



## GOVERNOR ELIGIBILITY DECLARATION 2025-26

### 1. GOVERNOR DECLARATION

I declare that I:

- 1.1 am willing to act as a member of the Corporation ("governor") of Carmel College;
- 1.2 am aged 18 or over (except in the case of a student governor);
- 1.3 am qualified to act as a governor, and am not prevented from acting as a governor in accordance with Carmel College's Instrument and Articles of Government (the "I&A");
- 1.4 understand the charitable purposes of Carmel College as set out in sections 18 and 19 of the Further and Higher Education Act 1992 and the rules set out in the I&A;
- 1.5 am not prevented from acting as a governor because I:
  - 1.5.1 have an unspent conviction for an offence listed in the attached appendix;
  - 1.5.2 have an individual voluntary arrangement (IVA) to pay off debts with creditors;
  - 1.5.3 am subject to an order made under section 429(2) of the Insolvency Act 1986;
  - 1.5.4 am currently declared bankrupt (or subject to bankruptcy restrictions or an interim order);
  - 1.5.5 have previously been removed as a charity trustee, employee or agent by the Charity Commission, OSCR, the Scottish charity regulator or the High Court due to misconduct or mismanagement;
  - 1.5.6 have 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);
  - 1.5.7 am disqualified from being a trustee by an order of the Charity Commission;
  - 1.5.8 am disqualified from being a company director;
  - 1.5.9 am a designated person for the purposes of anti-terrorism legislation;

- 1.5.10 am on the sex offenders register;
- 1.5.11 have been found in contempt of court for making (or causing to be made) a false statement;
- 1.5.12 have been found guilty of disobedience to an order or direction of the Charity Commission;
- 1.5.13 am not otherwise automatically disqualified from being a charity trustee under section 178 of the Charities Act 2011;
- 1.6 am a “fit and proper person” as required by HMRC, and am not prevented from acting as a governor because I:
  - 1.6.1 have been involved in tax fraud;
  - 1.6.2 have 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;
  - 1.6.3 have 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;
  - 1.6.4 have been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity.

Signed: .....

Name: .....

Date: .....

If you are not able to make the declarations above, please get in touch with the Clerk to Governors at the College to discuss the matter further.

## Unspent convictions for specific offences

Legal disqualifying reason	Legislation (where relevant)	Exceptions and notes
1. Unspent conviction for an offence involving dishonesty or deception	Some examples of offences involving dishonesty or deception are: theft, fraud by false representation, fraud by failing to disclose information, obtaining services dishonestly, obtaining property or services by deception or evading liability by deception.	A person is no longer disqualified by the automatic disqualification rules if and when their conviction is spent.
2. Unspent conviction for specified terrorism offences	<p>Offences:</p> <ul style="list-style-type: none"> <li>to which Part 4 of the Counter-Terrorism Act 2008 applies; or</li> <li>under sections 13 or 19 of the Terrorism Act 2000 under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence</li> </ul>	
3. Unspent conviction for a specified money laundering offence	A money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002	
4. Unspent conviction for specified bribery offences	An offence under sections 1, 2, 6 or 7 of the Bribery Act 2010	
5. Unspent conviction for the offence of contravening a Charity Commission Order or Direction	An offence under section 77 of the Charities Act 2011 - contravening a Commission Order or Direction	
6. Unspent conviction for offences of misconduct in public office, perjury, or perverting the course of justice		
7. Unspent convictions for aiding attempting or abetting the above offences	<p>In relation to offences at 1-6 above, an offence of:</p> <ul style="list-style-type: none"> <li>attempt, conspiracy, or incitement to commit the offence</li> <li>aiding, or abetting, counselling or procuring the commission of the offence</li> <li>under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence</li> </ul>	