

Fit and proper person - question and answer guidance

Why is there the fit and proper persons test?

The 'fit and proper persons' test is a statutory requirement. The test requires that individuals who are 'managers/directors' of the charity are 'fit and proper persons' to be managers/ directors of such a body. The fit and proper persons test makes it harder for sham charities and fraudsters working within a charity, or targeting a charity from outside, to abuse charity tax reliefs. It is not intended as something to deny tax reliefs to charities who make a genuine mistake.

What does 'fit and proper' mean?

An individual is 'a fit and proper person' if they ensure, or are likely to ensure, that charity funds and tax reliefs are used only for charitable purposes.

Who does the test apply to?

The fit and proper persons test applies to 'managers' of the charity. In the case of WIs, WI Committee Members are the trustees legally responsible for the charity and the test applies to them. In the case of federations, the test applies to federation board members. In the case of the NFWI, the test applies to NFWI board members and some senior staff.

What action should WIs, federations and the NFWI take?

WIs should ask WI Committee Members to sign the new declaration form.

Federations should ask all federation board members to sign the new declaration form.

The NFWI will ask all NFWI board members and some senior staff to sign the new declaration form.

Who should keep the completed forms and for how long?

The completed forms should be kept by the charity itself, i.e. WIs should keep the forms completed by their WI Committee Members, and federations will keep the federation trustees' forms. The forms completed by WI Committee Members should not be passed on to the federation/NFWI, and federation forms should not be passed on to the NFWI. The forms should be kept securely during the trustee's term in office and for a period of four years from the point of a trustee relinquishing her trusteeship.

**TRUSTEE ELIGIBILITY DECLARATION
FOR FIT AND PROPER PERSONS**



Organisation Name

Number of Trustees

Trustee 1	Trustee 2	Trustee 3
Name	Name	Name
Signature	Signature	Signature
Date	Date	Date
Trustee 4	Trustee 5	Trustee 6
Name	Name	Name
Signature	Signature	Signature
Date	Date	Date
Trustee 7	Trustee 8	Trustee 9
Name	Name	Name
Signature	Signature	Signature
Date	Date	Date
Trustee 10	Trustee 11	Trustee 12
Name	Name	Name
Signature	Signature	Signature
Date	Date	Date
Trustee 13	Trustee 14	Trustee 15
Name	Name	Name
Signature	Signature	Signature
Date	Date	Date

** Add additional lines or complete additional forms if you have more than 15 trustees*

Please turn the page for details of declaration →

Trustee Eligibility and responsibility

By completing and signing this form, you declare that you:

- are willing to act as a trustee of the named organisation
- understand your organisation's purposes (objects) and rules set out in its governing document (Constitution)
- can answer **YES** to **ALL** of the following statements:
 - 1) I do not have an **unspent** conviction for any of the following:
 - a. an offence involving **dishonesty** or **deception**
 - b. a **terrorism** offence
 - i. to which Part 4 of the Counter-Terrorism Act 2008 applies
 - ii. under sections 13 or 19 of the Terrorism Act 2000
 - c. a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002
 - d. a **bribery** offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
 - e. an offence of **contravening a Commission Order or Direction** under section 77 of the Charities Act 2011
 - f. an offence of **misconduct in public office, perjury** or **perverting the course of justice**
 - g. 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
 - 2) I am not **on the sex offenders register** (i.e. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
 - 3) I do not 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
 - 4) I have not been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011
 - 5) I am not 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
 - 6) I have not 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
 - 7) I have not previously been removed as **trustee of a charity** by the Charity Commission, the Scottish charity regulator or the High Court due to misconduct or mismanagement
 - 8) I have not been **removed from management or control of any body**, under section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (or earlier legislation)
 - 9) I am not **disqualified from being a company director**, nor have I given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for me to act as director of the charity
 - 10) I am not **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
 - 11) I do not have an **individual voluntary arrangement (IVA)** to pay off debts with creditors
 - 12) I am not subject to a moratorium period under a **debt relief order**, nor a debt relief restrictions order, nor an interim order
 - 13) I am not subject to an order made under section 429(2) of the Insolvency Act 1986 (Failure to pay under a County Court Administration Order.)

You also declare that:

- the information you provide to the Charity Commission is true, complete and correct
- you understand that it's an offence under section 60(1)(b) of the Charities Act 2011 to knowingly or recklessly provide false or misleading information
- your organisation's funds are held (or will be held) in its name in a bank or building society account in England or Wales
- you will comply with your responsibilities as trustees – these are set out in the Charity Commission guidance 'The essential trustee (CC3)'
- (if applicable) the primary address and residency details you provide in a charity registration application are correct and you will notify the Charity Commission if they change.