

Application for waiver of disqualification as a charity trustee

This form should be used by individuals who are disqualified from acting as charity trustees but who want to apply for a waiver of the disqualification in relation to a particular charity, type of charity or to charities in general.

The criteria that automatically disqualify a person from acting as a charity trustee are:

- An unspent conviction for an offence involving dishonesty or an offence under the Charities and Trustee Investment (Scotland) Act 2005
- Undischarged bankruptcy (sequestration)
- Granting a Protected Trust Deed
- Entering into an Individual Voluntary Arrangement (England and Wales) to pay off debts with creditors
- Being removed by a court from being a charity trustee
- Being disqualified from being a company director

Disqualification is automatic in the above circumstances, and it is a criminal offence to become or continue to act as a charity trustee whilst the circumstances apply.

If you are disqualified but want to apply for a waiver to allow you to act as a charity trustee, you should read our guidance on automatic disqualification first[LINKED] and must then fully complete this form so that we can assess your application.

Please note you will remain disqualified unless we grant a waiver.

A person who serves as a charity trustee while disqualified under section 69 of the 2005 Act is guilty of an offence and liable:

- a) on summary conviction, to imprisonment for a period not exceeding six months or a fine not exceeding £5,000 or both,
- b) on conviction on indictment, to imprisonment for a period not exceeding two years or a fine or both

Application for Waiver of Disqualification as a Charity Trustee

Please answer each question as fully as you can. The information provided will be taken into consideration in your request for a waiver of disqualification to be granted under the 2005 Act.

1. Name

2. Date of birth

3. Address Line 1

Address Line 2

Address Line 3

Address Line 4

Address Line 5 Postcode

4. Daytime Telephone number

5. Email address

6. (a) What is the name of the charity

(b) What is the charity number

Please enclose a copy of each charity's [governing document](#).

If you are applying for more than one charity then please enclose details on a separate page.

Is this charity a company incorporated under the Companies Acts?

Yes

No

7. Why are you disqualified from being a charity trustee:

A. I have been convicted of an offence involving dishonesty but my conviction has not been spent under the Rehabilitation of Offenders Act 1974. Section 69(2)(a)(i)

Yes No

B. I am an undischarged bankrupt **or** I have a Protected Trust Deed **or** I have entered into an Individual Voluntary Arrangement (England and Wales) to pay off debts with creditors

Yes No

C. I have been convicted of an offence under the 2005 act.

Yes No (please go to Question 10)

D. I have been removed from being in management and control of any body (under s7 of the Law Reform (Miscellaneous Provisions)(Scotland) Act 1990 or s34 of the 2005 Act)

Yes No

E. I have been removed by the Charity Commission for England and Wales, or by the High Court of Justice in England for misconduct in the administration of a charity

Yes No

F. I have been disqualified (by order or undertaking) as a Company Director (under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002)

Yes No

8. Please provide a full explanation of the circumstances leading to your disqualification:

9. (a) The charity trustees of the charity you wish to become a charity trustee of must be aware of your disqualification. Please confirm you have made them aware. Tick box.

Yes

No

If yes.

(b) When and how were they made aware?

(c) Who made them aware of your disqualification?

