

## Confirmation of eligibility to be a Council member

### Charity law requirements

You are disqualified from acting as a charity trustee<sup>1</sup> if any of the reasons shown in the tables below apply to you.

Table A - Unspent convictions for specific offences

Legal disqualifying reason	Legislation (where relevant)	Exceptions and notes
1. Unspent conviction for an offence involving dishonesty or deception	There is more information about what is meant by a dishonesty/deception offence at <a href="#">Annex A</a> in the automatic disqualification guide	<b>A person is no longer disqualified by the automatic disqualification rules if and when their conviction is spent</b>
2. Unspent conviction for specified terrorism offences	Offences: <ul style="list-style-type: none"> <li>to which Part 4 of the Counter-Terrorism Act 2008 applies; or</li> <li>under sections 13 or 19 of the Terrorism Act 2000 under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence</li> </ul>	You can use this guidance from the charity <a href="#">Unlock</a> to work out when your conviction becomes spent, and so no longer disqualifies you from being a charity trustee and from holding certain senior manager positions at a charity  You can also look at the <a href="#">Nacro website</a> or at <a href="#">GOV.UK</a> for information about when convictions become spent
3. Unspent conviction for a specified money laundering offence	A money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002  An offence under sections 1, 2, 6 or 7 of the Bribery Act 2010	

<sup>1</sup>Charity Commission, 'Automatic disqualification rules for charity trustees and charity senior positions' (2018) <https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#annex-a-what-a-dishonestydeception-offence-is>

4. Unspent conviction for specified bribery offences		
5. Unspent conviction for the offence of contravening a Charity Commission Order or Direction	An offence under section 77 of the Charities Act 2011 - contravening a Commission Order or Direction	
6. Unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice		
7. Unspent convictions for aiding attempting or abetting the above offences	In relation to offences at 1 - 6 above, an offence of: <ul style="list-style-type: none"> <li>• attempt, conspiracy, or incitement to commit the offence</li> <li>• aiding, or abetting, counselling or procuring the commission of the offence</li> <li>• under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence</li> </ul>	

*Table B - Other legal disqualifying reasons – non financial*

Legal disqualifying reason	Legislation (where relevant)	Exceptions and notes
Being on the sex offenders register	Where a person is subject to notification requirements of Part 2 of the Sexual Offences Act 2003, commonly referred to as being on the sex offenders register	<b>Note</b> - If these notification requirements apply to a person, they are disqualified by the automatic disqualification rules even if their offence is spent
Unspent sanction for contempt of Court	Where a person has been found to be in contempt of court for making, or causing to be made, a false statement or making (or causing to be made) a false statement in a document verified by a statement of truth	<b>A person is no longer disqualified by the automatic disqualification rules if and when the sanction for contempt becomes spent</b>
Disobeying a Commission Order	Where a person has been found guilty of	

	disobedience to an order or direction of the Commission under section 336(1) of the Charities Act 2011	
Being a designated persons (under specific anti-terrorist legislation)	<p>Where a person is a designated person for the purposes of:</p> <ul style="list-style-type: none"> <li>• Part 1 of the Terrorist Asset-Freezing etc. Act 2010; or</li> <li>• The Al Qaida (Asset Freezing) Regulations 2011</li> </ul>	
Being a person who has been removed from a relevant office	<p>Where a person has been removed:</p> <ul style="list-style-type: none"> <li>• from the office of charity trustee, officer, agent or employee of a charity by an Order of the Commission under s79 of the Charities Act 2011, or earlier relevant legislation, or by a High Court Order, on the grounds of any misconduct or mismanagement in the administration of the charity</li> <li>• under s34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005, or earlier relevant legislation, from being concerned in the management or control of any body</li> </ul>	
Director disqualification	<p>Where a person is subject to:</p> <ul style="list-style-type: none"> <li>• a disqualification Order under the Company Directors Disqualification Act 1986 or The Company Directors Disqualification (Northern Ireland) Order 2002 (SI2002/3150; (N.I.4)); or</li> <li>• an Order made under s429(2) of the Insolvency Act 1986 (failure to pay under a County Court administration order)</li> </ul>	<p><b>Exception</b></p> <p>There is no disqualification if the court <b>has granted leave for a person to act as director of the charity</b> (as described in section 180 of the Charities Act 2011)</p>

Table C - Other legal disqualifying reasons – financial

Title	Legislation (where relevant)	Exceptions and notes
Insolvency	<p>Where a person is:</p> <ul style="list-style-type: none"> <li>• an undischarged bankrupt</li> <li>• subject to any of the following: <ul style="list-style-type: none"> <li>○ an undischarged sequestration Order</li> <li>○ a bankruptcy restrictions Order</li> <li>○ an interim Order</li> <li>○ a moratorium period under a debt relief Order under Part 7A of the Insolvency Act 1986</li> <li>○ a debt relief restrictions Order or an interim Order under Schedule 4ZB to the Insolvency Act 1986</li> </ul> </li> </ul> <p>Where a person has made a composition or arrangement with, or granted a trust deed for, their creditors and has not been discharged in respect of it</p>	<p><b>Exception</b></p> <p>There is no disqualification for these reasons <b>if the charity concerned is a company or CIO and leave has been granted</b> under s11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts) <b>for a person to act as director of the charity (s180 Charities Act 2011)</b></p>

### Governing document requirements (Byelaw 5(5))

Council members must be members of the Institute (CTA or CTA Fellow).

### Declaration

I confirm that I am not disqualified from acting as a charity trustee and I am a member of the Chartered Institute of Taxation.

Name .....

Membership number .....

Date .....

Please return the form to [stempany@ciot.org.uk](mailto:stempany@ciot.org.uk) with your application.