

From: Protocol and Honours Mailbox
Subject: FW: Letter Of No Objection

From: [redacted]
Sent: 07 June 2017 17:04
To: [redacted]
Subject: RE: Letter Of No Objection

Dear [redacted]

I am looking for a letter of no objection for the name that includes "Scottish" at the beginning can you please let me know what process is required? Companies House are wanting the letter of no objection and for me to fill out a IN01 form. Can you please give me a phone on [redacted] to let me know the procedure? I had a charity called the Sports Development Foundation Scotland Ltd before with no compliants or objections.

--


Kind regards,

[redacted]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been received from an external party and

has been swept for the presence of computer viruses.


From: Protocol and Honours Mailbox
Subject: FW: Companies House Web Incorporation Service Reject


From: [redacted]
Sent: 12 June 2017 07:43
To: First Minister
Subject: RE: Companies House Web Incorporation Service Reject

Hi [redacted]

One of my colleagues picked this up in my absence and I will now be dealing with the request.

Thank you

[redacted]

[redacted] | Finance & Governance Assistant | Enterprise Sponsorship | Enterprise and Cities Division | The Scottish Government | 3rd Floor Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU | :[redacted]

From: [redacted] On Behalf Of First Minister
Sent: 09 June 2017 14:47
To: [redacted]
Cc: First Minister
Subject: FW: Companies House Web Incorporation Service Reject

[redacted]
Grateful for confirmation you will take forward

Thanks

[redacted] Office of the First Minister
Scottish Government
5TH floor/St Andrews House/Regent Road
Edinburgh EH1 3DG
[redacted]

From: [redacted]
Sent: 09 June 2017 10:52
To: [redacted]; First Minister
Subject: Fwd: Companies House Web Incorporation Service Reject

Dear [redacted]

The company address:

Office 211
Conference House
152 Morrison Street

The Exchange
Edinburgh
EH3 8EB

Business Description:

The business will begin as a brokerage in the buying and selling of precious metals. In the medium term we will look to develop storage facilities in Scotland for clients and the mint will hold the metals and other precious items as well. Depending on the political direction of future governments and under the direction of the Scottish government there may be the opportunity to print coinage for commemoration of relevant events for Scottish and the international collectors of coins and precious metals.

I developed a charity called Sport Development Foundation Scotland Ltd and did not have any problems with it and no complaints.

Please see the request below from Companies House:

This message has been generated in response to your New Incorporation application submitted to Companies House on 05/06/2017.

Proposed Company Name:	SCOTTISH NATIONAL MINT LTD
Companies House Submission Number:	045-908520

Please quote the submission number in any communications with Companies House..

Your New Incorporation for the above company was rejected on 05/06/2017 for the following reason(s):

- The residential address for [redacted] appears to be a business premises. Please amend to show a full residential address,
- (1) The use of 'Scotland', 'Scottish' or 'of Scotland' in your proposed name implies a connection with the Scottish Government, a government department or a local or specified public authority. This applies even if the word is a surname. The situation of the company's registered office must be in Scotland. If you decide to resubmit your application you must provide a letter or email of non-objection from the Scottish Government or relevant body. This applies even if the word is a surname. Email: [redacted] The Scottish Government Protocol Team 3-D Bridge Victoria Quay Edinburgh EH6 6QQ (2) If you wish to use 'Scotland' or 'Scottish' as the first word in your proposed name or 'of Scotland' anywhere in the name, you will need to demonstrate that the company is pre-eminent or very substantial in its field. You will also need to provide independent support from a representative body, trade association or other relevant organisation. The registered office or in the case of a business name, the principal place of business, must be in Scotland. For use in a business name, you must confirm the location of the principal place of business. (3) To use 'Scotland' or 'Scottish' other than as the first word in your proposed name the only requirement is that the company's registered office or in the case of a business name, the principal place of business must be in Scotland. For use in a business name, you must confirm the location of the principal place of business.

Examiner's contact details - [redacted]

Payments made by credit/debit card/PayPal will be automatically refunded if the incorporation submission is rejected. Refunds are processed within 24 hours of rejection but may take up to 4 days to show on your statement.

Payments made by account will only be taken for accepted incorporation submissions.

If you completed the Corporation Tax information screens this information will not be retained or sent to HMRC.

Thank you for using the Companies House Web Incorporation service.

Service Desk tel [redacted] or email enquiries@companieshouse.gov.uk

Note: This email was sent from a notification-only email address which cannot accept incoming email. Please do not reply directly to this message.

--

Kind regards,

[redacted]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been received from an external party and
has been swept for the presence of computer viruses.