10. If you have been convicted of an offence under the 2005 Act, please give details of all such offences, including:

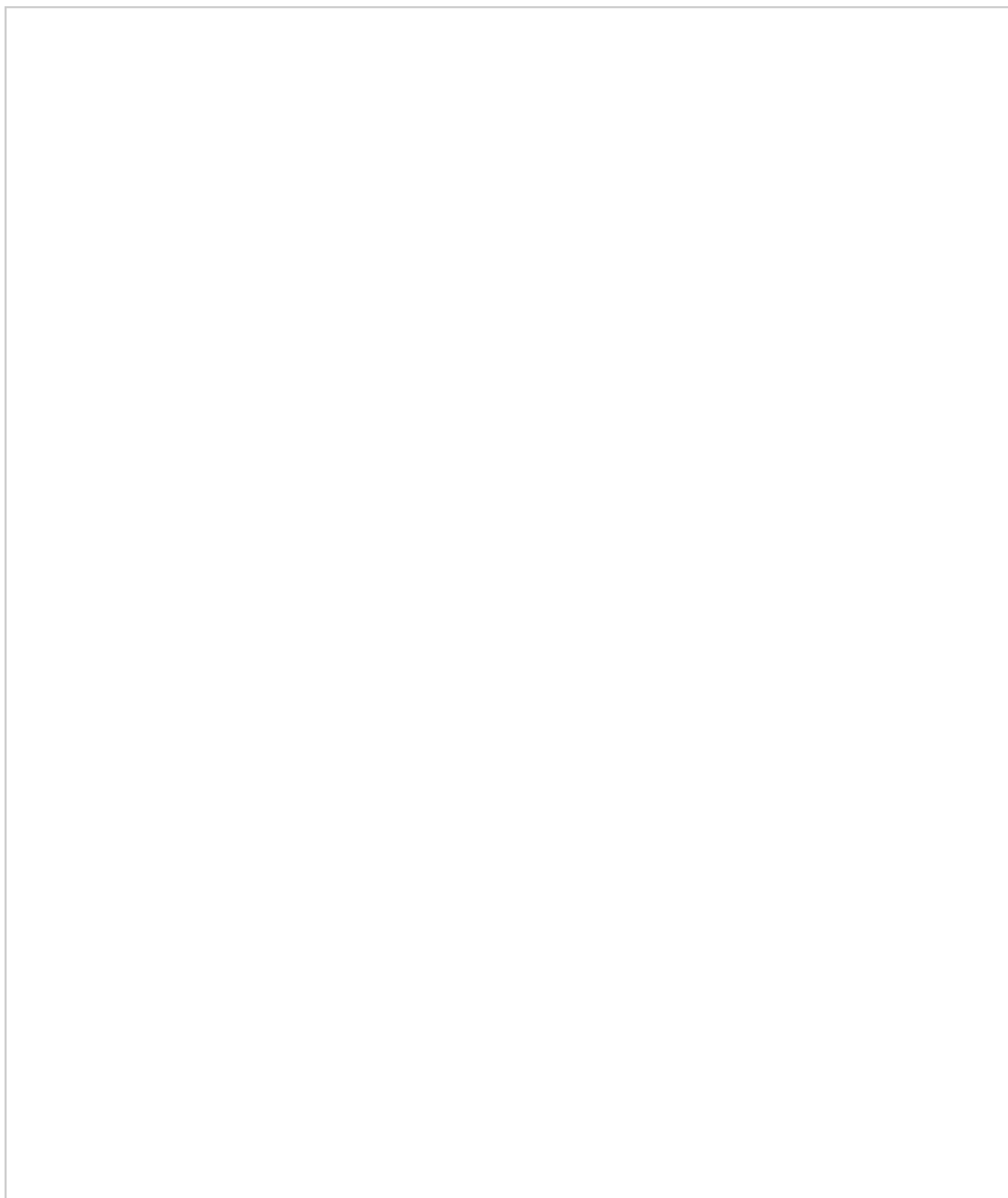
- the type of offence
- the date of conviction
- the name of the charity that the offence related to, and;
- the sentence.

11. Please provide a statement explaining why you believe a waiver should be granted. The statement should include:

- a) What relevant skills and experience you would bring to the charity.**
- b) How, you being a charity trustee, would contribute to the charity achieving its purpose.**

12. Please provide a statement from the existing charity trustees of the charity you want to become a charity trustee of. The statement can be sent to OSCR separately as an attachment or by email. The statement should include:

- a) What role and/or responsibilities you would have in the charity.**
- b) What they will do to mitigate and manage the risks arising should you be granted a waiver**
- c) What identifiable risks or disadvantages the charity would incur if you were unable to serve as a charity trustee.**

A large, empty rectangular box with a thin grey border, intended for the applicant to provide the statement requested in the preceding text. The box occupies the majority of the lower half of the page.

Data Protection

We, the Scottish Charity Regulator, are a registered data controller in terms of the Data Protection Act 2018.

Any information you give us will be held securely and in accordance the Data Protection Act and OSCR's [Data Protection Policy](#).

We process information only in accordance with our statutory regulatory functions under the Charities and Trustee Investment (Scotland) Act 2005, and to inform research into the charity sector in Scotland. OSCR's Privacy Statement is available [here](#).

Information may be shared with other regulatory bodies including HMRC. Further information about data protection is available on our [website](#).

Declaration

You may be committing an offence if you give an answer that you know is untrue or misleading.

I certify that the information entered in this form is correct to the best of my knowledge.

Print Name

Date

Please send the form to:

OSCR
2nd Floor
Quadrant House
9 Riverside Drive
Dundee
DD1 4NY

Email: info@oscr.org.uk