

**TRUSTEE ELIGIBILITY**

Prospective trustees must give their personal assurance that they are eligible to become trustees in accordance with current legislation, which includes the following:

A) Section 178 of the Charities Act 2011 lists people who may not be trustees of a charity.

People will be disqualified who:

1. have an unspent conviction for any offence involving dishonesty or deception;
2. are undischarged bankrupts;
3. have made an arrangement with their creditors and have not been discharged in respect of it;
4. have been removed from the office of trustee of charity by an order made by the Charity Commission (formerly the Charity Commissioners) or by the High Court, on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible;
5. have been removed, under Section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (powers of Court of Session to deal with management of charities), from being concerned in the management or control of any body;
6. are subject to a disqualification order under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

B) 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 the provisions of Section 178 of the Charities Act 2011 and that I am a ‘fit and proper person’ under the Finance Act 2010.

Signed: ………………………………… Date: ……………………..

Name: