**Governor Eligibility – Disqualification Reasons**

1. **Unspent convictions for specific offences**

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| **Legal disqualifying reason** | **Legislation (where relevant)** | **Exceptions and notes** |
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| 1. Unspent conviction for an offence involving dishonesty or deception
2. Unspent conviction for specified terrorism offences
3. Unspent conviction for a specified money laundering offence
4. Unspent conviction for specified bribery offences
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| There is more information about what is meant by a dishonesty/deception offence at [Annex A](https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#annex-a-what-a-dishonestydeception-offence-is) in the automatic disqualification guideOffences:* to which Part 4 of the Counter-Terrorism Act 2008 applies; or
* 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

A money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002An offence under sections 1, 2, 6 or 7 of the Bribery Act 2010 |

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| **A person is no longer disqualified by the automatic disqualification rules if and when their conviction is spent**You can use this guidance from the charity [Unlock](http://hub.unlock.org.uk/information/charities/) 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 charityYou can also look at the [Nacro website](https://www.nacro.org.uk/resettlement-advice-service/support-for-individuals/disclosing-criminal-records/rehabilitation-offenders-act/) or at [GOV.UK](https://www.gov.uk/exoffenders-and-employment) for information about when convictions become spent

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| 1. Unspent conviction for the offence of contravening a Charity Commission Order or Direction
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| An offence under section 77 of the Charities Act 2011 - contravening a Commission Order or Direction |

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| 1. Unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice
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1. **Other legal disqualifying reasons – non financial**

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| **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 | **Note** - 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 | **A person is no longer disqualified by the automatic disqualification rules if and when the sanction for contempt becomes spent** |
| 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) | Where a person is 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
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**B. Other legal disqualifying reasons – non financial *(continued)***

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| **Legal disqualifying reason** | **Legislation (where relevant)** | **Exceptions and notes** |
| Being a person who has been removed from a relevant office | Where a person has been removed:* 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
* 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
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| Director disqualification | Where a person is subject to:* 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
* an Order made under s429(2) of the Insolvency Act 1986 (failure to pay under a County Court administration order)
 | **Exception**There is no disqualification if the court **has granted leave for a person to act as director of the charity** (as described in section 180 of the Charities Act 2011) |

1. **Other legal disqualifying reasons – financial**

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| **Legal disqualifying reason** | **Legislation (where relevant)** | **Exceptions and notes** |
| Insolvency |

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| Where a person is:* an undischarged bankrupt
* subject to any of the following:
	+ an undischarged sequestration Order
	+ a bankruptcy restrictions Order
	+ an interim Order
	+ a moratorium period under a debt relief Order under Part 7A of the Insolvency Act 1986
	+ a debt relief restrictions Order or an interim Order under Schedule 4ZB to the Insolvency Act 1986
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| 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 |

 | **Exception**There is no disqualification for these reasons **if the charity concerned is a company or CIO and leave has been granted** under s11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts) **for a person to act as director of the charity (s180 Charities Act 2011)** |