From: Protocol and Honours Mailbox
Subject: FW: Companies House - Use of sensitive word - Advice Request

From: [redacted]
Sent: 13 June 2017 16:09
To: [redacted]
Cc: [redacted]
Subject: RE: Companies House - Use of sensitive word - Advice Request

I have no particular knowledge of other producers/manufacturers in this field, but from a plain-English perspective have to say that I cannot see how we could agree to the name 'Scottish National Mint' which to me clearly implies official/government status. The usual meaning of the word 'mint' is where a country's coins are made.

[redacted]

[redacted] | *Head of Manufacturing & Construction | Innovation, Investment & Industries Division | The Scottish Government*
3rd Floor, Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU | t[redacted]

From: [redacted]
Sent: 13 June 2017 15:58
To: [redacted]
Cc: [redacted]
Subject: FW: Companies House - Use of sensitive word - Advice Request

Hi [redacted]

Thanks for your email. I see where you might have run into problems in trying to identify a responsible policy area for this one, since currency/coinage etc is an entirely reserved matter. This isn't really a UKR issue and so I'm loath to comment on matters where I'm not qualified but, in the absence of a suitable policy lead, this line in [redacted] email gives me pause:

- *Depending on the political direction of future governments and under the direction of the Scottish government there maybe the opportunity to print coinage for commemoration of relevant events for Scottish and the international collectors of coins and precious metals.*

To my mind, this indicates an intention behind the naming of this new organisation to automatically act as the preferred provider of services to the Scottish Government under the given scenario. Presumably in the instance that [redacted] describes, if it were ever to occur, there would be the usual tendering processes and procedures applied. In agreeing to the name, I have a slight concern that we might be seen to be endorsing that element of his business plan and I wouldn't want to raise any expectations on that front. I also wouldn't want our agreement being entirely misconstrued by any other interested parties that we might in any way be preparing for said eventualities. In short, from a UK Relations perspective, I'd be minded to refuse.

A quick Google search tells me there are certainly other precious-metal *brokerage* companies in Scotland. I have to confess I'm not sure how private *mints* are currently commissioned/regulated in the UK and I think we might be hard pressed to find someone in SG who is expert in the sector. That said, I've copied [redacted], who might have a better idea of whether Scotland has any other producers/manufacturers in this field. [redacted] (also copied) might know of someone in Finance Directorate who has a better understanding of governments' procurement of physical currency.

Cheers,

J

[redacted]

Senior Inter-Governmental Relations Adviser

UK Relations Team | Constitution and UK Relations Division | Directorate for Strategy and Constitution |
Scottish Government | 2 West, St Andrew's House, Regent Road, Edinburgh, EH1 3DG | [redacted] |
W: www.gov.scot

From: [redacted]

Sent: 13 June 2017 14:12

To: [redacted]

Subject: Companies House - Use of sensitive word - Advice Request

Good Afternoon

I act as liaison point within the SG for Companies House applications where a business wishes to use certain sensitive words in their name. I've received the attached application for comment and I'm hoping you or someone within your area can help, or perhaps point me in the right direction. My colleague [redacted] advised me to send on the request to yourself based on a conversation you had with him previously.

Scottish is classified as a sensitive/prescribed word by Companies House which means the following:

- If you wish to use a sensitive word at the start of your company name or 'of Scotland' anywhere in the name, you will need to show that the company is pre-eminent or very substantial in its field. You will also need to provide independent support from a representative body, trade association or other relevant body. The company's registered office or principal place of business should be in Scotland.
- If a sensitive word is used elsewhere in the name, the company's registered office or principal place of business should be in Scotland.
- If you want to use the word because it is a surname, you will usually be given approval if the company name includes forenames or initials.

Companies House state that **Scottish** cannot be used in any part of a company name if it implies a connection with the Scottish Government, a government department or body, or a local or specified public authority unless the relevant body confirms (letter or email) that it has no objection. This applies even if the word is your surname. Although name approval lies with the Registrar, Companies House always approach the SG when the title includes a 'sensitive' word to seek a view on whether we feel the name implies a connection to Government/object to the name proposed.

I've received the application attached and would be grateful for your advice on the following:

1. Do you have any issues with the name they are proposing i.e. does the name imply a connection to government?
2. Are you aware of the Organisation and if so would you say they were pre-eminent in their field.

Kind Regards

[redacted]

[REDACTED]

From: Protocol and Honours Mailbox
Subject: FW: Companies House - Use of sensitive word - Advice Request

From: [redacted]
Sent: 16 June 2017 13:54
To: [redacted]
Subject: RE: Companies House - Use of sensitive word - Advice Request

[redacted]
Thank you very much for asking us for comments. What policy colleagues said below seems entirely reasonable to me and if their considerations are included in your response then there is nothing I would want to add from a legal perspective.

