



## Qualifications and Disqualifications to Serve as a Trustee or Governor (Extract from the Articles of Association of Yorkshire Causeway Schools Trust)

- 68 No person shall be qualified to be a Director unless he is aged 18 or over at the date of his election or appointment. No current pupil or current student of any of the schools shall be a Director.
- 69 A Director shall cease to hold office if he becomes incapable by reason of illness or injury of managing or administering his own affairs.
- 70 A Director shall cease to hold office if he is absent without permission of the Directors from all their meetings held within a period of six months and the Directors resolve that his office be vacated.
- 71 A person shall be disqualified from holding or continuing to hold office as a Director if
- (a) his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced, or
  - (b) he is the subject of a bankruptcy restrictions order or an interim order.
- 72 A person shall be disqualified from holding or continuing to hold office as a Director at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- 73 A Director shall cease to hold office if he ceases to be a Director by virtue of any provision in the Companies Act 2006, is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).
- 74 A person shall be disqualified from holding or continuing to hold office as a Director if he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.
- 75 Not used.
- 76 Not used.
- 77 A person shall be disqualified from holding or continuing to hold office as a Director where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.
- 78 After the first School has opened, a person shall be disqualified from holding or continuing to hold office as a Director if he has not provided to the Chairman of the Directors a criminal records certificate at an enhanced disclosure level under section 113B of the Police Act 1997.

In the event that the certificate discloses any information which would in the opinion of either the Chairman or the Chief Executive Officer confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

- 79 Where, by virtue of these Articles a person becomes disqualified from holding, or continuing to hold office as a Director, and he is, or is proposed, to become such a Director, he shall upon becoming so disqualified give written notice of that fact to the clerk.
- 80 Articles 68 to 74 and Articles 77 to 79 also apply to any member of any committee or delegate of the Directors, including a Governing Body, who is not a Director.

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