Trustee positions
Automatic disqualification declaration

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](https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions)[[1]](#footnote-1) 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](https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#apply-waiver)[[2]](#footnote-2) 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:

**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
2. an offence involving **deception or dishonesty**
3. a **terrorism** offence
	1. to which Part 4 of the Counter-Terrorism Act 2008 applies
	2. under sections 13 or 19 of the Terrorism Act 2000
4. a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002
5. a **bribery** offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
6. an offence of **contravening a Commission Order or Direction** under section 77 of the Charities Act 2011
7. an offence of **misconduct in public office, perjury** or **perverting the course of justice** yes/no
8. 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
9. You are **on the sex offenders register** (i.e. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
10. 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
11. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
12. 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.
13. 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
14. 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
15. 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)
16. 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
17. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
18. You **have an individual voluntary arrangement** (IVA) to pay off debts with creditors
19. You are **subject to** a moratorium period under **a debt relief order**, or a debt relief restrictions order, or an interim order
20. 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.**)
1. <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions> [↑](#footnote-ref-1)
2. <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#apply-waiver> [↑](#footnote-ref-2)