) The last word in the name of every registered society must be—
  - (a) “limited”, or
  - (b) if the society's rules state that its registered office is to be in Wales, either “limited” or “cyfyngedig”.

This is subject to the following provisions of this section.

- (3) If the FCA is satisfied that a society's objects are wholly charitable or benevolent—
  - (a) it may register the society by a name which does not comply with subsection (2), or
  - (b) it may give the society approval under section 13 for a change of name to one that does not comply with that subsection.
- (4) But if it subsequently appears to the FCA that the society (whether in consequence of a change in its rules or otherwise) is not being conducted wholly for charitable or benevolent objects—
  - (a) the FCA may direct that the word “limited” (or in an appropriate case “cyfyngedig”) be added as the last word in the society's name, and
  - (b) if it does so, it must give the society notice of the direction.

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*Changes to legislation: There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act 2014, Cross Heading: Name and charitable status. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1 S. 10(3)(4) modified by 1979 c. 34, s. 3(4) (as amended (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 4\(3\)](#) (with [Sch. 5](#)))

**11 Registered name to be displayed and used** E+W+S

- (1) A registered society must ensure that its registered name appears in a conspicuous position and in legible characters on the outside of—
  - (a) its registered office, and
  - (b) every other office or place in which its business is carried on.
- (2) A registered society's registered name must appear in legible characters—
  - (a) in all of its notices, advertisements and other official publications,
  - (b) in all of its business correspondence,
  - (c) in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods, purporting to be signed by or on behalf of the society,
  - (d) in all its other business documentation, and
  - (e) on all its websites.
- (3) An officer of a registered society, or any other person acting on behalf of a registered society, who—
  - (a) issues or authorises the issue of a document within subsection (2) (a), (b) or (d) that does not comply with subsection (2),
  - (b) signs on behalf of the society a document within subsection (2)(c) that does not comply with subsection (2) or authorises the signing of such a document on its behalf, or
  - (c) causes or authorises the appearance on the internet of a website within subsection (2)(e) that does not comply with subsection (2),
 commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) A person convicted of an offence under subsection (3) by virtue of subsection (3)(b) is also personally liable to the holder of the document for the amount specified in the document unless that amount is duly paid by the society.
- (5) References to a society's website include a section of any other person's website that relates to the society if—
  - (a) the society placed the section on the other person's website, or
  - (b) the society authorised it to be placed there.

**12 Charitable status to appear on documents etc** E+W+S

- (1) A charitable registered society whose registered name does not include the word “charity” or “charitable” must state the fact that it is a charity in legible characters—
  - (a) in all of its notices, advertisements and other official publications,
  - (b) in all of its business correspondence,
  - (c) in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods, purporting to be signed by or on behalf of the society,
  - (d) in all conveyances purporting to be executed by or on behalf of the society,

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- (e) in all its other business documentation, and
  - (f) on all its websites.
- (2) Subsection (1) does not apply to any document wholly in Welsh if the society's registered name includes the word “elusen” or “elusennoI”.
- (3) The statement required by subsection (1) must be in English, except that it may be in Welsh if—
  - (a) the document is otherwise wholly in Welsh, and
  - (b) the statement consists of or includes the word “elusen” or “elusennoI”.
- (4) An officer of a registered society, or any other person acting on behalf of a registered society, who—
  - (a) issues or authorises the issue of a document within subsection (1)(a), (b) or (e) that does not comply with this section,
  - (b) signs on behalf of the society a document within subsection (1)(c) that does not comply with this section or authorises the signing of such a document on its behalf,
  - (c) executes on behalf of the society a document within subsection (1)(d) that does not comply with this section or authorises the execution of such a document on its behalf,
  - (d) causes or authorises the appearance on the internet of a website within subsection (1)(f) that does not comply with this section,commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person convicted of an offence under subsection (4) by virtue of subsection (4)(b) is also personally liable to the holder of the document for the amount specified in the document unless that amount is duly paid by the society.
- (6) For the purposes of this section—
  - (a) “conveyance” means any document for the creation, transfer, variation or extinction of an interest in land;
  - (b) references to execution include—
    - (i) purported execution, and
    - (ii) the doing of any act which (though not by itself execution) combined with other acts constitutes execution or purported execution;
  - (c) references to a society's website include a section of any other person's website that relates to the society if—
    - (i) the society placed the section on the other person's website, or
    - (ii) the society authorised it to be placed there.

### 13 Change of name **E+W+S**

- (1) A registered society may change its name if—
  - (a) a resolution for that purpose is passed at a general meeting of the society, appropriate notice of the resolution having been given, and
  - (b) the FCA gives its approval in writing to the change of name.
- (2) “Appropriate notice” means—
  - (a) the notice required by the society's rules for a resolution changing its name, or

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- (b) if the rules do not make special provision about the notice for such resolutions, the notice required by the rules for a resolution to amend the rules.
- (3) A change in the name of a registered society does not affect any right or obligation of the society or of any member (and any pending legal proceedings may be continued by or against the society notwithstanding its new name).

**Changes to legislation:**

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