

Health Professions Council meeting – 7 July 2011

Company and Business Names

Executive summary and recommendations

Introduction

1. Section 53 of the Companies Act 2006 prohibits the registration of a company by a name which, in the opinion of the Secretary of State, would constitute an offence. Consequently, Companies House will not permit a person to register a company (or limited liability partnership) name or use a business name which contains any reference to a title which is protected under the Health Professions Order 2001 (or a cognate expression) unless the applicant has first obtained a ‘letter of non-objection’ from the HPC.
2. The appendix to this paper, which has been prepared by the Solicitor to HPC, sets out a draft HPC policy in relation to issuing letters of “non-objection.”

Decision

Council is requested to approve:-

- (i) the draft Policy entitled “Company and Business Names” appended to this paper; and
- (ii) that the decision to issue letters of non-objection be delegated to the Secretary to Council or in the absence of the Secretary to Council, a Director nominated for that purpose by the Secretary to Council.

Background information

None

Resource implications

None

Financial implications

None

Background papers

None

Appendices

Policy on “Company and Business Names” as drafted by the Solicitor to HPC.

Date of paper

21 June 2011

COMPANY AND BUSINESS NAMES

Introduction

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The titles which are protected under the Health Professions Order 2001 are:

Art psychotherapist;	Occupational therapist;
Art therapist;	Operating department practitioner;
Biomedical scientist;	Orthoptist;
Chiropodist;	Orthotist;
Clinical scientist;	Paramedic;
Clinical psychologist;	Physical therapist;
Counselling psychologist;	Physiotherapist;
Diagnostic radiographer	Podiatrist;
Dietician;	Practitioner psychologist;
Dietitian;	Prosthetist;
Dramatherapist;	Radiographer;
Educational psychologist;	Registered psychologist;
Forensic psychologist;	Speech and language therapist;
Health psychologist;	Speech therapist;
Hearing aid dispenser;	Sport and exercise psychologist;
Music therapist;	Therapeutic radiographer.
Occupational psychologist;	

Non-objection

In line with its statutory objective of protecting the public, the HPC will only provide a letter of non-objection in respect of a company or business name if it is satisfied that the use of that name will not mislead anyone as to the nature of the company or business in question or any services it may offer.

Generally, the HPC will not provide a letter of non-objection unless the services being provided by the entity in question are solely or predominantly provided by HPC registrants from the relevant part of the register.

For example, a letter of non-objection would only be provided for the use of the name 'Anytown Physiotherapists' if that practice was to be operated and controlled by physiotherapists on the HPC register. Similarly, the HPC would object to the use of the word 'paramedic' in the name of a company or business which provides first aid services at public events unless those services are provided by paramedics.

In relation to representative or training organisations that wish to use a protected title in their name, the HPC will need to be satisfied that membership of, or documents issued by, the organisation could not be used by unregistered persons to mislead the public. Normally this will require membership of the organisation or access to relevant training to be limited to registrants from the relevant part of the HPC register.

Company and business names should also make clear the nature of the services being provided. For example, the HPC would be unlikely to provide a letter of non-objection for a name such as 'Blankshire Chiropody Services' unless it was the name of a practice operated by a registered chiropodist/podiatrist. If, in fact, the business of the company is providing clinical supplies to chiropodists and podiatrists then the name should be one which makes its true nature much clearer, such as 'Blankshire Chiropody Supplies'.

Applications

Applications for a letter of non-objection must be made in writing and sent to:

The Registrar
Health Professions Council
Park House
184 Kennington Park Road
London SE11 4BU

The application must set out:

- the applicant's name, address and (if any) HPC registration number;
- the proposed business or company name; and
- a description of the business activities which the company or business proposes to undertake.

Once an application has been received and assessed, the HPC may require additional information or make further inquiries before deciding whether to issue a letter of non-objection.

The provision of a letter of non-objection by the HPC is only a preliminary step and does not guarantee that a person will be permitted to use a particular company or business name. Ultimately, that is a decision for Companies House, acting on behalf of the Secretary of State.