

Guidance Note: Fit and Proper Persons (Trustees and Managers)

1. Use of a declaration for fit and proper persons

A charity or CASC should give a declaration for fit and proper persons to each “manager” to sign before they start their role. It should then keep the signed copy on file. It should not send it to HMRC. HMRC does not request it at any time as part of an enquiry into the tax status of the charity or CASC.

2. Meaning of “fit and proper person”

There is no definition in the Charities Act 2006. The Declaration is based on HMRC’s Model Declaration under the title “Declaration for Fit and Proper Persons (Trustees and Managers)” in our Trustees – Fit and Proper Persons Guidance Notes and Documents. You can also see it in the HMRC’s [Helpsheet](#) which you can see at [HMRC’s Fit and Proper Persons Helpsheet](#).

The Charity Commission may consider a person to be suitable to act as a trustee of a charity, but that will not render them a “fit and proper person” is solely for HMRC’s regulator. However, HMRC does not ask charities or CASCs whether its “managers” are “fit and proper persons” unless they have information suggesting the contrary.

HMRC will expect charity trustees to give proper consideration to the suitability of a person to act as a trustee of a charity, where they are able to do so. It is for the charity to decide how it considers the suitability of “managers”, and the charity should be able to demonstrate this.

Some charities or CASCs may have their own procedures for that purpose. Alternatively, a charity or CASC may use HMRC’s Fit and Proper Persons Model Declaration. The purpose of a charity or CASC doing so is to demonstrate that it has given proper consideration to whether “managers” are “fit and proper persons”.

3. Recommendation to use HMRC’s Model Declaration

Although the declaration as to whether a person is a “fit and proper person” is not legally required to be in any particular form. However, we strongly recommend that you use the HMRC Model Form (i.e. the “Fit and Proper Persons (Trustees and Managers)” form).

4. The serious consequences of not being a “fit and proper person”

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4. The serious consequences of not being a “fit and proper person”

If any of a charity's or CASC's 'fit and proper persons' no longer qualify under the Finance Act 2007, it will no longer be entitled to charity tax reliefs and exemptions, and HMRC may ask for evidence of the steps taken to ensure that the charity remains 'fit and proper'. (Those tax reliefs would include Gift Aid)

5. HMRC Helpsheet

You can read the Fit and Proper Persons Helpsheet at the following link to the relevant page on the HMRC website. This is published by HMRC to help charities ensure that your charity gives a copy of the Helpsheet to help the charity fulfil its legal obligations. It also helps are "fit and proper" as trustees or managers.

and proper persons", it will no longer be entitled to charity tax reliefs and exemptions. (Those tax reliefs and exemptions. (Those

referred to above) by clicking on the [Fit and Proper Persons Helpsheet](#). We recommend that a trustee or other manager to read to ensure that the charity takes the appropriate steps to appoint individuals who

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