



# Charities Act 2011

## 2011 CHAPTER 25

### PART 9

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

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

#### **178 Persons disqualified from being charity trustees or trustees of a charity**

- (1) A person (“P”) is disqualified from being a charity trustee or trustee for a charity in the following cases—

*Case A*

P has been convicted of any offence involving dishonesty or deception.

*Case B*

P has been adjudged bankrupt or sequestration of P’s estate has been awarded and (in either case)—

- (a) P has not been discharged, or
- (b) P is the subject of a bankruptcy restrictions order or an interim order.

*Case C*

P has made a composition or arrangement with, or granted a trust deed for, creditors and has not been discharged in respect of it.

*Case D*

P has been removed from the office of charity trustee or trustee for a charity by an order made—

- (a) by the Commission under section 79(2)(a) or by the Commission or the Commissioners under a relevant earlier enactment (as defined by section 179(5)), or
- (b) by the High Court,

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*Status: This is the original version (as it was originally enacted).*

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on the ground of any misconduct or mismanagement in the administration of the charity for which P was responsible or to which P was privy, or which P's conduct contributed to or facilitated.

*Case E*

P has been removed, under section 34(5)(e) of the [Charities and Trustee Investment \(Scotland\) Act 2005 \(asp 10\)](#) (powers of the Court of Session) or the relevant earlier legislation (as defined by section 179(6)), from being concerned in the management or control of any body.

*Case F*

P is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or the [Company Directors Disqualification \(Northern Ireland\) Order 2002 \(S.I. 2002/3150 \(N.I.4\)\)](#),  
or
- (b) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order).

(2) Subsection (1) is subject to sections 179 to 181.