



TRUSTEE ELIGIBILITY / Automatic Disqualification Rules

Prospective trustees must give their personal assurance that they are eligible to become trustees in accordance with current legislation, and with the automatic disqualification rules which come into force on 1st August 2018.

You can find **guidance from the Charity Commission** about automatic disqualification rules, what to do if you become disqualified and how to apply for a waiver – see:

- [Automatic disqualification rules for charity trustees and charity senior positions](#)

You will be disqualified from acting as a charity trustee if any of the “Legal disqualifying reasons” shown in this [disqualifying reasons table](#) apply to you. *(PDF, 4 pages)*

These reasons are mainly bankruptcy related, and also include unspent convictions for crimes involving dishonesty or deception.

It is important that you check carefully whether you are disqualified and get advice if you are in any doubt.

- Please read carefully the [disqualifying reasons table](#)
- You can read a brief summary of these reasons on page 2 below.

Under the Finance Act 2010 there is the ‘fit and proper person’ test whereby HMRC requires that ‘managers’ (= trustees in a charity for this purpose) do not have a history of:

1. tax fraud;
2. other fraudulent behaviour, including misrepresentation and/or identity theft;
3. involvement in attacks against or abuse of tax repayment systems;
4. being barred from acting as a charity trustee by a charity regulator or Court, or being disqualified from acting as a company director.

Declaration of eligibility:

I hereby declare that I am not disqualified from becoming a trustee by any of the ‘Legal disqualifying reasons’ in the Charity Commission’s [disqualifying reasons table](#); and that I am a ‘fit and proper person’ under the Finance Act 2010.

Signed:

Date:

Name:

List of reasons for disqualification: those marked * are new and only apply from 1 August 2018
[from a Charity Commission blog dated 17.01.2018 [here](#)]

1. being on the Sex Offenders' Register*
2. **unspent** conviction for an offence involving
 - deception or dishonesty
 - terrorist offences*
 - money laundering*
 - bribery*
 - misconduct in public office*, perjury*, perverting the course of justice*
 - contravention of certain preventative Orders of the Charity Commission (s.77 of the Charities Act 2011)*
 - attempting, aiding or abetting these offences*
3. contempt of court*
4. designation under specific anti-terrorist legislation*
5. found guilty by the High Court of disobeying a Commission order or direction*
6. removed from:
 - trusteeship, or as an officer*, agent* or employee* of a charity by the Court or the Commission for misconduct or mismanagement
 - a position of management or control of a charity in Scotland for mismanagement or misconduct
7. disqualification order under the Company Directors Disqualification Act 1986
8. undischarged bankruptcy
9. composition or arrangement with creditors which includes an individual voluntary arrangement (IVA), and is currently on the Insolvency Service Register
