

DECLARATION

To be made by members of the Bishop’s Council, Finance Committee and Mission and Pastoral Committee in the Diocese of Chichester as charity trustees and company directors of the Chichester Diocesan Fund and Board of Finance Incorporated

**Personal Details**

|  |  |
| --- | --- |
| **Title** |  |
| **Surname** |  |
| **Forename/s** |  |
| **Address** |  |
| **Postcode** |  |
| **Telephone** |  |
| **Email** |  |

**Governance**

|  |  |
| --- | --- |
| **Please state any other trustee commitments that you have.** |  |
| **Please declare any conflicts of interest or loyalty you have[[1]](#footnote-1).** |  |

**DECLARATION**

**I would like to be a trustee of the Chichester Diocesan Fund and Board of Finance Incorporated (Charity number 243134) and confirm that:**

* I will work to sustain the Christian beliefs and values of the Diocese
* I understand that this appointment is for a three year term of office
* I agree to attend Diocesan training or equivalent within the first year of my appointment and to attend any other relevant training during my term of office
* I will keep myself up to date with current legislation and good practice
* I consent to my personal details being held as a computer record on the diocesan database.

**I declare that:**

* **I am not disqualified from serving as a charity trustee from 1 August 2018 for any of the reasons set out in Annex A;**
* **I will inform the trustees promptly if, after the date of this declaration, one or more of the disqualification reasons applies to me;**
* I have not been convicted of an offence involving deception or dishonesty (or any such conviction is legally regarded as spent)
* I have not been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft
* I have not used arrangements notified under the Disclosure of Tax Avoidance Schemes ("DOTAS") rules in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, where the arrangements featured charitable reliefs or which used a charity, and where my tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.
* I have not used tax arrangements which have been successfully counteracted under the general anti-abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) where such counteraction has become final.
* I have not been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity, and I am not:
  + a promoter[[2]](#footnote-2) named by HMRC under the Promoters of Tax Avoidance Schemes (POTAS) legislation in Part 5 of Finance Act 2014, or
  + a promoter of any tax arrangements designed or intended to obtain for any person a tax advantage and such tax advantage has successfully counteracted by HMRC under the general anti-abuse rule (see Part 5 of Finance Act 2013 and section 10 National Insurance Contributions Act 2014 as enacted or as amended from time to time) and such counteraction has become final, or
  + a promoter of arrangements notified under DOTAS, in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the tax position of all or any of the users of the arrangements has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final
* I am not an undischarged bankrupt
* I have not made compositions or arrangements with my creditors from which I have not been discharged
* I have not been removed from serving as a charity trustee, or been stopped from acting in a management position within a charity
* I have not been disqualified from serving as a Company Director
* I am aged 18 or over at the date of this election or appointment;
* I will at all times seek to ensure the charity’s funds, and charity’s tax reliefs received by this organisation, are used only for charitable purposes.

**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)…………………………………………………………..**

*If you have signed this declaration but want to make any information known or clarify any points please attach a separate page with details to this declaration.*

**Annex A – Disqualification Reasons**

After 1 August 2018, you will be 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 any body** 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.**)

1. For guidance on what consistutes a conflict of interest or loyalty, see https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29/conflicts-of-interest-a-guide-for-charity-trustees [↑](#footnote-ref-1)
2. The meaning of a ‘promoter ‘ in this context is explained in the Promoters of Tax Avoidance Schemes guidance: The meaning of a ‘promoter ‘ in this context is explained in the Promoters of Tax Avoidance Schemes guidance: https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/313987/Promoters\_of\_Tax\_Avoidance\_Schemes\_Guidance\_v1\_0.pdf [↑](#footnote-ref-2)