



Charity Commissioner's Guidelines

Disqualification from being a Charity Governor

- 1) These guidelines set out the Charity Commissioner's approach when considering a prospective charity governor of an entity applying for registration and/or by a governor of a registered charity about whom a 'reportable matter' has been reported.
- 2) A declaration, conforming to the model: [Revised-Model-Declaration-with-effect-1st-June-2025](#) must be signed by each of the governors of an entity applying for registration under the Law and provided to that entity before that application is made. It must also be signed by each governor of a registered charity and provided to that charity when notified that the charity is preparing its annual return.
- 3) The applicant entity or registered charity must confirm in its application or annual return that it has received a declaration in this form, or one which conforms to it, from each of its governors or prospective governors. Without this, its application or annual return may not be determined or accepted by the Commissioner, as the case may be.
- 4) A governor or prospective governor must confirm in the declaration that no 'reportable matter' is applicable to her or him. If a reportable matter is applicable to her or him, that must be declared to the Commissioner by the individual concerned, who must also inform the applicant entity or registered charity concerned. The latter must also report the same to the Commissioner. An application or annual return will not be taken forward or processed until the matter is satisfactorily resolved.
- 5) A 'reportable matter' includes misconduct or disqualification in respect of serving as a governor of a registered charity, disqualification as a director, bankruptcy, and convictions for certain offences. Full information is at Appendix 2 to Guidance Note 3a, which can be viewed on the Commissioner's website. In case of any doubt, the Commissioner's office should be contacted.
- 6) If the Office of the Charity Commissioner learns that a governor, or a prospective governor, has convictions which amount to a reportable matter then the model declaration and copy of the conviction(s) must be sent to the Charity Commissioner.
- 7) The following offences will be considered an absolute bar to being a charity governor:

The Jersey Charity Commissioner, Forum 3, Grenville Street, St. Helier, JE2 4UF





- a. Any of the following customary law offences (whenever committed):
- i. murder
 - ii. grave and criminal assault
 - iii. rape
 - iv. sexual offences
 - v. abduction/kidnapping
 - vi. blackmail
 - vii. perjury
 - viii. robbery
 - ix. breaking and entering with intent
 - x. arson
 - xi. perverting the course of justice
 - xii. treason
- b. An offence under any of the following enactments (whenever committed):
- i. The Terrorism (Jersey) Law 2002 or Article 2 or 3 of the *Loi (1884) sur les matières explosives*
 - ii. Article 2 of the *Loi (1895) modifiant le droit criminal*
 - iii. Article 3, 4 or 5 of the Official Secrets (Jersey) Law 1952
 - iv. Article 23, 23A, 25A or 26, 26A and 26B of the Road Traffic (Jersey) Law 1956
 - v. Section 1 of the Taking of Hostages Act 1982 of the United Kingdom as extended to Jersey by Order in Council
 - vi. any of the enactments in the definition of “drug trafficking offence” in Article 1(1) of the Drug Trafficking Offences (Jersey) Law 1988
 - vii. The Torture (Jersey) Law 1990
 - viii. Section 1 of the Aviation Security Act 1982 of the United Kingdom as it is extended to Jersey by Order in Council
 - ix. Section 9 of the Aviation and Maritime Security Act 1990 of the United Kingdom as extended to Jersey by Order in Council
 - x. The Protection of Children (Jersey) Law 1994
 - xi. The Proceeds of Crime (Jersey) Law 1999
 - xii. The Firearms (Jersey) Law 2000
 - xiii. The Corruption (Jersey) Law 2006
 - xiv. The Sexual Offences (Jersey) Law 2018



- c. Aiding, abetting, attempting, inciting or conspiring in relation to any offence in paragraph 7) a. or b.
 - d. An offence committed within the preceding 10 years in respect of which there was imposed:
 - i. a sentence of imprisonment (including youth detention); or
 - ii. a fine of more than level 2 on the standard scale; or
 - iii. an order under Article 3 of the *Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée*; or
 - iv. an order under Article 2 of the Criminal Justice (Community Service) Orders (Jersey) Law 2001.
 - e. An offence committed elsewhere than in Jersey:
 - i. at any time having the attributes of an offence listed in paragraph 7) a., b. or c.; or
 - ii. within the preceding 10 years for which a court or tribunal imposed a sentence or fine, or made an order, to the same or equivalent effect as a sentence, fine or order mentioned in paragraph 7) d.
- 8) In respect of any other offence that is a reportable matter, the Charity Commissioner will have discretion as to whether the individual should be prevented from being a governor of the charity.
- 9) Except in cases where an individual is disqualified because the offence falls into the lists in paragraph 7), in deciding whether an individual should be prevented from being a governor of the charity the following factors will need to be taken into consideration:
- a. **Age** when the offence was committed – some offences are associated with young offending and levels of responsible behaviour often increase with age. Examples of offences in this category are breach of the peace, drunk and disorderly, and minor road traffic offences such as speeding. A person's conviction profile would indicate whether such offences were isolated and age-related.
 - b. **Time** since the offence was committed.



- c. **Severity** of the sentence – the length or type of sentence can be an indicator of the circumstances of the case including the seriousness of the offence, aggravating/mitigating factors, antecedents, age, remorse, etc.
- d. **Aggravating factors** of the offence – e.g. dishonesty, abuse of authority or breach of trust, offences against police, violent offences, holding a position of responsibility.
- e. **Special circumstances** – e.g. provocation, state of mind.
- f. **Present character** and standing in the community – a person may be able to prove reform over a substantial period of time and/or exemplary service to the community. Such factors will not be sufficient in extreme cases but may tip the balance in favour of the person where suitability for the position of charity governor is deemed marginal.
- g. **Frequency** of offending – a combination of offences may tip the balance.
- h. **Whether the person has disclosed the convictions** – failing to report a reportable matter suggests dishonesty.