



Charities Act 2022

2022 CHAPTER 6

PART 3

CHARITY NAMES

25 Working names etc

In section 42 of the Charities Act 2011 (power to require name to be changed)—

- (a) in the heading, after “name” insert “or working name”;
- (b) for subsection (1) substitute—

“(1) If one or more of the conditions in subsection (2) are met in relation to the name or a working name of a charity, the Commission may give a direction—

- (a) requiring the name of the charity to be changed to a name determined by the charity trustees with the approval of the Commission, or
- (b) requiring that that working name of the charity no longer be used as a working name (as the case may be).

(1A) A direction given under this section must specify the period within which the charity is to comply with the direction.”;

- (c) in subsection (2)—
 - (i) for paragraph (a) and the words before it substitute—

“(2) The conditions are—

- (a) that the name or working name is the same as, or in the opinion of the Commission too like, the name or a working name of another charity.”;
- (ii) in paragraph (b), for “the name” substitute “that the name or working name”;
- (iii) in paragraph (c), for “the name” substitute “that the name or working name”;

Status: This is the original version (as it was originally enacted).

- (iv) in paragraph (c), for “its name” substitute “the name or working name”;
- (v) in paragraph (d), for “the name of the charity” substitute “that the name or working name”;
- (vi) in paragraph (e), for “the name of the charity” substitute “that the name or working name”;
- (d) omit subsection (3);
- (e) for subsection (4) substitute—

“(4) In this Act, any reference to a working name of a charity is a reference to a name that is not the name of the charity but which is used to designate the charity and under which activities of the charity are carried out.”

26 Power to delay registration of unsuitably named charity

After section 45 of the Charities Act 2011 insert—

“45A Power to delay registration following s. 42 direction

- (1) The Commission may delay the registration of a charity if the Commission has given a direction under section 42 (“the section 42 direction”) requiring the name of the charity to be changed.
- (2) A delay under subsection (1) may last until the first to occur of—
 - (a) the charity trustees notifying the Commission of the charity’s new name and the date of the name change, or
 - (b) the expiry of the maximum postponement period.
- (3) The “maximum postponement period” is the period of 60 days beginning at the end of the period specified in the section 42 direction for giving effect to the direction.
- (4) If any relevant proceedings are commenced, any day on which the relevant proceedings are ongoing is to be disregarded for the purposes of determining whether the period of 60 days mentioned in subsection (3) has elapsed.
- (5) Each of the following are “relevant proceedings”—
 - (a) proceedings on an appeal brought to the Tribunal under section 319 against the section 42 direction or against any steps taken by the Commission with a view to securing compliance with the section 42 direction;
 - (b) proceedings on an application made to the Tribunal under section 321 for the review of the Commission’s decision to institute an inquiry under section 46 in respect of matters connected with the section 42 direction;
 - (c) proceedings on an application for judicial review of the Commission’s decision to give the section 42 direction or to take any steps with a view to securing compliance with the section 42 direction;
 - (d) proceedings on an application under section 336 in respect of disobedience to the section 42 direction.

- (6) Relevant proceedings are commenced when a notice, claim form or other document is sent or delivered to, or filed with, the Tribunal or court for the purpose of commencing the proceedings.
- (7) Relevant proceedings are ongoing until—
 - (a) the proceedings (including any proceedings on appeal or further appeal) have been concluded, and
 - (b) any period during which an appeal (or further appeal) may ordinarily be made has passed.”

27 Power to delay entry of unsuitable name in register

After section 45A of the Charities Act 2011 insert—

“45B Power to delay entry of name in register following a s. 42 direction

- (1) If the charity trustees of a charity notify the Commission under section 35(3) of a change of name of the charity, the Commission may delay changing the charity’s name in the register if the Commission has given a direction under section 42 (“the section 42 direction”) requiring the new name to be changed.
- (2) A delay under subsection (1) may last until the first to occur of—
 - (a) the charity trustees notifying the Commission of the charity’s further new name and the date of the further name change, or
 - (b) the expiry of the maximum postponement period.
- (3) The “maximum postponement period” is the period of 60 days beginning at the end of the period specified in the section 42 direction for giving effect to the direction.
- (4) If any relevant proceedings are commenced, any day on which the relevant proceedings are ongoing is to be disregarded for the purposes of determining whether the period of 60 days mentioned in subsection (3) has elapsed.
- (5) Each of the following are “relevant proceedings”—
 - (a) proceedings on an appeal brought to the Tribunal under section 319 against the section 42 direction or against any steps taken by the Commission with a view to securing compliance with the section 42 direction;
 - (b) proceedings on an application made to the Tribunal under section 321 for the review of the Commission’s decision to institute an inquiry under section 46 in respect of matters connected with the section 42 direction;
 - (c) proceedings on an application for judicial review of the Commission’s decision to give the section 42 direction or to take any steps with a view to securing compliance with the section 42 direction;
 - (d) proceedings on an application under section 336 in respect of disobedience to the section 42 direction.
- (6) Relevant proceedings are commenced when a notice, claim form or other document is sent or delivered to, or filed with, the Tribunal or court for the purpose of commencing the proceedings.

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

- (7) Relevant proceedings are ongoing until—
- (a) the proceedings (including any proceedings on appeal or further appeal) have been concluded, and
 - (b) any period during which an appeal (or further appeal) may ordinarily be made has passed.”

28 Power to direct change of name of exempt charity

In Schedule 9 to the Charities Act 2011 (transitory modifications), omit paragraph 10 and the italic heading preceding it.