

## PCC Member declaration

[Name of PCC] (the "PCC")

### **Introduction**

*In this declaration you are asked to provide key information that the PCC needs in order to ensure proper governance. You will be expected to inform the PCC if there is any change and you will be invited to review and confirm the information in this form (or an updated version of it) on an annual basis.*

*This declaration is separated into four parts to help make it clearer why the information is needed.*

*Part 1 relates to rules about eligibility to act as a charity trustee and is included to help you and the PCC make sure that you are able, by law, to act as a charity trustee, and therefore a member of the PCC (a "Member").*

*Part 2 relates to rules about eligibility for tax reliefs, and is included to confirm that you are a "fit and proper person" for tax purposes.*

*Part 3 relates to rules under the Church Representation Rules regarding eligibility for your initial and ongoing appointment as a Member.*

*Part 4 confirms your willingness to act as a Member.*

### **Part 1 - Eligibility to act as a charity trustee**

I confirm that I am not prevented by law from being a charity trustee. In particular I confirm that I am not/have not:

- Subject to an unspent conviction for:
  - an offence involving dishonesty or deception;
  - an offence to which part 4 of the Counter-Terrorism Act 2008 applies or an offence under section 13 or section 19 of the Terrorism Act 2000;
  - any of the money laundering offences listed in section 415 of the Proceeds of Crime Act 2002
  - an offence under sections 1, 2, 6 or 7 of the Bribery Act 2010;
  - an offence of contravening an order of the Charity Commission under section 77 of the Charities Act 2011;
  - an offence of misconduct in public office, perjury or of perverting the course of justice;
  - similar offences superseded by any of the above; and
  - the attempt, conspiracy, incitement, aiding, abetting, counselling or procuring, encouraging or assisting of any of the above.

- Subject to notification requirements of Part 2 of the Sexual Offences Act 2003, commonly referred to as being on the sex offenders register, whether or not the underlying offence is spent.
- Found to be in contempt of court for making, or causing to be made, a false statement or making (or causing to be made) a false statement in a document verified by a statement of truth (unless, were it an offence to which the Rehabilitation of Offenders Act 1974 applied, it would be spent) .
- Been found guilty of disobedience to an order or direction of the Commission under section 336(1) of the Charities Act 2011.
- A designated person under Part 1 of the Terrorist Asset-Freezing etc. Act 2010 or The Al Qaida (Asset Freezing) Regulations 2011.
- Been removed as a trustee, officer, agent or employee of a charity by the Charity Commission, the High Court or the Office of the Scottish Charity Regulator due to misconduct or mismanagement.
- (Unless granted leave by the court to act in respect of the charity) not been disqualified from acting as a company director.
- (Unless leave has been granted by the court to act in respect of the charity) not an undischarged bankrupt or subject to:
  - an undischarged sequestration order;
  - a bankruptcy restrictions order;
  - an interim order;
  - a moratorium period under a debt relief Order under Part 7A of the Insolvency Act 1986; or
  - a debt relief restrictions Order or an interim Order under Schedule 4ZB to the Insolvency Act 1986.
- Made a composition, arrangement or entered a deed in favour of creditors which is not yet discharged (for example, an individual voluntary arrangement, debt management plan etc).

## **Part 2 - Status as a fit and proper person for tax purposes**

The PCC is not eligible for tax reliefs unless its managers (i.e. its Members) are fit and proper persons to be managers of the PCC.

I confirm that I am a fit and proper person and in particular, I have not:

- Been removed from acting or disqualified from being a charity trustee by a charity regulator (including the Charity Commission for England and Wales) or been disqualified from acting as a company director.
- Been involved in tax fraud.
- Used arrangements notified under the Disclosure of Tax Avoidance Schemes rules.
- Used tax arrangements which have been successfully counteracted under the general anti-abuse rules.
- Actively involved in designing and/or promoting avoidance schemes featuring charitable reliefs or which used a charity.

Initials .....

### Part 3 - Church Representation Rules

I confirm that I am not prevented by the provisions of the Church Representation Rules from acting as a Member. In particular, I confirm that I am not/have not:

- Been included in a barred list.
- Convicted of an offence mentioned in Schedule 1 of the Children and Young Persons Act 1933<sup>1</sup>.
- Disqualified from holding office under section 10(6) of the Incumbents (Vacation of Benefices) Measure 1977 (as amended).

### Part 4 - Consent to act as a Member

I confirm that I am:

- willing to act as a Member;
- aged 16 years or over at the date of this appointment;
- an actual communicant (as defined in the Church Representation Rules);
- capable of managing and administering my own affairs; and
- my name is on the electoral roll of the parish, and I am:
  - a member of the Church of England or of a Church in communion with it; or
  - a member in good standing of a Church which is not in communion with the Church of England but subscribes to the doctrine of the Holy Trinity.

My contact and personal details are:

Title .....

Full name .....

Address .....

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Date of birth .....

Personal email address .....

Telephone .....

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<sup>1</sup> The Bishop has the power to waive disqualification where the disqualification is as a result of a conviction of an offence mentioned in Schedule 1 of the Children and Young Persons Act 1933

## Declaration

To the best of my knowledge, the above information in Parts 1 to 4 is complete and correct. I undertake to update the information provided as necessary, and to review the accuracy of the information on an annual basis.

I give my consent for the information I give in this declaration to be used for the purposes of ensuring good governance of the PCC including:

- contacting Members in connection with their role in managing and administering the PCC; and
- providing a record of evidence that I am eligible to act as and consent to be a Member.

I understand that data will be processed only to ensure that Members can be contacted and are properly appointed. I understand that the information provided in this form may be made available to HMRC and/or the Charity Commission if they request it in connection with their regulatory functions. I understand that except as required by law (including in respect of law enforcement or regulatory investigations), no other use will be made of the information I have provided (unless you are otherwise notified).

**Please sign the declaration below and initial each page above.**

Name: .....

Signed: .....

Date: .....