



# Charities Act 2011

## 2011 CHAPTER 25

### PART 9

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

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

#### **[<sup>F1</sup>181B Duration of disqualification, and suspension pending disqualification**

- (1) An order under section 181A must specify the period for which the person is disqualified.
- (2) The period—
  - (a) must be not more than 15 years beginning with the day on which the order takes effect, and
  - (b) must be proportionate, having regard in particular to the time when a conviction becomes spent or, where condition B applies, would become spent if it were a conviction for the relevant disqualifying offence, and to circumstances in which the Commission may or must grant a waiver under section 181 where a person is disqualified under section 178.
- (3) An order takes effect—
  - (a) at the end of the time specified by Tribunal Procedure Rules for starting proceedings for an appeal against the order, if no proceedings are started within that time, or
  - (b) (subject to the decision on the appeal) when any proceedings started within that time are withdrawn or finally determined.
- (4) The Commission may by order suspend a person from being a charity trustee or trustee for a charity if it has given notice under section 181C(1)(a) of its proposal to make an order under section 181A in respect of the person.
- (5) The Commission may not make an order under subsection (4) so as to suspend a person for a period of more than 12 months, but at any time before the expiry of an order

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**Changes to legislation:** Charities Act 2011, Section 181B is up to date with all changes known to be in force on or before 03 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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the Commission may extend or further extend the suspension by a further order under that subsection, provided that—

- (a) the order does not extend the suspension for a period of more than 12 months, and
  - (b) the total period of suspension is not more than 2 years.
- (6) An order under subsection (4) ceases to have effect—
- (a) if the Commission notifies the person that it will not proceed with its proposal, on the notification being given;
  - (b) if the Commission makes the order under section 181A, on the order taking effect;
- or, if earlier, at the end of the period specified in accordance with subsection (5).
- (7) The Commission must review any order under subsection (4), at such intervals as it thinks fit.
- (8) If on a review it appears to the Commission that it would be appropriate to discharge an order under subsection (4) in whole or in part, the Commission must do so (whether subject to any savings or other transitional provisions or not).
- (9) An order under subsection (4) made in the case of any person (“P”) may make provision, as respects the period of P’s suspension, for matters arising out of it, and in particular—
- (a) for enabling any person to execute any instrument in P’s name or otherwise act for P, and
  - (b) in the case of a charity trustee, for adjusting any rules governing the proceedings of the charity trustees to take account of the reduction in the number capable of acting.

This does not affect the generality of section 337(1) and (2).

- (10) While an order under subsection (4) is in force suspending a person from being a charity trustee or trustee for a charity, the person must not take up any appointment as a charity trustee or trustee for any other charity without the written approval of the Commission.]

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**Textual Amendments**

**F1** Ss. 181A-181D inserted (1.10.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), ss. 10(2), 17(4); S.I. 2016/815, reg. 3(a)

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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](#)