If you wanted to discuss, I am happy to speak.
[redacted]

[redacted]
Solicitors Economy and Transport, Branch 1
Victoria Quay, Area G-B South
[redacted]
My working pattern is Tue to Fri

From: [redacted]
Sent: 16 June 2017 09:19
To: [redacted]
Subject: FW: Companies House - Use of sensitive word - Advice Request

Good Morning

I'm wondering if you would be able to help in [redacted] absence or perhaps point me in the right direction. The e-mail chain below is in relation to a request Companies House received for a new business wishing to use the word 'Scottish' in their company name. There has been some concerns that the company name proposed would in fact imply a connection to the Scottish Government given the nature of the business.

My colleague suggested that I contact your team for comment/views before the decision is made and issued to the requestor. I've included the original request and the e-mails below are views from other policy areas.

Hoping this will make sense, if not please let me know & I can give you or someone in your team a call.

Thank you very much

[redacted]

From: [redacted]
Sent: 14 June 2017 13:37
To: [redacted]
Subject: RE: Companies House - Use of sensitive word - Advice Request

[redacted]

There's probably a couple of scenarios:

1. Issue a letter which simply states that the Scottish Government cannot provide a letter of non-objection in this instance;
2. Issue a letter which states that the Scottish Government cannot provide a letter of non-objection because the proposed name implies a connection with the Scottish Government.

I think the second is the more likely option. Either way if a letter stating that SG cannot provide a letter of non-objection is to be issued I think SGLD should be contacted and provided with the relevant information and asked to comment or provide a view. They might not need to make comment but it would better to know.

Hope this helps.

[redacted]

From: [redacted]

Sent: 14 June 2017 13:12

To: [redacted]

Subject: RE: Companies House - Use of sensitive word - Advice Request

[redacted]

It's looking like this is going to be an objection (my first one!!) Do I need to provide reasoning behind the decision etc? I'll wait till the other policy area responds then draft up a letter for you to proof read (if that's ok?)

[redacted]

From: [redacted]

Sent: 13 June 2017 16:09

To: [redacted]

Cc: [redacted]

Subject: RE: Companies House - Use of sensitive word - Advice Request

I have no particular knowledge of other producers/manufacturers in this field, but from a plain-English perspective have to say that I cannot see how we could agree to the name 'Scottish National Mint' which to me clearly implies official/government status. The usual meaning of the word 'mint' is where a country's coins are made.

[redacted]

[redacted] | *Head of Manufacturing & Construction | Innovation, Investment & Industries Division | The Scottish Government*

3rd Floor, Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU | t: [redacted]

From: [redacted]

Sent: 13 June 2017 15:58

To: [redacted]

Cc: [redacted]

Subject: FW: Companies House - Use of sensitive word - Advice Request

Hi [redacted]

Thanks for your email. I see where you might have run into problems in trying to identify a responsible policy area for this one, since currency/coinage etc is an entirely reserved matter. This isn't really a UKR issue and so I'm loath to comment on matters where I'm not qualified but, in the absence of a suitable policy lead, this line in [redacted] email gives me pause:

- *Depending on the political direction of future governments and under the direction of the Scottish government there maybe the opportunity to print coinage for commemoration of relevant events for Scottish and the international collectors of coins and precious metals.*

To my mind, this indicates an intention behind the naming of this new organisation to automatically act as the preferred provider of services to the Scottish Government under the given scenario. Presumably in the instance that [redacted] describes, if it were ever to occur, there would be the usual tendering processes and procedures applied. In agreeing to the name, I have a slight concern that we might be seen to be endorsing that element of his business plan and I wouldn't want to raise any expectations on that front. I also wouldn't want our agreement being entirely misconstrued by any other interested parties that we might in any way be preparing for said eventualities. In short, from a UK Relations perspective, I'd be minded to refuse.

A quick Google search tells me there are certainly other precious-metal *brokerage* companies in Scotland. I have to confess I'm not sure how private *mints* are currently commissioned/regulated in the UK and I think we might be hard pressed to find someone in SG who is expert in the sector. That said, I've copied [redacted], who might have a better idea of whether Scotland has any other producers/manufacturers in this field. [redacted] (also copied) might know of someone in Finance Directorate who has a better understanding of governments' procurement of physical currency.

Cheers,

J

[redacted]

Senior Inter-Governmental Relations Adviser

UK Relations Team | Constitution and UK Relations Division | Directorate for Strategy and Constitution |
Scottish Government | 2 West, St Andrew's House, Regent Road, Edinburgh, EH1 3DG | T[redacted] |
E: [redacted]@gov.scot | W: www.gov.scot

From: [redacted]

Sent: 13 June 2017 14:12

To: [redacted]

Subject: Companies House - Use of sensitive word - Advice Request

Good Afternoon

I act as liaison point within the SG for Companies House applications where a business wishes to use certain sensitive words in their name. I've received the attached application for comment and I'm hoping you or someone within your area can help, or perhaps point me in the right direction. My colleague [redacted] advised me to send on the request to yourself based on a conversation you had with him previously.

