



Aim and purpose of this Guidance Note

Section 83 of the Immigration and Asylum Act 1999 places a statutory duty on the Immigration Services Commissioner requiring her to promote good practice.

This note, which supports that duty, sets out the Commissioner's views regarding OISC regulated advisers choosing business names. This note should not be seen as a set of definitive instructions, but rather as a statement on best practice. The note has been developed with assistance from Companies House. Their assistance is gratefully acknowledged.

Attention is drawn to the Commissioner's *Code of Standards*, specifically Codes 76-78

What is covered in this Guidance Note?

1. The Potential to Confuse
2. Sensitive Words
3. The Use of UK
4. Charities
5. Other Names
6. Initials

The Potential to Confuse

Code 76 of the *Code of Standards* requires that the names of OISC regulated organisations must not have the potential to confuse or mislead clients. Given that many of their firm's clients may be vulnerable and have a limited knowledge of English, advisers must be careful in selecting a name for their organisation.

In choosing a business name advisers must have the Secretary of State for Business, Innovation and Skill's (BIS) approval before they use certain words or expressions (or their plural or possessive forms) in a business name.

More information is available from the Business Names Section at Companies House. Further information can be obtained by using the following links: <http://wck2.companieshouse.gov.uk/pfriendly?tg=about/gbhtml/gbf3.shtml> or http://www.legislation.gov.uk/uksi/2009/2615/pdfs/uksi_20092615_en.pdf

Sensitive words

Words that must not be used without BIS or Companies House prior permission include:

Adjudicator
Agency
Authority
Board
Britain or British
Charter or Chartered
Commission
Co-operative
Discipline or Disciplinary
England or English
European
Federation
Foundation
Government
Group
Human Rights

Inspectorate

Institute or Institution

International

Ireland, Irish, Northern Ireland or Northern Irish

Mutual

National

Oversight

Royalty or any associated word, such as King, Prince, Princess or Queen

Scotland or Scottish

Sheffield

Standards

Tribunal

Trust

Wales or Welsh

Watchdog

Windsor

There are also sensitive words and expressions that could imply a connection with a government department, a devolved administration, a local or specified public authority or a relevant body.

These include:

Border Agency

Commissioner

Department of/for

Home Office

The Use of UK

The term **UK, U.K, U.K.** or any variation thereof cannot be used if it implies a connection with Her Majesty's Government or a local or specified public authority. The OISC will look at the context when the term is included in a business name. However, a name like Immigration Bureau (UK) plc may, for example, fall foul of this requirement. If the name implies a connection with a Government Department, the organisation will need to obtain confirmation (either by letter or

e-mail) that the Government Department or relevant body has no objection to its usage. We have, however, agreed with Companies House that the use of the term “UK Immigration” does not cause the OISC or the UKBA any concern, provided that the activities undertaken by the business are clearly separate from those undertaken by the Government.

Section 21 of the Solicitors Act 1974 makes it a criminal offence an unqualified person to call themselves a solicitor when not entitled to do so. There are other words and terms whose use may be criminal. These include:

Olympic or Paralympic or any variation

Faster, higher, stronger or Spirit in Motion

Games, Two Thousand and Twelve, Twenty-Two or 2012

Charities

There are similar rules relating to the use of names by charities. The words and expressions specified for the purposes of s.6 (2) (c) of the Charities Act 1993 cannot be used without permission. Further guidance is available on the Charity Commission’s website <http://www.charitycommission.gov.uk/> or they can be contacted by calling the Charity

Commission on 0845 3000218 or by writing to:

Charity Commission Direct

PO Box 1227

Liverpool L69 3UG

The term “lawyer” in Scotland

It should be noted that the Scottish Law Society does not allow non-solicitors to use the terms “law” or “legal” in their titles, and they will take enforcement action against those that breach this rule.

Other names

The OISC will treat the use of the following names or expressions with caution, and examine their context:

Agents

Barrister

Bureau

Europe or EU

Guarantee or Guaranteed

HSMP

Lawyer

Work permit

The OISC will have to be satisfied that the activities of the business using such a term in its title are clearly separate from those undertaken by Government, and that the name or expression is not suggesting pre-eminence in the field.

Initials

The OISC will treat with caution any advisers who seek to name their organisations with titles whose initials could confuse. Examples of this are Immigration Law Practice Agency (ILPA); Oxford Immigration Services Centre (OISC); or Uncle Kevin's Boundaries Agency (UKBA). It would be difficult to argue that the use of such initials was entirely coincidental, and the OISC may require businesses to change such names under **Code 77**.

Qualifications

There have also been instances where individual advisers have styled themselves as **Professor, Doctor, Commissioner of Oaths** or **Notary Public**. For the OISC's purposes, a Professor is a teacher of the highest academic rank in a college or university of good standing who has been awarded the title Professor in a particular branch of learning by a recognised university. A Doctor is a person who has been awarded a doctor's degree by a reputable institution. A Commissioner of Oaths in English law is a person appointed by the Lord Chancellor with power to administer oaths or take affidavits, while a Notary Public is appointed by the Archbishop of Canterbury and is subject to regulation by the Court of Faculties. None of the above can be accidentally acquired.

Any adviser who is found to use any of the above titles or any other qualifications when not entitled to do so may be considered by the OISC as deliberately seeking to mislead potential clients (see **Code 78**). If the misuse of a title is found, the OISC may take regulatory action against that adviser or, if applying to be regulated, not allow them into the Scheme.

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