



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 [^{F1}of—

- (a) an offence specified in section 178A;
- (b) an offence, not specified in section 178A, that involves dishonesty or deception.]

Case B

P has been [^{F2}made] 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 [^{F3} as a trustee, charity trustee, officer, agent or employee of a charity] by an order made—

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- (a) by the Commission under section [F479(4)] or by the Commission or the Commissioners under a relevant earlier enactment (as defined by section 179(5)), or
- (b) by the High Court,

on the ground of any misconduct or mismanagement in the administration of the charity for which P was responsible or [F5which P knew of and failed to take any reasonable step to oppose,] 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).

[F6] *Case G*

P is subject to—

- (a) a moratorium period under a debt relief order under Part 7A of the Insolvency Act 1986; or
- (b) a debt relief restrictions order or interim order under Schedule 4ZB to that Act]

[F7] *Case H*

P has been found to be in contempt of court under Civil Procedure Rules for—

- (a) making a false disclosure statement, or causing one to be made, or
- (b) making a false statement in a document verified by a statement of truth, or causing one to be made.

Case I

P has been found guilty of disobedience to an order or direction of the Commission on an application to the High Court under section 336(1).

Case J

P is a designated person for the purposes of—

- (a) [F8]
- (aa) [F9]regulations 8 to 12 of the ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/466),]
- (c) [F10]regulations 11 to 15 of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/573), or]
- (d) [F11]regulations 11 to 15 of the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/577).]

Case K

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P is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.]

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

[^{F12}(3) While a person is disqualified under this section in relation to a charity, the person is also disqualified from holding an office or employment in the charity with senior management functions.

(4) A function of an office or employment held by a person “(A)” is a senior management function if—

- (a) it relates to the management of the charity, and A is not responsible for it to another officer or employee (other than a charity trustee or trustee for the charity), or
- (b) it involves control over money and the only officer or employee (other than a charity trustee or trustee for the charity) to whom A is responsible for it is a person with senior management functions other than ones involving control over money.]

Textual Amendments

- F1** Words in s. 178(1) substituted (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(3)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)
- F2** Word in s. 178(1) substituted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 17(3)**
- F3** Words in s. 178(1) substituted (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(4)(a)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)
- F4** Word in s. 178(1) substituted (31.7.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 4(5)**, 17(4); S.I. 2016/815, reg. 2(c)
- F5** Words in s. 178(1) substituted (31.7.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(4)(b)**, 17(4); S.I. 2016/815, reg. 2(h)
- F6** Words in s. 178(1) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 62(3)** (with art. 6)
- F7** Words in s. 178(1) inserted (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(5)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)
- F8** Words in s. 178(1) repealed (31.12.2020) by Sanctions and Anti-Money Laundering Act 2018 (c. 13), s. 64(2), **Sch. 3 para. 9** (with ss. 52(3), 53, 58); S.I. 2020/1535, reg. 3(e)
- F9** Words in s. 178(1) inserted (31.12.2020) by S.I. 2019/466, **reg. 58A(2)** (as inserted by The Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020 (S.I. 2020/1289), regs. 1(2), **2(2)**; S.I. 2020/1514, **reg. 21**)
- F10** Words in s. 178(1) substituted (31.12.2020) by S.I. 2019/573, **reg. 60A(2)** (as inserted by The Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020 (S.I. 2020/1289), regs. 1(2), **3(2)**; S.I. 2020/1514, **reg. 21**)
- F11** Words in s. 178(1) inserted (31.12.2020) by S.I. 2019/577, **reg. 34A(2)** (as inserted by The Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020 (S.I. 2020/1289), regs. 1(2), **4(2)**; S.I. 2020/1514, **reg. 21**)

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F12 S. 178(3)(4) inserted (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(6)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)

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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](#)