



Charities (Regulation and Administration) (Scotland) Act 2023

2023 asp 5

Disqualification from being charity trustee etc.

PROSPECTIVE

4 Disqualification: offences

- (1) The 2005 Act is modified as follows.
- (2) In section 69 (disqualification from being charity trustee)—
 - (a) in subsection (2)(a)—
 - (i) before sub-paragraph (i) insert—

“(ai) an offence specified in [section 69A](#),”
 - (ii) in sub-paragraph (i), after “offence” insert “, not specified in [section 69A](#),”
 - (iii) sub-paragraph (ii) is repealed,
 - (b) in subsection (3), after “subsection (1)” insert “by reason of a conviction”.
- (3) After section 69, insert—

“69A Disqualification: specified offences

- (1) The following offences are specified for the purposes of section 69(2)(a)(ai)—
 - (a) an offence under this Act,
 - (b) an offence under section 77 of the Charities Act 2011 (offence of contravening certain orders),
 - (c) an offence under section 13 or 19 of the Terrorism Act 2000 (wearing of uniform etc, and failure to disclose information),
 - (d) an offence specified under section 41 or 42 of the Counter-Terrorism Act 2008 as an offence to which Part 4 of that Act applies,
 - (e) a money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002,

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Charities (Regulation and Administration) (Scotland) Act 2023, Section 4. (See end of Document for details)

- (f) an offence under any of the following provisions of the Bribery Act 2010—
 - (i) section 1 (bribing another person),
 - (ii) section 2 (offences related to being bribed),
 - (iii) section 6 (bribery of foreign public officials),
 - (iv) section 7 (failure of commercial organisations to prevent bribery),
 - (g) an offence of perverting the course of justice (by whatever means and however the offence is described), including in particular—
 - (i) false accusation of a crime,
 - (ii) perjury,
 - (iii) prevarication on oath,
 - (iv) prison breaking,
 - (v) subornation of perjury,
 - (h) an offence of wilful neglect of duty by a public official,
 - (i) an offence, under the law of England and Wales, of misconduct in public office.
- (2) An offence which has been superseded (whether directly or indirectly) by any offence specified in [subsection \(1\)](#) is also specified for the purposes of section 69(2)(a)(ai).
- (3) In relation to an offence specified in [subsection \(1\)](#) or [\(2\)](#), the following offences are also specified for the purposes of section 69(2)(a)(ai)—
- (a) an offence committed by aiding, abetting, counselling, procuring or inciting the commission of the offence,
 - (b) an offence committed by attempting or conspiring to commit the offence.
- (4) The Scottish Ministers may by regulations modify this section to add or remove an offence.”.
- (4) In section 103(5) (orders, regulations and rules), after paragraph (ca) (as inserted by [section 5\(5\)](#)), insert—
- “(cb) regulations under section 69A(4)”.

Commencement Information

II S. 4 not in force at Royal Assent, see [s. 21\(2\)](#)

Status:

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Changes to legislation:

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