



# GAA Club Property

CLUB MAITH TOOLKIT



## A GAA CLUB MASTER-PLAN

GAA Clubs are busy places full of busy people. The last thing they need is more paperwork.

But every Club should sit down and spend a little time scoping out a 'master-plan' which will set out (ideally in one A4 sheet of paper):

- Their existing infrastructure
- What could be added/developed and how

This exercise will get people thinking. When it's finished it can be professionally worked-up at little or no cost and act as the vision to inspire the Club and everybody in and around it.

A good Club master-plan will set out:

- What property/land the Club owns/controls
- Existing pitches; buildings; etc ... and a sense maybe of how they might be reconfigured
- Access and connectivity issues, including parking
- Services (water; electricity; internet; etc)
- Natural assets (water-ways; trees/ flora; wildlife)
- Unused land/space ... and what it could be used for (new pitches; play areas; MUGAs (Multi-Use Games Area); pavilion; etc)
- Vulnerable areas (e.g. at risk of flooding; dangerous re slopes; hidden from view/ supervision/underground services)
- Important links (e.g. to housing; schools; community buildings; etc).
- Constraints (limits to floodlight spillage; Planning issues; etc).

## PROPERTY OWNERSHIP

Often GAA Clubs which are embarking on a new physical development project may have to acquire new or additional land. It is important that Clubs are fully aware of the legal requirements for land purchase or long-term lease. Clubs should consult with a Solicitor before acquiring land. If purchasing the land or leasing the land for more than 21 years Clubs must go through a legal process to ensure everything is above-board. Although the legal processes are similar in each jurisdiction, there are small differences. Because the GAA, its County Committees and its Clubs are legally recognised as unincorporated bodies, they are required to appoint trustees to hold land for the unit and the Association under Rule 5.3 of the Official Guide.

## 6 COUNTIES

The Land and Property Services is the Agency responsible for the three registers (Registry of Deeds; Statutory Charges Register; and The Land Registry) which exist in the Six Counties. Historically each of the three registers had their own purpose, however, The Land Registry has become the official register moving forward. Since 2003 new land owners must complete a Compulsory First Registration.

If purchasing land or leasing land for more than 21 years, Clubs should register the agreement with The Land Registry within three months of the date of the Purchase Deed. Given that Trustees are in order, this requires the Club's Solicitor to make the application to the Land and Property Services and certify the title. On completion of the registration the land is allocated a folio number. The registered owners, (Trustees) hold a copy of the same in the form of a Land Certificate of that folio and a copy of the Land Registry map. The advantage of using The Land Registry is that legal title is

guaranteed and an accurate plan of ownership is created. This was not necessarily the case with the other registries.

Clubs which have owned their land or have signed a 21 year lease before 2003 may not have registered their land through The Land Registry. This however can be done by a Voluntary Registration of Title, through the Club's Solicitor and Land and Property Services. On occasion the deeds of Club property may not be legally sound so it is worth checking that your Deeds are all in order before commencing any development work. Your Solicitor will be able to advise you on this.

#### CAVAN, MONAGHAN AND DONEGAL

An tÚdarás Clárúcháin Maoine, The Property Registration Authority is the agency responsible for land registry in the Twenty-Six Counties. Similar to the six counties a Registry of Deeds has existed for decades, however, this system is now secondary to the preferred Land Registry system. The Land Registry system is more useful in that the title of land is guaranteed by the State and lands are demarked with a folio number using electronic mapping.

Again, GAA Clubs acquiring new land should always consult with a Solicitor before entering into any purchase agreement or lease extension. The Club's Solicitor will be responsible for going through the process of registering property with the Property Registration Authority. GAA Clubs need to be aware that since 1 January 2010 it has become compulsory for all landowners in Cavan, Donegal and Monaghan to register their property with the Authority.

#### APPOINTMENT OF TRUSTEES AND VESTING OF PROPERTY

All property belonging to or controlled by a GAA club should be vested in Trustees to hold for the Club and the Association. This is as determined by Rule 5.3 of the 2012 Official Guide and the Club Constitution (with specific reference to Article 10 dealing with Assets and Trustees). Property including grounds; Club houses; halls; dressing rooms; and handball alleys owned or controlled by units of the Association shall be used only for the purpose of or in connection with the playing of games controlled by the Association and for such other purposes not in conflict with the aims of the Association, that may from time to time be sanctioned by the Central Council as per Rule 5.1 of the 2012 Official Guide.

In order to become vested a Club must appoint Trustees. A Trustee is someone who is given legal authority to manage assets, including property on behalf of someone else. A Trustee holds no beneficial interest in the property. It is generally expected that Trustees should, in their role as a Trustee, use such due diligence and care as an ordinary prudent person would use in the management of his/her own affairs.