Scottish is classified as a sensitive/prescribed word by Companies House which means the following:

- If you wish to use a sensitive word at the start of your company name or 'of Scotland' anywhere in the name, you will need to show that the company is pre-eminent or very substantial in its field. You will also need to provide independent support from a

representative body, trade association or other relevant body. The company's registered office or principal place of business should be in Scotland.

- If a sensitive word is used elsewhere in the name, the company's registered office or principal place of business should be in Scotland.
- If you want to use the word because it is a surname, you will usually be given approval if the company name includes forenames or initials.

Companies House state that **Scottish** cannot be used in any part of a company name if it implies a connection with the Scottish Government, a government department or body, or a local or specified public authority unless the relevant body confirms (letter or email) that it has no objection. This applies even if the word is your surname. Although name approval lies with the Registrar, Companies House always approach the SG when the title includes a 'sensitive' word to seek a view on whether we feel the name implies a connection to Government/object to the name proposed.

I've received the application attached and would be grateful for your advice on the following:

1. Do you have any issues with the name they are proposing i.e. does the name imply a connection to government?
2. Are you aware of the Organisation and if so would you say they were pre-eminent in their field.

Kind Regards

[redacted]

From: Protocol and Honours Mailbox
Subject: FW: Scottish National Mint Ltd_ 2017 07 03

From: [redacted]
Sent: 12 July 2017 08:37
To: [redacted]
Cc: [redacted]
Subject: Scottish National Mint Ltd_ 2017 07 03

[redacted]

We have received the attached e-mail from [redacted] regarding a letter issued by SG on 3 July confirming that SG object to his proposed use of the company name Scottish National Mint Ltd. As you are aware, an objection to a company name by the SG prevents the registration of that name by Company's House. The letter to [redacted] states:

The name you seek to register at Companies House may, due to the nature of the business, be considered to imply a connection to the Scottish Government. After giving due consideration to your enquiry, the Scottish Government cannot provide you with a letter of non-objection for this reason.

A link to the letter is attached.

As part of the process to determine whether to provide a letter objection or non-objection to an applicant wishing to use a sensitive word in the title of a proposed company name the Sponsorship Team request a view from a relevant policy team and base the decision on that view. In the case of an objection letter we also seek the view of SGLD, however this is the first objection letter that we have issued. The link to the advice received from the policy team and from SGLD is attached.

[redacted] is now asking the following - Who made the decision? Why would someone think it is government related? How do I appeal? Who do I appeal to? What process do I have to go through?

I would propose to respond that 'this was a decision reached by Scottish Government officials as the proposed company name 'Scottish National Mint' implies a connection with the Scottish Government.

However, [redacted] also asks for details of an appeals process. I have checked the guidance that we hold and this does not provide any information on a SG appeals process. Can you please advise how this should be handled from a legal perspective.

Regards.

[redacted]

[redacted]
Scottish Government

Sponsorship & Better Regulation
Enterprise and Cities Division
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
[redacted]

From: Protocol and Honours Mailbox
Subject: FW: Scottish National Mint Ltd_ 2017 07 03

From: [redacted]
Sent: 12 July 2017 08:48
To: [redacted]
Cc: [redacted]
Subject: Scottish National Mint Ltd_ 2017 07 03

[redacted]

We have received the attached e-mail from [redacted] regarding a letter issued by SG on 3 July confirming that SG object to his proposed use of the company name Scottish National Mint Ltd. As you are aware, an objection to a company name by the SG prevents the registration of that name by Company's House. The letter to [redacted] states:

The name you seek to register at Companies House may, due to the nature of the business, be considered to imply a connection to the Scottish Government. After giving due consideration to your enquiry, the Scottish Government cannot provide you with a letter of non-objection for this reason.

A link to the letter is attached.

As part of the process to determine whether to provide a letter objection or non-objection to an applicant wishing to use a sensitive word in the title of a proposed company name the Sponsorship Team request a view from a relevant policy team and base the decision on that view. In this case you provided a view that 'I cannot see how we could agree to the name 'Scottish National Mint' which to me clearly implies official/government status. The usual meaning of the word 'mint' is where a country's coins are made'

[redacted] is now asking the following - Who made the decision? Why would someone think it is government related? How do I appeal? Who do I appeal to? What process do I have to go through?

I would propose to respond that 'this was a decision reached by Scottish Government officials as the proposed company name 'Scottish National Mint' implies a connection with the Scottish Government.

Do you wish to add anything further to the above.

I have attached a link to your e-mail of 13 June and for information an e-mail provided by SGLD.

