



## **Trustee/Director Eligibility**

Charity Trustees have overall control of a charity and are responsible for making sure it's doing what it was set up to do. They may be known by other titles, such as directors, board members, governors and committee members.

MAUK rules stipulates that anyone wishing to serve as a Director must have held MAUK membership for two consecutive years and served as a registered volunteer for at least one year immediately prior to the AGM. Any nomination that doesn't meet these criteria will be rejected.

### **Disqualification under Charities Act 2011**

Disqualification for acting as a charity trustee means that a person cannot act as a trustee until the period of disqualification expires. S178-180 of the 2011 Act provide that a person shall be disqualified for being a charity trustee or trustee for a charity if that person

- Has an unspent conviction for an offence involving dishonesty or deception
- Is currently declared bankrupt (or subject to bankruptcy restrictions or an interim order)
- Has an individual voluntary arrangement (IVA) to pay off debts with creditors
- Is disqualified from being a company director
- Has previously been removed as a trustee by either the commission or the high court due to misconduct or mismanagement
- Is disqualified or barred from acting as a trustee of this charity under the Safeguarding Vulnerable Groups Act 2006

### **Disqualification under MAUK constitution**

In addition, under MAUK constitution, a director must vacate his/her office:

- If he/she becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her property and affairs
- If he/she ceases to be a member of the company or ceases to be eligible to be a member of the company
- If, being a representative of a member organisation, he/she ceases to be that organisation's representative
- If he/she fails to pay his/her subscription within one month of it falling due
- If he/she gives written notice of resignation

Acting as a trustee whilst disqualified under the Charities Act is a criminal offence. Conviction may lead to a fine, imprisonment or both. It is the responsibility of prospective trustees to make sure they are not disqualified to stand as directors of MAUK. Appointed directors will be asked to complete the declaration of eligibility form and sign the codes of conduct for MAUK directors.