

## Declaration of commitment and qualification for trusteeship

I (name)..... am committed to achieving the objects of

### Tools for Self Reliance

I understand the responsibilities and liabilities I am taking on in becoming a trustee of *Tools for Self Reliance*

and agree to devote the necessary time and effort to my trusteeship.

I am not disqualified from acting as a trustee under section 72 of the Charities Act 1993. \*

Signed

Date \_\_\_\_\_

\* Section 72 of the Charities Act 1993 disqualifies people who:

- have unspent convictions for any offence involving deception or dishonesty;
- have been adjudged bankrupt or sequestration of their estate has been awarded and (in either case) they have not been discharged;
- have made a composition or arrangement with, or granted a trust deed for, their creditors and have not been discharged in respect of **it**;
- have been removed from the office of charity trustee or trustee for a charity by an order made by the Commissioners or by the High Court, on the grounds of any misconduct or mismanagement in the administration of the charity for which they were responsible or to which they were privy, or which they by their conduct contributed to or facilitated;
- have been removed, under Section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (powers of Court of Session to deal with management of charities), from being concerned in the management or control of any body;
- are subject to a disqualification order under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

*fuller details over page.*

## • 1. Disqualification under the Charities Act 1993

Disqualification for acting as a charity trustee means that a person cannot act as a trustee until the period of disqualification expires.

S.72(1) of the 1993 Act provides that a person shall be disqualified for being a charity trustee or trustee for a charity if that person:

- has been convicted of any offence involving dishonesty or deception (but see OG 41 B4 about spent convictions);
- has been adjudged bankrupt, or sequestration of his or her estate has been awarded, and in either case he or she has not been discharged, **except** that there is no disqualification under this paragraph if the charity concerned is a company and leave has been granted under s.11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts) for him or her to act as director of the charity (s.72(3));
- has made a composition or arrangement with, or granted a trust deed for, his or her creditors and has not been discharged in respect of it;
- has been removed from the office of charity trustee or trustee for a charity by an Order of the Commission under s.18(2) of the 1993 Act (or s.20(1) or (1A) of the Charities Act 1960), or by an Order made by the High Court, on the grounds of any misconduct or mismanagement in the administration of the charity, for which he or she was responsible or to which he or she was privy or which he or she by his or her conduct contributed to or facilitated;
- has been removed, under s.7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (powers of Court of Session to deal with management of charities), from being concerned in the management or control of any body;
- is subject to a disqualification order under the Company Directors Disqualification Act 1986, or to a disqualification order under the Companies (Northern Ireland) Order 1989, or to an order made under s.429(2)(b) of the Insolvency Act 1986 (failure to pay under a County Court administration order), **except** that there is no disqualification under this paragraph if leave has been granted by the relevant court for him or her to act as director of the charity

These provisions apply whether the relevant event occurred before or after s.72 came into force. A disqualified trustee cannot act as a trustee, but, where the disqualification is time limited, the restriction lasts only until the period of disqualification expires.