



# Charities Act 2011

## 2011 CHAPTER 25

### PART 9

#### CHARITY TRUSTEES, TRUSTEES AND AUDITORS ETC.

##### *Disqualification of charity trustees and trustees*

#### **179 Disqualification: pre-commencement events etc.**

- (1) Case A—
  - (a) applies whether the conviction occurred before or after the commencement of section 178(1) [<sup>F1</sup> or section 178A or any amendment of that section ], but
  - (b) does not apply in relation to any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974.
- (2) Case B applies whether the [<sup>F2</sup>making bankrupt] or the sequestration or the making of a bankruptcy restrictions order or an interim order occurred before or after the commencement of section 178(1).
- (3) Case C applies whether the composition or arrangement was made, or the trust deed was granted, before or after the commencement of section 178(1).
- (4) Cases D to F apply in relation to orders made and removals effected before or after the commencement of section 178(1).
- (5) In Case D—
  - (a) “the Commissioners” means the Charity Commissioners for England and Wales, and
  - (b) “relevant earlier enactment” means—
    - (i) section 18(2)(i) of the Charities Act 1993 (power to act for protection of charities),
    - (ii) section 20(1A)(i) of the Charities Act 1960, or
    - (iii) section 20(1)(i) of the 1960 Act (as in force before the commencement of section 8 of the Charities Act 1992).

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*Changes to legislation: Charities Act 2011, Section 179 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(6) In Case E, “the relevant earlier legislation” means section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (powers of Court of Session to deal with management of charities).

[<sup>F3</sup>(7) Case H does not apply in relation to a finding of contempt which, if it had been a conviction for which P was dealt with in the same way, would be a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974.]

#### **Textual Amendments**

- F1** Words in s. 179(1) inserted (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(9)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)
- F2** Words in s. 179(2) substituted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 17(4)**
- F3** S. 179(7) added (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(10)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)