

Director's Declaration

I declare that:

- I am over age 18.
- I am not an undischarged bankrupt.
- I have not previously been removed from directorship/trusteeship of a charity by a Court or the Charity Commission.
- I am not under a disqualification under the Company Directors' Disqualification Act 1986.
- I do not have an unspent conviction of an offence involving deception or dishonesty.
- I am in the light of the above, not disqualified by the Charities Act 1993 (Section 72) from acting as charity trustee.
- I undertake to fulfil my responsibilities and duties as a director of GMFA in good faith and in accordance with the law and within GMFA's objective's & mission.
- I do not have any financial interests in conflict with those of GMFA (either in person or through family or business connections) except those that I have formally notified in a conflict of interest statement. I will specifically notify any meeting where directors are required to make a decision that affects my personal interests, and I will absent myself entirely from any decision on the matter and not vote on it.
- I have read the attached trustee eligibility and disqualification notes.

Name of director

Signed

Date

Trustee / Director Eligibility and Disqualification

The courts can bar people from being a trustee by one of two ways, depending on the structure of the charity. However, they can also exempt people from disqualification.

Here you can find information on how someone may be legally ineligible for membership of a trustee board, and also information on the process of exemption.

Disqualification under company law

Company law applies to all companies, including charities that are formed as a company limited by guarantee. A court may disqualify people from being a company director if they have a:

- Conviction for criminal offences relating to the promotion, formation, management or liquidation of a company
- Conviction for fraudulent trading or fraud
- Record of persistent default on company legislation for filing accounts and other documents
- Record of conduct as a director that makes them unfit to be involved in Company management

(Company Directors Disqualification Act 1986)

Disqualification under charity law

The Charities Act 1993 covers all charities including excepted and exempted charities. Section 72 disqualifies people with:

- Unspent convictions for offences involving deception or dishonesty - theft, fare evasion or falsely claiming benefit, for example
- Undischarged bankruptcy
- Undischarged compositions (arrangements with their creditors)
- Disqualifications from Company directorships
- Disqualifications from charity trusteeship by the Charity Commission or court
- Defaults on payments under county court administration orders

As soon as someone comes within section 72, for example the day they are convicted of an offence involving dishonesty, they are automatically disqualified from acting as a trustee.

It is a criminal offence to act as a charity trustee while disqualified.

Exemption from disqualification

Charities can apply to the Charity Commission for an exemption from disqualification. The waiver can apply generally, to a specific charity or type of charity.

The Commission will consider what benefit is likely to result, taking into account:

- The nature and seriousness of the composition, bankruptcy or offence
- The nature and financial control of the charity's property and assets
- Risk of misappropriation of funds
- Risk of damage to the charity's reputation
- The nature of the charity's work, in particular if it works with offenders, ex-offenders
- Previous disqualifications or charity commission inquiries
- Provisions in the charity's governing document
- Views of the other trustees
- Any other factors the Commission thinks are relevant

Charities or trustees wishing to apply for a waiver should write to the Commission, who may ask for further details of the case.

This provision is made under section 72(4) of the Charities Act 1993.