[redacted] also asks for details of an appeals process. I have checked the guidance that we hold and this does not provide any information on a SG appeals process. However, I have asked SGLD for advice and will contact you again if that advice requires a different approach to the proposed response.

Regards.

[redacted]

[redacted]

Scottish Government

Sponsorship & Better Regulation

Enterprise and Cities Division

5 Atlantic Quay

150 Broomielaw

Glasgow

G2 8LU

[redacted]

Twitter: [@scotgoveconomy](https://twitter.com/scotgoveconomy)

blogs.scotland.gov.uk/scotlands-economy

Kerr J (Joanne)

From: Protocol and Honours Mailbox
Subject: FW: Scottish National Mint Ltd_ 2017 07 03

From: [redacted]
Sent: 18 July 2017 14:00
To: [redacted]
Cc: [redacted]
Subject: RE: Scottish National Mint Ltd_ 2017 07 03

[redacted]

I've nothing further to add, but note that the final decision on this for Companies House rather than SG (?) so I would assume that any appeal process would be via Companies House too.

[redacted]

[redacted] | *Head of Manufacturing & Construction | Innovation, Investment & Industries Division | The Scottish Government*
3rd Floor, Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU | t[redacted]

From: [redacted]
Sent: 18 July 2017 08:58
To: [redacted]
Cc: [redacted]
Subject: RE: Scottish National Mint Ltd_ 2017 07 03

Hi [redacted]

Just wondering if you have had the time to consider the e-mail below.

Kind Regards

[redacted]

[redacted] | *Finance & Governance Assistant | Enterprise Sponsorship | Enterprise and Cities Division | The Scottish Government | 3rd Floor Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU* [redacted]

From: [redacted]
Sent: 12 July 2017 08:48
To: [redacted]
Subject: Scottish National Mint Ltd_ 2017 07 03

[redacted]

We have received the attached e-mail from [redacted] regarding a letter issued by SG on 3 July confirming that SG object to his proposed use of the company name Scottish National Mint Ltd. As you are aware, an objection to a company name by the SG prevents the registration of that name by Company's House. The letter to [redacted] states:

The name you seek to register at Companies House may, due to the nature of the business, be considered to imply a connection to the Scottish Government. After giving due consideration to

your enquiry, the Scottish Government cannot provide you with a letter of non-objection for this reason.

A link to the letter is attached.

As part of the process to determine whether to provide a letter objection or non-objection to an applicant wishing to use a sensitive word in the title of a proposed company name the Sponsorship Team request a view from a relevant policy team and base the decision on that view. In this case you provided a view that 'I cannot see how we could agree to the name 'Scottish National Mint' which to me clearly implies official/government status. The usual meaning of the word 'mint' is where a country's coins are made'

[redacted] is now asking the following - Who made the decision? Why would someone think it is government related? How do I appeal? Who do I appeal to? What process do I have to go through?

I would propose to respond that 'this was a decision reached by Scottish Government officials as the proposed company name 'Scottish National Mint' implies a connection with the Scottish Government.

Do you wish to add anything further to the above.

I have attached a link to your e-mail of 13 June and for information an e-mail provided by SGLD.

[redacted] also asks for details of an appeals process. I have checked the guidance that we hold and this does not provide any information on a SG appeals process. However, I have asked SGLD for advice and will contact you again if that advice requires a different approach to the proposed response.

Regards.

[redacted]

[redacted]
Scottish Government
Sponsorship & Better Regulation
Enterprise and Cities Division
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
[redacted]

From: Protocol and Honours Mailbox
Subject: FW: Companies House, Scotland - Scottish National Mint Ltd

From: [redacted]
Sent: 19 July 2017 15:20
To: [redacted]
Cc: [redacted]
Subject: RE: Companies House, Scotland - Scottish National Mint Ltd

[redacted]and [redacted]

Thanks to [redacted]for the links below.

In relation to the application to register the name of Scottish National Mint, it is unfortunate that the Guidance directed the applicant to ask us at the outset to comment on whether the name could imply a connection with the SG, as it seems very likely that the company, as a new start, would not meet the test under Category 1.113, paragraph 1, that the company is "pre-eminent or very substantial in its sector" etc. As set out below, that test should have been considered by Companies House, and found to have been met, before the SG were invited for views on any implied connection with the SG. If the test was not found to have been met, the application should have been refused at that stage.

However, in terms of future handling of this case, a letter should now be sent to the applicant simply confirming the decision not to issue a letter on non-objection, and advising that there is no right of appeal in relation to that decision. I don't think it would be helpful to enter in more detailed correspondence with him at this stage about how his application would have been likely to fail, in any event, on the ground set out above, as that would still be a decision for Companies House.

In terms of future cases, I think there is an problem with the procedure for dealing with requests which have "Scottish" or "Scotland" at the start of the proposed name.

