

Trustee positions

Automatic disqualification declaration

This example can be used alongside the [existing trustee declaration](#)¹ form by:

- Charities to satisfy themselves that individuals who hold (or who are applying for) a trustee position will not be disqualified from holding that position from 1 August. Charities can ask the individual to complete this declaration alongside the existing [trustee declaration form](#) if they have not already done so.
- Individuals who hold, or are applying for, a trustee position, to declare that they will not be disqualified from holding that position from 1 August 2018.

Charities must make sure any declaration forms are handled and processed in accordance with duties under the General Data Protection Regulation (GDPR).

From 1 August 2018 individuals will be automatically disqualified from acting as a trustee of a charity if:

- one or more of the reasons in Annex A apply; and
- they have not obtained a waiver of that disqualification from the Charity Commission.

Completing the declaration

Read the automatic disqualification [guidance](#)² to decide if you will be disqualified from 1 August 2018

Complete and sign this declaration to confirm that you will not be disqualified.

If one of the disqualification reasons does apply, you may be able to [apply for a waiver from the Charity Commission](#)³ which will allow you to take up or continue to act as a trustee.

Pass a copy of the completed declaration to the trustees for the charity's records (the declaration should not be sent to the Charity Commission).

Declaration

I declare that:

- I am not disqualified from acting as a trustee from 1 August 2018; and
- I will inform the trustees promptly if, after the date of this declaration, one or more of the disqualification reasons applies to me.

Full Name:

Signature:

Date:

Charity Name and Number:

¹ <https://www.gov.uk/government/publications/confirmation-of-charity-trustee-eligibility>

² <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions>

³ <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#apply-waiver>

Annex A – Disqualification Reasons

After 1 August 2018, you will be automatically disqualified from acting as a trustee if:

1. You 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**
yes/no
 - 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. You are **on the sex offenders register** (ie. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
3. You 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. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
5. You 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. You 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. You 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. You 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. You 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. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
11. You **have an individual voluntary arrangement (IVA)** to pay off debts with creditors
12. You are **subject to** a moratorium period under **a debt relief order**, or a debt relief restrictions order, or an interim order
13. You are subject to an order made under s.429(2) of the Insolvency Act 1986. (**Failure to pay under a County Court Administration Order.**)

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