



The name of your organisation

To be registered under the *Charities Act 2005*, your charity's name must meet the requirements of the Act.

The first question asked on the application form for registration under the *Charities Act 2005* is "what is the full legal name of your entity?"

Some organisations use several names, so we ask you to tell us your "legal name" and we check that against the Act's requirements.

This information sheet explains how to identify your charity's legal name and the criteria we will apply to make sure it meets our requirements.

What is your "legal name"?

If you are registered with the Companies Office as an incorporated society, incorporated charitable trust board (also known as a registered charitable trust) or a company, your legal name is the name you are incorporated under. This is the name you should use in answer to the first question when you apply to us for registration.

If you are established by name under an Act of Parliament you should use that name.

If none of the above apply to you, then use the name:

- that your rules state is your full and correct legal name, or

- that is the most formal name that your charity is known by - for example, the name that is used on formal documents such as your rules, trust deed or other governing document.

It is important to include words like "The", "Te", "Trust", "NZ", or "New Zealand" if they are part of your name.

Only include the word "Incorporated" if it is part of your legal name. Your organisation may have been incorporated under an Act but the word "Incorporated" may not necessarily be part of your legal name. Usually, but not always, it will be the last word of your name if you are incorporated under the *Incorporated Societies Act 1908*.

What happens if your charity has more than one name?

We ask you to include any other names your charity is known by in your application for registration. If your application is successful, these other names will be included on the Charities Register for the benefit of the public.

Your “legal name” and the Charities Act

When we receive your application we check your legal name against the Companies Office registers and our own Charities Register.

The Charities Act says that names of organisations incorporated under the:

- *Incorporated Societies Act 1908*
- *Charitable Trusts Act 1957*
- *Companies Act 1993*

or established or constituted under a name by another Act, comply with section 15 of the Charities Act, so we do not review these names for offensive or misleading criteria.

If you are not incorporated under one of the Acts referred to above, the Charities Act requires that your name must not be offensive or liable to mislead the public.

Therefore, we review the names of all applicants *not* incorporated as described above, to make sure we are satisfied that, in terms of the Commission’s policy on these issues, they are not offensive or liable to mislead the public.

What criteria do we use to decide whether a name is offensive?

We use a similar approach to the Registrar of Companies. A name may be considered offensive if it is:

- obscene
- contrary to public policy (not acceptable to the general public, for example – a name that shows racial prejudice or includes “hate” speech)
- liable to offend a particular section of the community or a particular religion.

What criteria do we use to decide whether a name is misleading?

The Commission looks at whether a name:

- could mislead someone about your purpose because it indicates a purpose different from those stated in your rules
- implies a connection with another organisation which appears not to be the case (we will give you the opportunity to provide information to show that you do have a connection)
- is identical to the name of another organisation already registered with the Companies Office or Charities Commission
- would amount to an offence against any Act, including the *Flags, Emblems, and Names Protection Act 1981*.

A helpful tip to give to people looking for your charity on the Charities Register

Different organisations on the Companies Office Registers can have names that are similar to each other. Under the Charities Act we are required to accept those names. This means that different charities on our Register can have similar names.

When someone looks for your charity on our Register, they can search for it by name or by part of its name. You may like to suggest that people double check to ensure their search has found your charity (not one with a similar name). They could crosscheck by looking at your address or the name of one of your officers.

For further information

For more information visit our website www.charities.govt.nz, call us on our free information line **0508 242 748** or email us on info@charities.govt.nz

To receive our emailed newsletter, Update, please send your name, organisation and contact details to info@charities.govt.nz