

WHAT ARE THE RESPONSIBILITIES OF CHARITY TRUSTEES?

49. Charity trusteeship means having legal responsibilities and duties. It requires time, understanding and effort. A full explanation of the role and responsibilities of a trustee including appointment, length of service, retirement and liability is given in our publication, “ *Responsibilities of Charity Trustees (CC3)* “ which is available in English and Welsh.

50. Not everyone can act as a charity trustee or holding trustee. The following people cannot generally act as trustees:

- Anyone who has been convicted of an offence involving dishonesty or deception (unless the conviction is “spent” and can no longer be taken into account). Examples of such offences include:
 - theft;
 - fare evasion; and
 - falsely claiming benefit.
- Anyone who is an undischarged bankrupt.
- Anyone who has formal arrangements with creditors which have not been discharged.
- Anyone who has previously been removed by the Court or by us from being a trustee; and
- Anyone who is under a disqualification order under the Company Directors Disqualification Act 1986 (even if the charity is not itself a company).

51. These disqualifications apply both to people who are already trustees and those who want to become trustees. **It is an offence to act as a trustee while disqualified unless the disqualification has been formally removed.** This can be done, in most cases, by the Commission granting a waiver or in some other cases, by proceedings under the Company Directors Disqualification Act 1986.

52. People under the age of 18 cannot be trustees of a charity, unless it is a charitable company.

53. A trustee must be able to manage and administer his or her own affairs. If someone is unable to do so because of a mental disorder, illness or injury, then that person cannot be a trustee.

CHOICE OF GOVERNING DOCUMENT

54. You will find full guidance on choosing and drafting the appropriate form of governing document (other than standard documents, mentioned below) for your organisation in our publication CC22 Choosing and Preparing a Governing Document which is available in English and Welsh.