In terms of the information reached when clicking on the relevant links on the Companies House website, the following is set out:-

1.113 Scotland / Scottish

Use in a name that does not imply a connection with the Scottish Government

Applications under the criteria set out in 1-3 below should be sent directly to Companies House.

1. If you wish to use this word at the start of your proposed name you will need to demonstrate that the company is pre-eminent or very substantial in its sector. You should also provide the views or supporting evidence from an independent source, such as a trade association or other private or public body you work with. The situation of the company's registered office must be in Scotland. In the case of a business name, the principal place of business must be Scotland and you must confirm the address in your application letter.
2. If this word is not the first word in your proposed name it will normally be allowed if the company's registered office is in Scotland. In the case of a business name, the principal place of business must be Scotland and you must confirm the address in your application letter.

3. If this word is your surname it will normally be allowed if the proposed name includes forenames or initials.

Use in a name that could imply a connection with the Scottish Government

If your proposed name is likely to imply a connection with the Scottish Government you will need to provide a letter of non-objection from this body and include a copy when you send your application to Companies House. The situation of the company's registered office must be in Scotland. In the case of a business name, the principal place of business must be in Scotland and you must confirm the address in your application letter.

You should only contact the Scottish Government if the name is likely to imply a connection with this body.

[redacted][@gov.scot](mailto: [redacted]@gov.scot)

Protocol and Honours Team
Scottish Government
2W, St. Andrew's House
Edinburgh
EH1 3DG

This guidance does not seem to have been amended in terms of suggestions drafted in the draft letter attached. Were any suggested changes sent to and discussed with Companies House?

One key issue with the current guidance is that it fails to ensure that all cases with Scotland or Scottish as a proposed first name are checked at the outset by Companies House in relation to Criterion 1 – namely:-

1. If you wish to use this word at the start of your proposed name you will need to demonstrate that the company is pre-eminent or very substantial in its sector. You should also provide the views or supporting evidence from an independent source, such as a trade association or other private or public body you work with. The situation of the company's registered office must be in Scotland. In the case of a business name, the principal place of business must be Scotland and you must confirm the address in your application letter.

This test is likely to eliminate nearly all new companies from using Scotland or Scottish as a first name, rendering all further checks irrelevant, such as whether there is also an implied connection with the SG. Therefore, this test should be carried out by Companies House in **every** relevant case, as an initial first step. Only if there is no issue under that heading should the applicant then be referred to contact the SG if the name might imply a connection with the SG.

The way the guidance is currently operating seems to be resulting in time is being unnecessarily wasted (by both applicants and the SG) in seeking to obtain letters of non-objection in cases which are, effectively, a non-starter for companies with proposed names which have no chance of success, due to the requirements of paragraph 1 of Category 1.113.

Therefore, I think that first heading of the Guidance is not helpful. It should be amended to "Use of Scotland or Scottish in name", and these tests should be carried out as a first step, by Companies House. If that is done, there are a few other minor changes which should also be made to clarify the procedure, and the stage that the SG should be contacted.

Thanks.

[redacted]

[redacted]

SGLD – Economy and Transport

[redacted]

(I work part-time, usually Mondays to Wednesdays, and 4 hours on Thursdays)

From: [redacted]

Sent: 18 July 2017 08:19

To: [redacted]

Cc: [redacted]

Subject: RE: Companies House, Scotland - Scottish National Mint Ltd

Hi [redacted]

I've pasted links to guidance on Companies House Requests from Gov.Uk, there are a few documents containing guidance on incorporation and names, and some guidance on MyGov.Scot. I've also included the link to the folder on Objective where all Companies House Requests are filed, there is some background and guidance (desk instructions) drafted by my team in there too. If you need anything else just let me know.

GOV.UK

<https://www.gov.uk/government/publications/incorporation-and-names>

MYGOV.SCOT

<https://www.mygov.scot/business/starting-business/registering-your-business/>

Companies House originally used to liaise with us in regards to the requests but the process was changed and that allowed companies to contact us directly with these kinds of requests.

Hope this helps.

Thank you

[redacted]

[redacted] | Finance & Governance Assistant | Enterprise Sponsorship | Enterprise and Cities Division | The Scottish Government | 3rd Floor Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU | [redacted]

From: [redacted]

Sent: 17 July 2017 12:07

To: [redacted]

Cc: [redacted]

Subject: Companies House, Scotland - Scottish National Mint Ltd

[redacted]y and [redacted]

I refer to your email to [redacted] dated 12 July which she has passed to me to consider and respond to.

From what I have read in previous correspondence, [redacted] applied to Companies House to register the name of Scottish National Mint. He was advised by Companies House that he required to obtain a letter of non-objection from the Scottish Government (SG) as the name proposed contained the word "Scottish", and also to fill in and return from IN01 (which is the form to register a private or public company).

