



# Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

## PART 1

### CHARITIES

#### CHAPTER 9

##### CHARITY TRUSTEES

###### *Disqualification*

### **70 Disqualification: supplementary**

- (1) A person who acts as a charity trustee while disqualified by virtue of section 69 is guilty of an offence and liable—
  - (a) on summary conviction, to imprisonment for a period not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both,
  - (b) on conviction on indictment, to imprisonment for a period not exceeding 2 years or a fine or both.
- (2) Any acts done as a charity trustee by a person disqualified by virtue of section 69 from being a charity trustee are not invalid by reason only of the disqualification.
- (3) In section 69(2)(b), “undischarged bankrupt” means a person—
  - (a) whose estate has been sequestrated, who has been adjudged bankrupt or who has granted a trust deed for or entered into an arrangement with creditors, and
  - (b) who has not been discharged under or by virtue of—
    - (i) section 54 or 75(4) of the Bankruptcy (Scotland) Act 1985 (c. 66),
    - (ii) an order under paragraph 11 of Schedule 4 to that Act,
    - (iii) section 279 or 280 of the Insolvency Act 1986 (c. 45), or
    - (iv) any other enactment or rule of law subsisting at the time of the person’s discharge.