

## **Application for waiver of disqualification as a charity trustee**

Certain people are disqualified from acting as charity trustees:

- someone with an unspent conviction for dishonesty or an offence under the 2005 Act
- someone who is an undischarged bankrupt or has a [Protected Trust Deed](#) or has entered into an [Individual Voluntary Arrangement \(England and Wales\)](#) to pay off debts with creditors
- someone who has been removed under either Scottish or English Law from being a charity trustee
- someone who is disqualified from being a company director.

You should complete this form as fully you can, particularly questions 8 and 11.

If you are currently a charity trustee (or wish to become a charity trustee) with more than one charity please copy sections 6 and 7 of the form and complete these for each charity.

We have the power to waive a disqualification if a person applies to us and meets the relevant criteria. This can be in relation to one particular charity or a type of charity. However, the person will remain disqualified unless / until we grant this 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. This **includes** someone who has a protected trust deed or a Debt Arrangement Scheme or other arrangement with creditors, or someone whose estate has been sequestrated.

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) Are the charity trustees of the charity aware of your disqualification?**

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 explain why you believe a waiver should be granted and enclose any supporting statement from the charity or any other relevant individual or organisation that you wish to be taken into account in considering your application.**

**Data Protection**

We, the Scottish Charity Regulator, are a registered data controller in terms of the Data Protection Act 1998.

Any information you give us will be held securely and in accordance with the rules on data protection.

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.

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.

Signature of applicant

Print Name

Date

Please send the form to:

OSCR  
2<sup>nd</sup> Floor  
Quadrant House  
9 Riverside Drive  
Dundee  
DD1 4NY

Email: [info@oscr.org.uk](mailto:info@oscr.org.uk)