



**POLISH SOCIAL AND CULTURAL ASSOCIATION**

**FIT AND PROPER DECLARATION**

**(Required for those seeking election, or re-election, for or appointment as a member of the Council or Internal Review Committee)**

.....  
(Name)

of.....  
(Address)

.....  
(Previous address if moved in past 12 months)

Date of Birth..... National Insurance number .....

I, the undersigned, hereby declare that I will at all times seek to ensure that the charity's funds and charity tax reliefs received by POSK are used only for charitable purposes and that –

1. I have not previously been removed as a trustee of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement;
2. I have not previously been removed as an officer, agent or employee of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement;
3. I have not previously been removed from management or control of anybody under section s34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (or earlier legislation);
4. I have not previously been found guilty of disobedience to an order or direction of the Charity Commission under section 336(1) of the Charities Act 2011;
5. I have not been disqualified from serving as a Company Director;
6. I have not been subject to a Director Disqualification Undertaking where leave has not been granted (as described in section 180 of the Charities Act) for me to act as director of a charity;
7. I am not an undischarged bankrupt (or subject to bankruptcy restrictions or an interim order);
8. I am not subject to an individual voluntary arrangement (IVA) to pay off debts with creditors and I have not made compositions or arrangements with my creditors from which I have not been discharged;



9. I am not subject to a moratorium period under a debt relief order, or a debt relief restrictions order, or an interim order;
10. I am not subject to an order made under s.429(2) of the Insolvency Act 1986 (failure to pay under a County Court Administration Order);
11. I do not have an unspent conviction for any of the following:
  - a) an offence involving deception or dishonesty;
  - b) a terrorism offence -
    - i. to which Part 4 of the Counter-Terrorism Act 2008 applies, or
    - ii. under sections 13 or 19 of the Terrorism Act 2000;
  - c) a money laundering offence within the meaning of section 415 of the Proceeds of Crime Act 2002;
  - d) a bribery offence under sections 1, 2, 6 or 7 of the Bribery Act 2010;
  - e) an offence of contravening a Commission Order or Direction under section 77 of the Charities Act 2011;
  - f) an offence of misconduct in public office, perjury or perverting the course of justice;
  - g) in relation to any of the above offences: the offence of: attempt, conspiracy, or incitement to commit the offence; or, aiding or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to the offence;
12. I do not have an unspent sanction for contempt of court; for making, or causing to be made, a false statement; or for making, or causing to be made, a false statement in a document verified by a statement of truth;
13. I am not on the sex offenders register (ie. subject to notification requirements of Part 2 of the Sexual Offences Act 2003);
14. I am not a designated person for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011;
15. I have not been involved in tax fraud or other fraudulent behaviour including misrepresentation and/or identity theft;
16. I have not used arrangements notified under the Disclosure of Tax Avoidance Schemes ("DOTAS") rules in Part 7 Finance Act 2004 in respect of which a reference number has been issued under section 311 of Finance Act 2004, where the arrangements featured charitable reliefs or which used a charity, and where my tax position has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final;
17. I have not used tax arrangements which have been successfully counteracted under the general anti-abuse rules (see Part 5 of Finance Act 2013 or section 10 National Insurance Contributions Act 2014, as enacted or as amended from time to time) where such counteraction has become final;



18. I have not been actively involved in designing and/or promoting tax avoidance schemes featuring charitable reliefs or which used a charity, and I am not:

- a promoter named by HMRC under the Promoters of Tax Avoidance Schemes (POTAS) legislation in Part 5 of Finance Act 2014, or
- a promoter of any tax arrangements designed or intended to obtain for any person a tax advantage and such tax advantage has been successfully counteracted by HMRC under the general anti-abuse rule (see Part 5 of Finance Act 2013 and section 10 National Insurance Contributions Act 2014 as enacted or as amended from time to time) and such counteraction has become final, or
- a promoter of arrangements notified under DOTAS, in respect of which a reference number has been issued under section 311 of Finance Act 2004, and the tax position of all or any of the users of the arrangements has been adjusted by HMRC to wholly or partly remove the tax advantage generated by the arrangements and such adjustments have become final.

**I will inform the Directors promptly if, after the date of this declaration, one or more of the statements I have made above becomes untrue.**

.....

(Signature)

.....

(Date)

**If you have signed this declaration but want to make any information known or clarify any points please add them in the space below.**