On 13 June, he emailed [redacted] asking for a letter of non-objection from the SG. [redacted] asked for views from policy colleagues and SGLD, and on 3 July a letter was sent to [redacted] advising him that:-

"The name you seek to register at Companies House may, due to the nature of the business, be considered to imply a connection to the Scottish Government. After giving due consideration to your enquiry, the Scottish Government cannot provide you with a letter of non-objection for this reason."

[redacted] is now querying the decision and wishes to appeal against it.

I now need to consider all SG guidance on this issue, or anything which has been provided by Companies House in relation to dealing with this type of request, so please send me copies or links.

In the internal correspondence, the following passages were quoted (which presumably either come from internal guidance or something provided by Companies House) :-

"Scottish is classified as a sensitive/prescribed word by Companies House which means the following:

- If you wish to use a sensitive word at the start of your company name or 'of Scotland' anywhere in the name, you will need to show that the company is pre-eminent or very substantial in its field. You will also need to provide independent support from a representative body, trade association or other relevant body. The company's registered office or principal place of business should be in Scotland.
- If a sensitive word is used elsewhere in the name, the company's registered office or principal place of business should be in Scotland.
- If you want to use the word because it is a surname, you will usually be given approval if the company name includes forenames or initials.

Companies House state that Scottish cannot be used in any part of a company name if it implies a connection with the Scottish Government, a government department or body, or a local or specified public authority unless the relevant body confirms (letter or email) that it has no objection. This applies even if the word is your surname. Although name approval lies with the Registrar, Companies House always approach the SG when the title includes a 'sensitive' word to seek a view on whether we feel the name implies a connection to Government/object to the name proposed."

From reading the above paragraphs in isolation, it would appear that any approach to the SG about a proposed name should come directly from Companies House, and that SG would deal directly with them in relation to letters of objection, with the final decision on registration then being issued by Companies House directly to the applicant.

I look forward to hearing from you so that I can consider this further.

Thanks.

[redacted]

[redacted]

SGLD – Economy and Transport

[redacted] (*I work part-time, usually Mondays to Wednesdays, and 4 hours on Thursdays*)



T: [redacted]
E: [redacted]t@gov.scot

[redacted]Companies House
4th Floor
Edinburgh Quay
139 Fountainbridge
Edinburgh
EH3 9FF

By email: [redacted]

Our ref: [redacted]
April 2017

Dear [redacted]

I refer to our telephone call on the afternoon of Wednesday 5 April 2017 regarding requests received by the Scottish Government (either direct from enquirers or by referral) where the proposed company name includes sensitive words (Alba, Na h-Alba/ Albannach, Scotland and Scottish). Sections 1.4 and 1.113 of Annex A of the current guidance (updated 3 February 2013) on the use of sensitive words and expressions on the GOV.UK website state that:

“Use in a name that does not imply a connection with the Scottish Government

Applications under the criteria set out in 1-3 below should be sent directly to Companies House.

1. If you wish to use this word at the start of your proposed name you will need to demonstrate that the company is pre-eminent or very substantial in its sector. You should also provide the views or supporting evidence from an independent source, such as a trade association or other private or public body you work with. The situation of the company's registered office must be in Scotland. In the case of a business name, the principal place of business must be Scotland and you must confirm the address in your application letter.
2. If this word is not the first word in your proposed name it will normally be allowed if the company's registered office is in Scotland. In the case of a business name, the principal place of business must be Scotland and you must confirm the address in your application letter.
3. If this word is your surname it will normally be allowed if the proposed name includes forenames or initials.”



“Use in a name that could imply a connection with the Scottish Government

If your company name is likely to imply a connection with the Scottish Government you will need to provide a letter of non-objection from this body and include a copy when you send your application to Companies House.”

and

“You should only contact the Scottish Government if the name is likely to imply a connection with this body.”

For the majority of enquiries the Scottish Government has recently received the enquirer/ applicant's proposed company name did not imply a connection with the Scottish Government. Therefore, I would suggest that any enquiries received from companies by the Scottish Government regarding the use of these sensitive words, where Scottish Government is satisfied there is no implied connection in the proposed name, will be informed of this, advised to contact Companies House and provided a link to the relevant guidance on the GOV.UK website regarding registration. They can then provide this in their application to Companies House.

For the majority of enquiries the Scottish Government receives where the sensitive word is to be used at the start of the proposed name, there would be little prospect of the company demonstrating that it is pre-eminent or very substantial in its sector or provide views or supporting evidence from an independent source, such as a trade association or other private or public body it works with. It would therefore appear that this process would be more efficient if Companies House attempted to secure these assurances prior to referring any applicants to the Scottish Government as without evidence of pre-eminence the letter of non-objection is moot. The rationale behind this is that there have been recent instances where the Scottish Government has, after undertaking a time-consuming internal process, secured non-objection from a policy team within Scottish Government and issued a letter of non-objection only to be contacted a short time later by the enquirer to inform us that Companies House has asked for evidence of pre-eminence etc. and asking for further assistance.

