

## Chapter 3

# Society registration

## 3.8 Names

- 3.8.1** **G** The Act provides that a society can register with any name unless we believe that name is 'undesirable'.
- 3.8.2** **G** We generally consider a name to be undesirable if:
- (1) it is the same as that used by another legal entity, charity, or society, unless:
    - (a) the proposed society is intended to be part of the same group as an existing 'same as' entity and that entity consents to the society using the proposed name;
    - (b) the application to register includes a letter from the existing entity confirming that it consents to the registration of the proposed name and that it will form part of the same group;
  - (2) it is too similar to that used by another legal entity, charity or society. A name may be too similar if: the difference is only a few characters, signs, symbols or punctuation, or if it looks and sounds the same;
  - (3) its use would constitute an offence or is offensive;
  - (4) it is misleading;
  - (5) it gives an incorrect impression of its legal form, for instance, if the name contains the word 'company';
  - (6) it is likely to wrongly give the impression that the society is connected with the government or any other public or local authority;
  - (7) it includes a word requiring permission as at **RFCCBS App 1** of this guidance and does not have this permission;
  - (8) it includes the name, brand or trademark of another organisation without their permission.
- 3.8.3** **G** We will generally also consider a name undesirable if it includes a word or expression in **RFCCBS App 1**, unless the relevant body has confirmed in writing that it does not object to its use.
- 3.8.4** **G** If a society's name includes an acronym then we will ask for the expanded version of that acronym and will assess that expanded version against the

indicators set out above (with the exception of the indicators looking at availability).

- 3.8.5** **G** Where a name includes words in a foreign language we expect to receive a translation of those words. We will assess that translated version against the indicators set out above (with the exception of the indicators looking at availability).

### **'Limited'**

- 3.8.6** **G** The last word in the name of every society must be 'limited' (or 'cyfyngedig' if its registered office is in Wales) unless we are satisfied that the society's objects are wholly charitable or benevolent.

- 3.8.7** **G** If we approve the removal of 'limited' and later believe that the society (whether in consequence of a rule change or otherwise) is not being conducted wholly for charitable or benevolent objects then we can direct the society to add the word 'limited' to its name.

### **Business or 'trading' names**

- 3.8.8** **G** A society, like other legal entities, can use a business name that is different from its registered name. Our role under the Act is limited to the registered name of a society, i.e. – the name given in the society's rules. We have no role in relation to business names unless we are listed as the public authority with responsibility for approving the use of a sensitive word e.g. 'bank', in which case approval must be obtained. For further information on sensitive business names please refer to our website.

[Note: <https://www.the-fca.org.uk/sensitive-names>]

- 3.8.9** **G** Legal requirements on business names set out in Part 41 of the Companies Act 2006 apply to 'any person carrying on business in the United Kingdom', and so apply to societies. For example, societies must get permission to use a sensitive word within their business name, and cannot trade under a name containing an inappropriate indication of legal form (e.g. 'limited'). For further information please refer to the information on business names on the Companies House<sup>14</sup> website.

[Note: <https://www.gov.uk/government/publications/incorporation-and-names>]

- 3.8.10** **G** Even if a society trades under a different business name, its registered name must still appear in full outside its premises and in business documents such as letters, invoices, receipts, websites etc. Further details on the requirements for displaying registered names is at ■ RFCCBS 8.1.2 to 8.1.4 of this guidance.