

Guideline Leaflet C10: Churches and Change of Name

This leaflet will be helpful to any church that is considering changing its name. It outlines issues that need to be considered and offers ideas about the process that a church could adopt in order to choose an appropriate name.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

C10: Churches and Change of Name

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

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[L17 Legal and Operations Team – Regulatory Information](#)

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees they may also be able to help.

WHY CHANGE A NAME?

Churches sometimes want to change their name – the reasons why this may happen include:

- The current name is confusing – perhaps the original church was called Red Street Baptist Church, but the local authority have changed the street name, or the church has moved or it is re-opening following a refurbishment or development project.
- The name refers to a well known local personality or significant Baptist figure, at the time the church was founded, but the name is no longer understood, or relevant to the members or the local community.
- The name refers to a Biblical theme, name, or place, and this has limited meaning in the modern community.
- Nobody knows what a Baptist church is, so the members want to create a new name – perhaps involving a title that reflects what the church does now – so the new name might include the words Community, Family, Oasis, or New Life.
- Sometimes choosing a new name can be part of a process of resolving old and persistent problems, and making a fresh start.

Some members will find the idea of changing the church's name difficult, and may need time to get used to the idea. Some churches have used the process of deciding on a new name in very creative ways, enabling the decision to be reached by a clear and imaginative process involving all the members. The process can run in parallel with the church praying about its identity and role in the community.

ISSUES TO CONSIDER BEFORE CHOOSING A NEW NAME

If a church is registered with the Charity Commission (usually because it has an income over £100,000 per annum or is a CIO) then there are additional procedures to follow. The choice of name will also need to be agreed with the Charity Commission. Some churches have both registered and working names recorded on the charity register because they are known by more than one name. The Charities Act 2011 gives the Commission power to direct that a registered or working name is changed if it is the same as or, in the opinion of the Commission, too like the name of any other charity (whether registered or not).

Similarly, where the church is a Company Limited by Guarantee or has formed a company through which to manage particular projects, both Companies House and the Charity Commission must be

notified. Both Companies House and the Charity Commission have power to refuse to register a new name.

If your church is a CIO, from 1 January 2018, Companies House will also need to provide approval when a CIO's proposed name includes 'sensitive words or expressions' set out in The Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2014. (See Guideline Leaflet C08 *Registering as a CIO Online*).

REGISTERED TRADEMARKS

It is also important to ensure that you do not choose a name that is already being used by somebody else and has been registered as a trademark. This is a complicated area of law where it is often the particular graphics alongside the actual words that have the protection of the law. Use of a name and/or graphics that has already been registered as a trademark may create a liability to pay compensation to the person with the benefit of the registration.

In rare cases churches and other Baptist organisations have been contacted by individuals claiming to have the benefit of trademark protection for a particular set of words or phrases, but legal advice may be needed about the particular circumstances as each case is different.

Please view the Intellectual Property Office website <https://www.gov.uk/topic/intellectual-property/trade-marks> and check that the proposed name has not already been registered by somebody else. If it has then (apart from certain exceptions) it is their property and it would be best to choose another name. Using a name that has been registered can lead to a legal claim for damages from the person who has already registered the trademark, or result in a demand for a substantial annual licence fee.

CHOOSING A NEW NAME

Sometimes a new name will be obvious and no long discussion will be needed. However, it is sometimes necessary to involve the church members in choosing a name, but how should this be done?

Does including everyone mean the process must be long and complicated?

Some churches may set up a group of members to draw up a shortlist of names – then take a vote.

An example from a church

One church needed to choose a new name because several churches had amalgamated and they used this method:

Asking for ideas

1. They explained to the congregation the need for a new name – and the process that would be used to decide.
2. They invited anyone to suggest a name by writing the suggested name on a piece of paper and putting it into a box. No need to sign it or get it proposed and seconded at this stage.
3. They created a list of all of the suggested names on a piece of paper – with each suggested name being given a number. The names were numbered in an alphabetical order so as to show no bias.

Steps, 1, 2 and 3 above happened **before the church members' meeting** where they hoped to make a decision. There were sixty five possible names for the church.

At the church meeting

1. A separate piece of A4 paper for each name was fixed to the wall of the room. Each A4 piece of paper had a larger number on it – with the name included as well.
2. Each person attending the members' meeting also had the list with the number of each name in order that they could find them quickly.

3. They invited any last minute ideas for names, so the suggested sixty five names became sixty eight! (This ensured that no-one could later claim that they did not have a say!)
4. They again explained the process.
5. They had a supply of sticky dots and stars in five colours. Each person started off with three stickers. All stickers were the same colour and shape.
6. Each person was invited to place their stickers on the paper for the church name they preferred. They could put their three stickers on one name or spread their stickers over up to three names. (Nobody had given any comment on any of the names so far.)
7. Once this was done, they removed the names that had a lot fewer votes (stickers) than the others. This brought the number down to six remaining names. (Numbers may vary so you would need to look for a clear gap in the number of votes.)
8. They then invited two people for each remaining name to **say positively** 'why this name should be chosen' in a couple of sentences.
9. They repeated the sticker process with three new stickers for each church member. The stickers were a different colour to the first round but the same pieces of paper were used.
10. They then reduced the names down to three removing the three name sheets with the least votes (stickers). Only the stickers of the second colour were counted this time.
11. At this stage they first pointed out the initials, just in case there would be unfortunate consequences in a particular choice!
12. Then they asked two people to speak in **support** of each of the remaining names and two people to say why they **did not** feel the suggested name was helpful. Each was asked to do this in two sentences (one or two sentences did seem to be very long).
13. They then spent a few minutes in silent prayer with the three names in front of them.
14. Then they did another round 'voting' with three stickers of a third colour. The name by the one with the most stickers of this colour was the preferred name.
15. Finally, they had a formal proposal and vote that this would be the name and the decision was unanimous!

