

Charity Trustee and Senior Position (e.g. GSL, Sectional Leader, Commissioner whether designated as ex-officio Trustee or not) Legal Disqualification

Reasons appointees are automatically disqualified from acting as a trustee or senior management position in a charity according to the law of England and Wales and therefore cannot take up or must resign their position if:

1. They have an unspent conviction for any of the following
 - a) an offence involving deception or dishonesty
 - b) a terrorism offence a. to which Part 4 of the Counter-Terrorism Act 2008 applies
b. under sections 13 or 19 of the Terrorism Act 2000
 - c) a money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002
 - d) a bribery offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
 - e) an offence of contravening a Commission Order or Direction under section 77 of the Charities Act 2011
 - f) an offence of misconduct in public office, perjury or perverting the course of justice
 - g) In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007(encouraging or assisting) in relation to the offence
2. They are on the sex offenders register (i.e. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
3. They have an unspent sanction for contempt of court for making, or causing to be made, a false statement or for making, or causing to be made, a false statement in a document verified by a statement of truth
4. They have been found guilty of disobedience to an order or direction of the Commission under section 336(1) of the Charities Act 2011
5. They are a designated person for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011
6. They have previously been removed as an officer, agent or employee of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
7. They have previously been removed as a trustee of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
8. They have been removed from management or control of anybody under section s34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (or earlier legislation)
9. They are disqualified from being a company director, or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity
10. They are currently declared bankrupt (or subject to bankruptcy restrictions or an interim order)
11. They have an individual voluntary arrangement (IVA) to pay off debts with creditors
12. They are subject to a moratorium period under a debt relief order, or a debt relief restrictions order, or an interim order
13. They are subject to an order made under s.429(2) of the Insolvency Act 1986. (Failure to pay under a County Court Administration Order)