Real property of a Club is vested, in accordance with Rule 5.3 of the Official Guide, in five Trustees, three of whom shall be appointed for and on behalf of the Club; one on behalf of the County Committee; and one on behalf of the Provincial Committee. The three Club Trustees are selected by the Club Executive Committee, ensuring they are full Club members and are appointed by the Club Chairperson. The Chairperson of the County Committee and Provincial Committee shall each appoint one other Trustee, who is responsible to their respective Executive Committee.

Trustees shall confirm their acceptance of the role by signing a 'Declaration of Trust' as approved by the Central Council of the GAA. These template forms conform to the necessary conditions relating to provisions for appointment, removal and replacement of Trustees, as well as regulating the conduct of the Trustees in performing their duties and exercising their powers under the Trust. It is the duty of the Trustees to ensure that the property is used in accordance with the terms of the Declaration of Trust.

Trustees must be registered as the joint owners of the property, recorded on the land folio through the Land Registry in either, the Land and Property Services (Six Counties), or The Property Registration Authority (Twenty-Six Counties). The folio will contain the name and address of the trustees as the registered owners.

The reasons for vesting property in the Association are to ensure that the land will remain in permanent control of the GAA Club and will be used for GAA purposes in line with rationale for their initial procurement by the Club. Club land being properly vested will ensure legal ownership and proper protection for the Club, its officers and members. Vesting is accomplished by Trustees signing a Declaration of Trust. Standard forms can be obtained from Ulster GAA, approved by GAA Headquarters. The form is signed in triplicate by the Trustees to vest the property. One copy is kept by Central Council, one by the County Committee and one by the Club. It is also useful to send documents to Ulster GAA for information.

Should a Trustee die; be unwilling to continue; or is too infirm to continue as a Trustee a new Trustee can be appointed by a Declaration of Appointment which shall be signed by the appointers who are the respective Chairmen of the Club, County Committee and the Provincial Council. This should be recorded with the relevant Land Registry authority. Any changes to Trustees will mean a new Declaration of Trust must be completed and registered with the relevant Land Registry authority.

Should any reason arise whereby a Trustee must be removed but refuses or is unable to do so, then this must be concluded through the High Court within the Six Counties. Clubs should seek legal advice from their Solicitor where this occurs. Trustees can be removed in line with the Declaration of Trust within the Twenty-Six Counties subject to the terms of removal being fully adhered to by the existing Trustees.

Clubs should hold all documents relating to land ownership in a safe place. It is common for documents to be held in the Club's Bank and a record of their place of custody put in the Club Minute Book. They may also be held by the Club's Solicitor and this too needs to be recorded in the Club Minute Book.

Should Clubs wish to lease-out their land, transfer their land, dispose of their land or create a charge, for any reason, they must get the approval from each of the Trustees after consulting with the relevant GAA units and where necessary obtain the Approval of the Central Council. The Club should also involve their Solicitor in this process. It also needs to be understood that a registered charge may create a priority of charge while an equitable charge is always solely with the body holding the title deeds.

NOTE: Many Clubs will have owned or controlled their property for some time. However, it is important to review the situation regularly to avoid problems down the line. The Annual General Meeting is possibly a good time to review the Club's position. Should Clubs have queries about issues relating to land ownership they should contact their County Committee or Ulster GAA.

## PARTNERSHIPS WITH OTHERS

GAA Clubs are now often involved in partnerships with other organisations, projects and programmes. These partnerships and some of their consequences can be as follows:

PARTNER	WHAT THEY MAY REQUIRE
Funders of Club Developments or Activities	<ul style="list-style-type: none"> <li>• Charges to be placed on the Club's property against their grant or loan</li> <li>• Specific conditions re the governance of the Club</li> <li>• Access to/use of Club facilities by others</li> <li>• Meeting standards set and/or beliefs held by the funder</li> <li>• Particular forms of reporting, for example presenting the Club's Annual Accounts in certain ways</li> </ul>
Service Deliverers Using Club Premises	<ul style="list-style-type: none"> <li>• Very specific insurance cover</li> <li>• Dedicated/private use of the Club's facilities at certain times</li> <li>• Possible shifts and changes in the Gaelic ethos of the Club</li> <li>• Implications for the Club's Rates status</li> <li>• Leases on the Club's property and associated conditions</li> </ul>

Most partnership arrangements are straightforward and to the benefit of Clubs and their communities. They can however be complex areas and can sometimes have very significant consequences for Clubs and their members.

Any Club considering 'doing business' with a non-GAA organisation, be it a funder or someone wishing to work jointly with the Club, should contact their County Development Officer at the outset for advice and guidance. A very effective regime re Clubs' bank borrowings is already in place and works to everyone's benefit.

Clubs are urged to always seek the advice of County Development Officers before entering into any partnership; before applying for any significant funding; and, certainly, before signing any Letter of Offer.