

**Fit and Proper Persons and Automatic Disqualification Policy**

1. The Fit and Proper Persons and Automatic Disqualifications tests exist to ensure that charities meet requirements from HMRC and the Charity Commission with regards to those persons responsible for managing the charity.

Fit and Proper Persons

1. The Fit and Proper Persons test exists to ensure that organisations entitled to charity tax reliefs are not managed or controlled by individuals who might misuse the valuable tax reliefs the organisation receives.
2. In signing a declaration form Trustees are confirming that they will ensure that funds are used for charitable purposes and also disclose certain information about their past that may affect whether or not they are indeed “fit and proper”.

Automatic disqualification

1. The automatic disqualification rules are stipulated by the Charity Commission. Charities must satisfy themselves that individuals who hold (or who are applying for) a trustee position are not disqualified from holding that position.
2. Individuals are automatically disqualified from acting as a trustee of a charity if one or more of the reasons detailed in Annex A apply and they have not obtained a waiver of that disqualification from the Charity Commission.

Declaration

1. The Fit and Proper Person and Automatic Disqualification form will be signed by new Trustees at the time of their Induction and annually thereafter by all Trustees at the same time as being asked to complete the annual Declaration of Interest form.
2. The Fit and Proper Person and Automatic Disqualification form will also be signed annually by senior staff responsible for managing the Society’s accounts, normally the Executive Secretary and the Head of Accounting and Finance.

Approved by Council

9 November 2018

**DECLARATION FOR FIT AND PROPER PERSON AND AUTOMATIC DISQUALIFICATION**

Name of individual………………………………………………………………………………………………………….…………..

Role in the organisation………………………………………………………………………………………………….…………..

I, the undersigned, declare that:

* I am not disqualified from acting as a charity trustee according to any of the reasons detailed at Annex A.
* I have not been involved in tax fraud
* I will at all times seek to ensure the charity’s funds, and charity tax reliefs received by this organisation, are used only for charitable purposes.
* I will inform the Trustees promptly if, after the date of this declaration, one or more of the reasons for disqualification applies to me.

Signed………………………………………………………………................ Date ……………………………………………..

Home address……………………………………………………………………………………………………………………………..

………………………….………………………………………………………………………………………………………………………….

Previous address if moved in past 12 months ……………………………………………………………………….…

………………………………………………………………………….………………………………………………………………………….

Date of birth………………………..……………………………………………………………………………………………………..

National Insurance number ……………………………………………………………………………………………………

National Identity Card Number (If you have one)….………………………………………….……………………..

*Privacy Statement: The London Mathematical Society (LMS) is a registered charity for the advancement, dissemination and promotion of mathematics in the UK and worldwide. Data provided by you on this form will be stored securely by the LMS and used in relation to your position as a Trustee. The information may be shared with the Charity Commission if so requested by the Commission. The legal basis for the use of this personal data is “Legal Obligation”. You have the right to access any of your personal data held by the LMS. For further information about how the LMS processes personal data, please see* [*https://www.lms.ac.uk/privacy-notice*](https://www.lms.ac.uk/privacy-notice)*.*

If you have signed this declaration but want to make any information known or clarify any points please use the space below.

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**Annex A**

**Disqualification Reasons**

You are automatically disqualified from acting as a trustee if:

1. You have an **unspent** conviction for any of the following:
2. an offence involving **deception or dishonesty;**
3. a **terrorism** offence:
   1. to which Part 4 of the Counter-Terrorism Act 2008 applies;
   2. under sections 13 or 19 of the Terrorism Act 2000;
4. a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002 ;
5. a **bribery** offence under sections 1, 2, 6 or 7 of the Bribery Act 2010;
6. an offence of **contravening a Commission Order or Direction** under section 77 of the Charities Act 2011;
7. an offence of **misconduct in public office, perjury** or **perverting the course of justice**;
8. In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence.
9. You are **on the sex offenders register** (ie. subject to notification requirements of Part 2 of the Sexual Offences Act 2003).
10. You have an unspent sanction for **contempt of court** for making, or causing to be made, a false statement or for making, or causing to be made, a false statement in a document verified by a statement of truth.
11. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
12. You are **a designated person** for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.
13. You have **previously been removed as an officer, agent or employee of a charity** by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement.
14. You have **previously been removed as a trustee** of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement.
15. You have been **removed** **from management or control of anybody** under section s34(5)(e) of the Charities and Trustee Investment (**Scotland**) Act 2005 (or earlier legislation).
16. You are **disqualified from being a company director,** or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity.
17. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order).
18. You **have an individual voluntary arrangement** (IVA) to pay off debts with creditors.
19. You are **subject to** a moratorium period under **a debt relief order**, or a debt relief restrictions order, or an interim order.
20. You are subject to an order made under s.429(2) of the Insolvency Act 1986. (**Failure to pay under a County Court Administration Order.**)