

Charities Act 2011

Please read the following extract from the above Act and then consider the declaration at the end of the information:

178 Persons disqualified from being charity trustees or trustees of a charity

- (1) A person (“P”) is disqualified from being a charity trustee or trustee for a charity in the following cases—

Case A

P has been convicted of any offence involving dishonesty or deception.

Case B

P has been adjudged bankrupt or sequestration of P's estate has been awarded and (in either case) - (a) P has not been discharged, or
(b) P is the subject of a bankruptcy restrictions order or an interim order.

Case C

P has made a composition or arrangement with, or granted a trust deed for, creditors and has not been discharged in respect of it.

Case D

P has been removed from the office of charity trustee or trustee for a charity by an order made—

- (a) by the Commission under section 79(2)(a) or by the Commission or the Commissioners under a relevant earlier enactment (as defined by section 179(5)), or
(b) by the High Court,

on the ground of any misconduct or mismanagement in the administration of the charity for which P was responsible or to which P was privy, or which P's conduct contributed to or facilitated.

Case E

P has been removed, under section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10) (powers of the Court of Session) or the relevant earlier legislation (as defined by section 179(6)), from being concerned in the management or control of any body.

Case F

P is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1985 or the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I.4)), or
(b) an order made under section 429(2) of the Insolvency Act 1985 (disabilities on revocation of county court administration order).

(2) Subsection (1) is subject to sections 179 to 181

179 Disqualification: pre-commencement events etc.

(1) Case A—

(a) applies whether the conviction occurred before or after the commencement of section 178(1), but

(b) does not apply in relation to any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974.

(2) Case B applies whether the adjudication of bankruptcy or the sequestration or the making of a bankruptcy restrictions order or an interim order occurred before or after the commencement of section 178(1).

(3) Case C applies whether the composition or arrangement was made, or the trust deed was granted, before or after the commencement of section 178(1).

(4) Cases D to F apply in relation to orders made and removals effected before or after the commencement of section 178(1).

(5) In Case D—

(a) “the Commissioners” means the Charity Commissioners for England and Wales, and

(b) “relevant earlier enactment” means—

(i) section 18(2)(i) of the Charities Act 1993 (power to act for protection of charities),

(ii) section 20(1A)(i) of the Charities Act 1960, or

(5) section 20(1)(i) of the 1960 Act (as in force before the commencement of section 8 of the Charities Act 1992)

(6) In Case E, “the relevant earlier legislation” means section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (powers of Court of Session to deal with management of charities).

180 Disqualification: exceptions in relation to charitable companies

(1) Where (apart from this subsection) a person (“P”) is disqualified under Case B from being a charity trustee or trustee for a charitable company, P is not so disqualified if leave has been granted under section 11 of the Company Directors Disqualification Act 1985 (undischarged bankrupts) for P to act as director of the company.

(2) Similarly, a person (“P”) is not disqualified under Case F from being a charity trustee or trustee for a charitable company if, in a case set out in the first column of the table, leave has been granted as mentioned in the second column for P to act as director of the company—

P is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1985. Leave has been granted for the purposes of section 1(1)(a) or 1A(1)(a) of the 1985 Act.

P is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I.4)). Leave has been granted by the High Court in Northern Ireland.

P is subject to an order under section 429(2) of the Insolvency Act 1985. Leave has been granted by the court which made the order.

I declare that I have read Sections 178 – 180 of the Charities Act 2011 and that I am not thereby disqualified from being a Trustee of Dorset Mind.

I declare that there is nothing concerning me that might, if brought to light, embarrass or damage the good name of Dorset Mind.

Signed: _____

Date: _____

Name: _____