For those applications that fall into paragraphs 2 and 3 of section 1.113 of Annex A of the guidance, should Companies House be satisfied with the information provided but there may be an implied connection with the Scottish Government we would be happy to provide confirmation.

I would be grateful if Companies House could update its internal guidance to reflect that

- where the Scottish Government receives enquiries asking for a letter of non-objection and the Scottish Government does not perceive an implication of connection, the Scottish Government will direct the enquirer to Companies House; and
- for those applications that fall into paragraphs 2 and 3 of section 1.113 of Annex A of the guidance, Companies House will request evidence of pre-eminence etc. prior to referring any applications to the Scottish Government to check for any implied connection.

I have also contacted our colleagues in the Protocol and Honours Team who inform me they have requested that the contact details for the use of sensitive words in the guidance be amended on several occasions. I would be grateful if Companies House could note that enquiries regarding registration of a company name including sensitive words (Alba, Na h-Alba/ Albannach, Scotland and Scottish) **where there is an implication of connection with the Scottish Government** should be sent to:

[redacted]@gov.scot

Enterprise Sponsorship, Better Regulation and City Deals Finance Team
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Enquiries regarding registration of a company name using King, Queen etc. should continue to be sent to the Protocol and Honours Team as per your current guidance.

Yours Sincerely

[redacted]

From: Protocol and Honours Mailbox
Subject: FW: Scottish National Mint Ltd_ 2017 07 03

From: [redacted]
Sent: 21 July 2017 13:47
To: [redacted]
Cc: [redacted]
Subject: RE: Scottish National Mint Ltd_ 2017 07 03

Good Afternoon

Please find attached a letter from the Scottish Government in response to your query regarding an objection to incorporate 'Scottish' in your proposed company name.

Kind Regards

[redacted]
[redacted] | Finance & Governance Assistant | Enterprise and Cities Division | The Scottish Government | 3rd Floor Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU | [redacted]

From: [redacted]
Sent: 11 July 2017 09:41
To: [redacted]
Cc: [redacted]
Subject: RE: Scottish National Mint Ltd_ 2017 07 03

Dear [redacted]

Thank you for your e-mail. Please accept this e-mail as receipt.

I have passed your new query on to the relevant policy areas and will be in touch in due course.

Kind Regards

[redacted]

[redacted] | Finance & Governance Assistant | Enterprise Sponsorship | Enterprise and Cities Division | The Scottish Government | 3rd Floor Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU | [redacted]

From: [redacted]
Sent: 06 July 2017 20:37
To: [redacted]
Subject: Re: Scottish National Mint Ltd_ 2017 07 03

Who made the decision? Why would someone think it is government related? How do I appeal? Who do I appeal to? What process do I have to go through? I don't think this is fair and as usual an over reaction by the government.

On 3 July 2017 at 14:44, [redacted]> wrote:

Good Afternoon

Please find attached a letter from the Scottish Government regarding a request to incorporate 'Scottish' into your company name.

Kind Regards

[redacted]

[redacted] Finance & Governance Assistant | Enterprise Sponsorship | Enterprise and Cities Division | The Scottish Government | 3rd Floor Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU | [redacted]

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

--

Kind regards,

[redacted]

T: 0300-[redacted]
E: [redacted]@gov.scot

[redacted]
By e-mail: [redacted]

[redacted]
Monday 3rd July 2017

Dear [redacted]

Thank you for your enquiry of Wednesday 7th June 2017 concerning registration of your business with the name:

Scottish National Mint Ltd

The name you seek to register at Companies House may, due to the nature of the business, be considered to imply a connection to the Scottish Government. After giving due consideration to your enquiry, the Scottish Government cannot provide you with a letter of non-objection for this reason.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

[redacted]

T: [redacted]
E: [redacted]

[redacted]
By e-mail [redacted]

—
[redacted]
Friday 21st July 2017

Dear [redacted]

Thank you for your e-mail of Thursday 6th July 2017 requesting further information in regards to the objection by the Scottish Government to use the word 'Scottish' in your proposed company name; Scottish National Mint Ltd.

The decision to object to this request was reached by Scottish Government Officials as the proposed company name 'Scottish National Mint Ltd' implies a connection with the Scottish Government.

There is no right of appeal to this decision.

Please note that although the Scottish Government may object to using the sensitive word in your proposed company name, the ultimate decision on creation of the company sits with Companies House.

Yours sincerely

[redacted]