Total time in church meeting was twenty minutes.

It was fun, active and everyone felt a part of the process.

Although this church did not use the other two colours of stickers, these needed to be available in case there was a need to have further rounds of 'voting' because the decision was not clear in just a few rounds of 'voting'.

TAKING THE FORMAL DECISION

However, even after the most creative consultation, changing a name is a significant decision with legal implications. It will need to be considered by a Church Members' Meeting.

Changing the name represents a change to the church's constitution (governing document) so although it is not strictly a property matter the decision must be taken at a Special Church Members' Meeting after plenty of notice has been given of the proposal and people have been given time to think about the issue carefully (or the sharing of the process for choosing a name). Each church will need to check their constitution to ensure that the appropriate process is followed in calling the meeting, giving notice of the question that will be considered.

For churches that have formed a Company Limited by Guarantee, the decision will need to be taken in accordance with the procedures outlined in the relevant documents. Some may not require a full

decision of the members in strict legal terms, but it is important that the members participate in the process, so that they are included.

A formal decision must be taken, at an appropriate meeting where there is a sufficient quorum of members to take the decision. Check beforehand what percentage support is needed to make the decision. Decide in advance if a paper ballot is helpful, or necessary, or both.

The decision must be recorded clearly in the Minutes of the meeting. This will be important as the church notifies others about the change. Some outside organisations, such as banks, will need a copy of the resolution (or minutes), countersigned by the chair of the members' meeting or the church secretary to confirm it is a true copy of the resolution passed and the decision taken.

TELLING OTHERS

The church will need to notify banks, building societies, suppliers, HMRC – in fact everyone to whom the church makes payments, or receives goods or services, as well as those organisations or individuals with whom the church is in contact. Particular care is needed if the church has any letting or tenancy arrangements, since in some situations there is a legal obligation to notify a tenant about a change of name or address. Don't forget to tell the Baptist Union, your Holding Trustee and your local Association! A formal letter is helpful. The Holding Trustee for church property will need a copy of the resolution or minute. This will be placed with the deeds. Future documents will simply use the new name with reference to the fact that the church was formerly known as XXX Baptist Church. After some years have passed even this reference to the old name will be needed only on rare occasions.

We are sometimes asked if a church has to re-name its bank account or whether it can continue with the old account in the old name. This is not a realistic option, since the church end of year accounts will need to be in the correct name that the church actually uses. The account for money given to the church must be capable of being reconciled with the bank accounts, in the right name, and banks need to safeguard against fraud.

Most churches administer a Gift Aid scheme. HMRC also will expect the church to use the correct up to date name. It will also be difficult if members of the congregation are offering to donate to the church in its new name, but the cheques need to be drawn in the old name, and Gift Aid declarations are administered in an unfamiliar name.

LEGACIES - GIFTS

Sometimes supporters of the church have named the church in a Will or Trust Deed, so what happens when the church changes its name? Is it sufficient to let the executors of the Will, or the trustees of a Trust Fund know that the church has simply changed its name?

Much will depend on the nature and wording of the Will.

If a Will leaves a legacy to the church and the Will includes standard provisions (called the STEP Standard Provisions) or has a clause which states something like

'... if before my death (or after my death but before my Trustees have given effect to the gift in question) any charity church or other body to which a gift is made in this my Will has changed its name or has amalgamated with or transferred all of its assets to any other body then my Trustees shall give effect to the gift as if it had been made (in the first case) to the body in its changed name or (in the second case) to the body which results from such amalgamation or to which the transfer has been made.

In these circumstances the gift to the newly named church or an amalgamated church will be effective as if the Will had been made naming the new church.

However, if the Will does not incorporate such express provision or does not incorporate the STEP Standard Provisions, then the position is unclear. Ultimately the Executors will have to satisfy themselves as to the identity of the beneficiary. This should be able to be done through the paper trail of the name change for the church. A letter from the Testator to confirm the new contact information for the church would be helpful and persuasive. However, it would be open to the Executors to raise

further queries, or potentially class the legacy as failing, particularly if the legacy is relatively large and/or the residuary beneficiaries of the estate (possibly members of the family) raise a query about the identity of the church or the intentions of the person who made the Will.

If a Testator has any query or concern about the legacy being honoured, they should take legal advice, and possibly revise their Will or formally amend it by creating a supplementary document, to be read alongside the Will, called a Codicil.

Whilst a note signed by the Testator placed with the Will stating the new name of the church and indicating that they want the gift expressed to be for the old church to be applied to the church in its new name, (or new identity) would be persuasive, unless a Codicil exists it will not be legally binding on the Executors.

Please also see Guidelines Leaflet L15 *Legacies to Local Baptist Churches*.

Association Trust Company	Contact
Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association 480 Chester Road Sutton Coldfield B73 5BP Office Mobile: 0730 505 1770
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

Support Services Team, Baptist Union of Great Britain, Baptist House, PO Box 44,
129 Broadway, Didcot OX11 8RT

Tel: 01235 517700 Fax: 01235 517715 Email: legal.ops@baptist.org.uk

Website: www.baptist.org.uk Registered CIO with Charity Number: 1181392

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