**Governor Eligibility – Disqualification Reasons**

1. **Unspent convictions for specific offences**

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| **Legal disqualifying reason** | **Legislation (where relevant)** | **Exceptions and notes** |
| |  | | --- | | 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 | | |  | | --- | | 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 guide  Offences:   * 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 2002  An offence under sections 1, 2, 6 or 7 of the Bribery Act 2010 | | |  |  | | --- | --- | | **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 charity  You 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   |  | | --- | |  | | |
| |  | | --- | | 1. 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 | |
| |  | | --- | | 1. Unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice | |  |

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 |  |

**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 |  |
| 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 | |  |  | | --- | --- | | 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 |  | | 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)** |