

# AUTOMATIC DISQUALIFICATION REASONS TABLE



**MAKE SOME  
NOISE**

## A: UNSPENT CONVICTIONS FOR SPECIFIC OFFENCES

Legal disqualifying reason	Legislation (where relevant)	Exceptions and notes
<p>1. Unspent conviction for an offence involving dishonesty or deception</p> <p>2. Unspent conviction for specified terrorism offences</p> <p>3. Unspent conviction for a specified money laundering offence</p> <p>4. Unspent conviction for specified bribery offences</p>	<p>There is more information about what is meant by a dishonesty/deception offence at <a href="#">Annex A</a> in the automatic disqualification guide</p> <p>Offences:</p> <ul style="list-style-type: none"> <li>to which Part 4 of the Counter-Terrorism Act 2008 applies; or</li> <li>under sections 13 or 19 of the Terrorism Act 2000 under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence</li> </ul> <p>A money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002</p> <p>An offence under sections 1, 2, 6 or 7 of the Bribery Act 2010</p>	<p><b>A person is no longer disqualified by the automatic disqualification rules if and when their conviction is spent</b></p> <p>You can use this guidance from the charity <a href="#">Unlock</a> to work out when your conviction becomes spent, and so no longer disqualifies you from being a charity trustee and from holding certain senior manager positions at a charity</p> <p>You can also look at the <a href="#">Nacro website</a> or at <a href="#">GOV.UK</a> for information about when convictions become spent</p>
<p>5. Unspent conviction for the offence of contravening a Charity Commission Order or Direction</p>	<p>An offence under section 77 of the Charities Act 2011 - contravening a Commission Order or Direction</p>	
<p>6. Unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice</p>		
<p>7. Unspent convictions for aiding attempting or abetting the above offences</p>	<p>In relation to offences at 1 - 6 above, an offence of:</p> <ul style="list-style-type: none"> <li>attempt, conspiracy, or incitement to commit the offence</li> <li>aiding, or abetting, counselling or procuring the commission of the offence</li> <li>under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence</li> </ul>	

**B: OTHER LEGAL DISQUALIFYING REASONS – NON FINANCIAL**

Legal disqualifying reason	Legislation (where relevant)	Exceptions and notes
Being on the sex offenders register	Where a person is subject to notification requirements of Part 2 of the Sexual Offences Act 2003, commonly referred to as being on the sex offenders register	<b>Note</b> - If these notification requirements apply to a person, they are disqualified by the automatic disqualification rules even if their offence is spent
Unspent sanction for contempt of Court	Where a person has been found to be in contempt of court for making, or causing to be made, a false statement or making (or causing to be made) a false statement in a document verified by a statement of truth	<b>A person is no longer disqualified by the automatic disqualification rules if and when the sanction for contempt becomes spent</b>
Disobeying a Commission Order	Where a person has been found guilty of disobedience to an order or direction of the Commission under section 336(1) of the Charities Act 2011	
Being a designated person (under specific anti-terrorist legislation)	Where a person is a designated person for the purposes of: <ul style="list-style-type: none"> <li>• Regulations 8 to 12 of the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019</li> <li>• Regulations 11 to 15 of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019; or</li> <li>• Regulations 11 to 15 of the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019</li> </ul>	
Being a person who has been removed from a relevant office	Where a person has been removed: <ul style="list-style-type: none"> <li>• from the office of charity trustee, officer, agent or employee of a charity by an Order of the Commission under s79 of the Charities Act 2011, or earlier relevant legislation, or by a High Court Order, on the grounds of any misconduct or mismanagement in the administration of the charity</li> <li>• under s34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005, or earlier relevant legislation, from being concerned in the management or control of any body</li> </ul>	
Director disqualification	Where a person is subject to: <ul style="list-style-type: none"> <li>• a disqualification Order under the Company Directors Disqualification Act 1986 or The Company Directors Disqualification (Northern Ireland) Order 2002 (SI2002/3150; (N.I.4)); or</li> </ul>	<b>Exception</b>  There is no disqualification if the court <b>has granted leave for a person to act as director of the charity</b> (as described in section 180 of the Charities Act 2011)

- an Order made under s429(2) of the Insolvency Act 1986 (failure to pay under a County Court administration order)

**C: Other legal disqualifying reasons - financial**

Title	Legislation (where relevant)	Exceptions and notes
Insolvency	<p>Where a person is:</p> <ul style="list-style-type: none"> <li>• an undischarged bankrupt</li> <li>• subject to any of the following: <ul style="list-style-type: none"> <li>○ an undischarged sequestration Order</li> <li>○ a bankruptcy restrictions Order</li> <li>○ r</li> <li>○ an interim Order</li> <li>○ a moratorium period under a debt relief Order under Part 7A of the Insolvency Act 1986</li> <li>○ a debt relief restrictions Order or an interim Order under Schedule 4ZB to the Insolvency Act 1986</li> </ul> </li> </ul> <p>Where a person has made a composition or arrangement with, or granted a trust deed for, their creditors and has not been discharged in respect of it</p>	<p><b>Exception</b></p> <p>There is no disqualification for these reasons <b>if the charity concerned is a company or CIO and leave has been granted</b> under s11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts) <b>for a person to act as director of the charity (s180 Charities Act 2011)</b></p>

**ADDITIONAL INFORMATION CAN BE FOUND:**

<https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions>

<https://www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions#apply-waiver>