



Cloch Housing Association

Eligibility for the Board – Rules of the Association

Policy Name	Eligibility for the Board – Rules of the Association
Policy Category	Governance
Policy Number	061
Date Adopted	01/09/2002
Last Review	21/09/2022
This Review	20/09/2023
Next Review	September 2024
Equalities Impact Assessment Required	
Link to other policies	Code of Conduct, Standing Orders, Rules, Remits
Consultation	
Need for Procedure	

RULES OF THE ASSOCIATION

Eligibility for the Board – Rules 43 to 44.8

- 43.1 A person will not be eligible to be a Committee Member and cannot be appointed or elected as such if:-
- 43.1.1 he/she is an undischarged bankrupt, has granted a trust deed which has not been discharged or is in a current Debt Payment Plan under the Debt Arrangement Scheme; or
 - 43.1.2 he/she has 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
 - 43.1.3 he/she is a party to any legal proceedings in any Court of Law by or against the Association; or
 - 43.1.4 he/she is or will be unable to attend the Committee Meetings for a period of 12 months; or
 - 43.1.5 he/she has been removed from the Committee of another registered social landlord within the previous five years; or
 - 43.1.6 he/she has resigned from the Committee in the previous five years in circumstances where the resignation was submitted after the date of his/her receipt of notice of a special committee meeting convened to consider a resolution for his/her removal from the Committee in terms of Rule 44.5; or
 - 43.1.7 he/she has been removed from the Committee in terms of Rules 44.4 or 44.5 within the previous five years; or
 - 43.1.8 he/she has been removed, disqualified 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 Trustee Investment (Scotland) Act 2005; or
 - 43.1.9 he/she has 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 he/she were responsible or to which he/she were privy, or which his/her conduct contributed to or facilitated; or

- 43.1.10 a disqualification order or disqualification undertaking has been made against that person under the Company Directors 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
 - 43.1.11 his/her nomination for election to the Committee has been rejected in accordance with Rule 40.3 during the period between the return of the completed nomination form and the commencement of the relevant Annual General Meeting.
- 43.2 A person cannot be re-elected as a Committee Member if the Committee is not satisfied under Rule 37.6 of the individual's continued effectiveness as a Committee Member. In these circumstances the Committee must not allow the individual to stand for re-election
- 44 A Committee Member will cease to be a Committee Member if:
- 44.1 he/she resigns his/her position as a Committee Member in writing; or
 - 44.2 he/she ceases to be a Member unless he/she is a co-optee in terms of Rule 42.1 or an appointee of The Scottish Housing Regulator; or
 - 44.3 he/she misses four Management Committee meetings in a row without special leave of absence previously being granted by the Committee either at his/her request or by exercise of the Committee's discretion; or
 - 44.4 the majority of Members voting at a general meeting decide this. (The Members at the meeting may then elect someone to take his/her place. If a replacement is not elected at the meeting, the Committee may appoint a Committee Member in terms of Rule 41); or.
 - 44.5 the majority of those remaining Committee Members present and voting at a special meeting of the Committee convened for the purpose decide to remove him/her as a Committee Member. The resolution to remove him/her as a Committee 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;
 - 44.5.2 failure to sign or failure to comply with the Association's Code of Conduct for Committee Members; or
 - 44.5.3 a breach of the Association's Rules, standing orders or other policy requirements;

- 44.6 he/she becomes ineligible as a Committee Member in terms of Rule 43;
or
- 44.7 he/she is a co-optee or was appointed to fill a casual vacancy and whose
period of office is ended in accordance with Rules 39.1 or 42.1; or
- 44.8 he/she is a Committee Member retiring in accordance with Rule 39.1.

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** _____