

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Charities (Regulation and Administration) (Scotland) Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE FURTHER MODIFICATION OF THE 2005 ACT

Ability to allow duplicate charity names as part of merger

- 4 (1) The 2005 Act is modified as follows.
- (2) In section 5 (determination of applications), after subsection (2), insert—
- “(3) Despite subsection (2)(a), where—
- (a) an applicant’s name falls within section 10 only because it is the same as, or too like, the name of a charity, and
 - (b) the application for entry in the Register is being made as part of a proposed charity merger (within the meaning of section 64A(2)) involving that charity,
- OSCR is entitled, but not required, to refuse to enter the applicant on the grounds of the applicant’s name.”.
- (3) In section 12 (power of OSCR to require charity to change name), after subsection (3), insert—
- “(3A) But, for the purposes of subsection (3)(a), where—
- (a) a charity's name falls within section 10 only because it is the same as, or too like, the name of another charity, and
 - (b) one of the charities was entered in the Register with that name by virtue of section 5(3),
- OSCR may direct either one or both of the charities to change its name under subsection (3)(a) only if OSCR is satisfied that it is no longer appropriate for the names to be the same or so alike.”.

Commencement Information

- II** Sch. para. 4 not in force at Royal Assent, see [s. 21\(2\)](#)

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Changes and effects yet to be applied to :

- sch. para. 4 coming into force by [S.S.I. 2024/63 reg. 2\(1\)sch. Pt. 1](#)