



# Charities Act 1992

## 1992 CHAPTER 41

### PART I

#### CHARITIES

##### *Charity names*

#### **4 Power of Commissioners to require charity's name to be changed.**

- (1) Where this subsection applies to a charity, the Commissioners 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 Commissioners.
- (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 Commissioners 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 Commissioners likely to mislead the public as to the true nature—
    - (i) of the purposes of the charity as set out in its trusts, or
    - (ii) of 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 Secretary of State and the inclusion in its name of that word or expression is in the opinion of the Commissioners 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 Commissioners likely to give the impression that the charity is connected in some way with Her Majesty's

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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 Commissioners offensive;

and in this subsection 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.

- (3) Any direction given by virtue of subsection (2)(a) above must be given within 12 months of the time when the registered name was entered in the register in respect of the charity.
- (4) Any direction given under this section with respect to a charity shall be given to the charity trustees; and on receiving any such direction the charity trustees shall give effect to it notwithstanding anything in the trusts of the charity.
- (5) Where the name of any charity is changed under this section, then (without prejudice to section 4(6)(b) of the 1960 Act (notification of changes in particulars of registered charity)) it shall be the duty of the charity trustees forthwith to notify the Commissioners of the charity's new name and of the date on which the change occurred.
- (6) A change of name by a charity under this section 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.
- (7) Section 26(3) of the <sup>M1</sup>Companies Act 1985 (minor variations in names to be disregarded) shall apply for the purposes of this section as if the reference to section 26(1)(c) of that Act were a reference to subsection (2)(a) above.
- (8) Any reference in this section to the charity trustees of a charity shall, in relation to a charity which is a company, be read as a reference to the directors of the company.
- (9) Nothing in this section applies to an exempt charity.

#### Commencement Information

**II** S. 4 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

#### Marginal Citations

**M1** 1985 c.6.

## 5 Effect of direction under s. 4 where charity is a company.

- (1) Where any direction is given under section 4 of this Act with respect to a charity which is a company, the direction shall be taken to require the name of the charity to be changed by resolution of the directors of the company.
- (2) Section 380 of the <sup>M2</sup>Companies Act 1985 (registration etc. of resolutions and agreements) shall apply to any resolution passed by the directors in compliance with any such direction.
- (3) Where the name of such a charity is changed in compliance with any such direction, the registrar of companies—

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- (a) shall (subject to section 26 of the <sup>M3</sup>Companies Act 1985 (prohibition on registration of certain names)) enter the new name on the register of companies in place of the former name, and
- (b) shall issue a certificate of incorporation altered to meet the circumstances of the case;
- and the change of name has effect from the date on which the altered certificate is issued.

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**Commencement Information**

**I2** S. 5 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), **Sch. 1**, (with art. 2(2)).

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**Marginal Citations**

**M2** 1985 c.6.

**M3** 1985 c.6.

**Status:**

Point in time view as at 01/09/1992.

**Changes to legislation:**

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