

Eligibility for the Board – Rules of the Association Policy

Customer Focus

Respect

Communication

Integrity



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RULES OF THE ASSOCIATION

Eligibility for the Board:- Rule 43 – 44.9

- 43** you will not be eligible to be a Board Member and cannot be appointed or elected as such if:-
- 43.1 you have been adjudged bankrupt, have been granted a trust deed for or entered into an arrangement with creditors or your estate has been sequestrated and has not been discharged; or
 - 43.2 you have been convicted of an offence involving dishonesty which is not spent by virtue of the Rehabilitation of Offenders Act 1974 or an offence under the Charities and Trustee Investment (Scotland) Act 2005; or
 - 43.3 you are party to any legal proceedings in any Court of Law by or against the Association; or
 - 43.4 you are or will be unable to attend the Board Meetings for a period of 12 months; or
 - 43.5 you have been removed from the Board of another registered social landlord within the previous five years; or.
 - 43.6 you have resigned from the Board in the previous five years in circumstances where the resignation was submitted after the date of your receipt of notice of a special Board meeting convened to consider a resolution for your removal from the Board in terms of Rule 44.5; or.
 - 43.7 you have been removed from the Board in terms of Rules 44.4 or 44.5 within the previous 5 years; or
 - 43.8 you have been removed or suspended from a position of management or control of a charity under the provisions of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 or the Charities and Trustees Investment (Scotland) Act 2005; or.
 - 43.9 you have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners for England and Wales or by Her Majesty's High Court of Justice in England on the grounds of any misconduct in the administration of the charity for which you were responsible or to which you were privy, or which your conduct contributed to or facilitated; or .
 - 43.10 a disqualification order or disqualification undertaking has been made against you under the Company Director's Disqualification Act 1986 or the Company

Directors Disqualification (Northern Ireland) Order 2002 (which relate to the power of a Court to prevent someone from being a director, liquidator or administrator of a company or a receiver or manager of company property or being involved in the promotion, formation or management of a company); or.

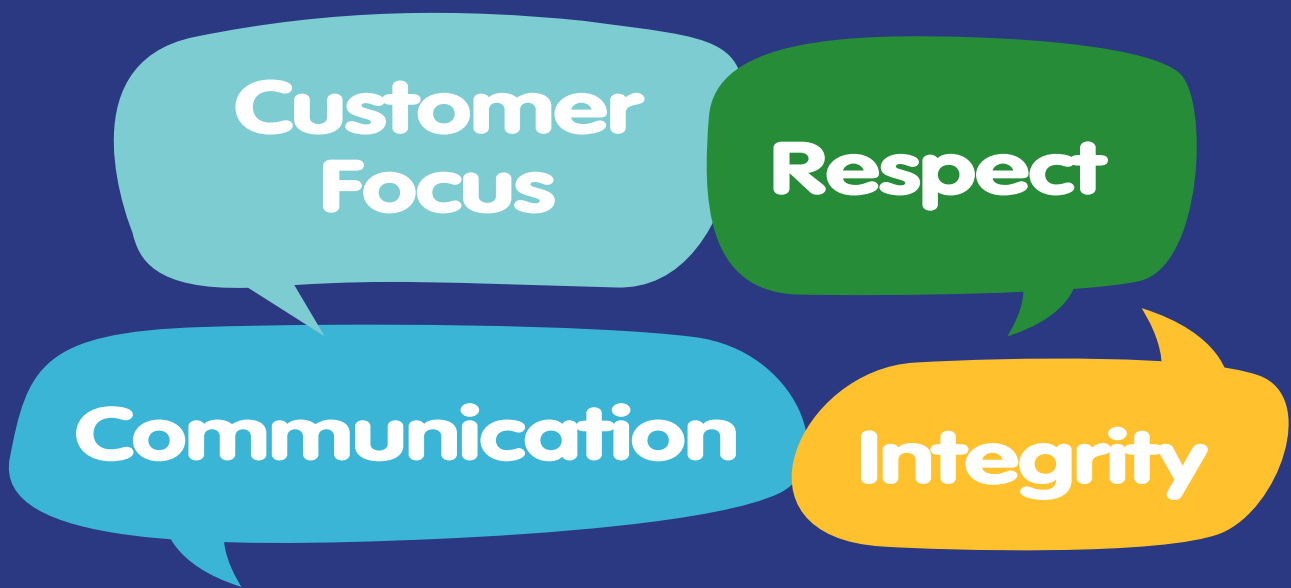
- 43.11 at an annual general meeting, you have served as a Board Member for a continuous period in excess of nine years and the Board has not resolved to permit you to stand again or otherwise be nominated for re-election.
- 44 A Board Member will cease to be a Board Member if:
- 44.1 you resign your position as a Board Member in writing; or
- 44.2 you cease to be a Member unless you are a co-optee in terms of Rule 42.1 or an appointee of The Scottish Housing Regulator; or
- 44.3 you miss four Board meetings in a row without special leave of absence previously being granted by the Board either at your request or by exercise of the Board's discretion; or
- 44.4 *except in the case of a Board Member appointed by the Parent, the majority of the Members voting at a general meeting decide this. (The members at the meeting may then elect someone to take your place. If a replacement is not elected at the meeting, the Board may appoint a Board Member in terms of Rule 41); or*
- 44.5 *except in the case of a Board Member appointed by the Parent the majority of those remaining Board Members present and voting at a special meeting of the Board convened for the purpose decide to remove you as a Board Member. The resolution to remove you as a Board Member must relate to one of the following issues:-*
- 44.5.1 failure to perform to the published standards laid down by the Scottish Federation of Housing Associations and/or The Scottish Housing Regulator adopted and operated by the Association; or*
- 44.5.2 failure to sign or failure to comply with the Association's Code of Conduct for Board Members; or*
- 44.5.3 a breach of the Association's Rules or standing orders or other policy requirements;*
- 44.6 you become ineligible as a Board Member in terms of Rule 43; or
- 44.7 you are a co-optee whose period of office is ended in accordance with Rules 39.1 or 42.1; or

44.8 you are a Board Member retiring in accordance with Rule 39.1; or

44.9 the Parent removes you from the Board in accordance with Rule 37.3.

I _____ hereby confirm that I am eligible to hold the position of Board Member and none of the above apply to me. If in the event that this changes I will notify the Association immediately in order to resign.

Signed _____ **Dated** _____



CLOCH HOUSING ASSOCIATION LTD	
Policy Name	Eligibility for the Board – Rules of the Association
Policy Category	GOV
Policy Number	061
Date Adopted	01/09/2002
This Review	23/09/2020
Next Review	September 2021
Equalities Impact Assessment Required	No
Link to other policies	Code of Conduct, Remits, Standing Orders, Rules
Consultation	
Need for Procedure	