

Cumann Lúthchleas Gael

DECLARATION OF TRUST

(Draft)

- for the vesting of G.A.A.
Club real properties
i.e. grounds and/or premises



**Reddy, Charlton & McKnight,
Solicitors,
12 Fitzwilliam Place,
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Land Registry

COUNTY _____ FOLIO _____

1. **TO ALL TO WHOM THESE PRESENTS SHALL COME:**

hereinunder called the 'Trustees' which expression shall include the Trustee or Trustees for the time being of these presents where the context so requires or admits.

SEND GREETINGS

Whereas

2. The Trustees are registered under the Registration of Title Act, 1964 and the Acts amending and extending same as Joint tenants in fee simple of the Lands of _____ containing _____ acres _____ roods and _____ perches or thereabouts statute measure situate in the Electoral Division of _____ Barony of _____ and County of _____ and which said lands are comprised in Folio _____ of the Register of Freeholders for the County of _____.
3. The said lands were purchased, laid out and equipped with monies provided by the _____ G.A.A. Club being a committee of subscribers and supporters in and around the _____ in the County of _____ the _____ County Committee of the Gaelic Athletic Association the _____ Provincial Council of the Gaelic Athletic Association and the Central Council of the Gaelic Athletic Association.
4. The said lands were in fact vested as aforesaid in the Trustees as trustees for the purpose of providing accommodation for all or some of the following purposes:
- (a) a park for the playing of Gaelic Football, Hurling and other games and pastimes under the control of and sanctioned by the rules for the timebeing of the Gaelic Athletic Association.
 - (b) the holding of Athletic meetings under the control of and sanctioned by the said Association.
 - (c) a Handball court or courts for playing of Handball under the control of and sanctioned by the rules for the time being of the said Association.
 - (d) a Social Centre, and Meeting or Dressing Rooms, for members of te said Association, their licensees, invitees and guests.

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5. (a) The said (1) _____
(2) _____
(3) _____
have been appointed Trustees of the said lands for and on behalf of the
_____ Club of the Gaelic Athletic Association.

(b) The said _____
have been appointed Trustee of the said lands for and on behalf of the
_____ County Committee of the Gaelic Athletic Association.

(c) The said _____
has been appointed Trustee of the said lands for and on behalf of the
_____ Provincial/Central Council of the Gaelic Athletic Association.

6. **NOW THESE PRESENTS WITNESS** that the Trustees hereby declare that as and from the date of the said registration of the day of _____ 20 _____ the Trustees held and now hold the said lands subject as in said Folio set forth upon the Trusts and subject to the powers and provisions hereinafter declared and contained concerning the same that is to say **UPON TRUST** to use the said lands exclusively for the purpose of a Gaelic Football, Hurling, Sports and Athletic Ground and Handball Court/s for the playing of Gaelic Football, Hurling, Handball and other games and pastimes under the control of and sanctioned by the Rules for the time being of the Gaelic Athletic Association, and also to allow the said lands to be used for the purpose of a social centre and/or meeting place for members of the Gaelic Athletic Association and/or for the purpose of holding any activity which does not contravene the Rules of the Gaelic Athletic Association.

7. **AND IT IS HEREBY ADMITTED AND DECLARED** that the Trustees shall have power but only with the consent in writing of the Central Council of the Gaelic Athletic Association first had and obtained to sell the said lands or any of them or any part or parts thereof either together or in parcels and either by public auction or private contract but subject to any special or other stipulations or conditions as to title or evidence of title or otherwise which may be deemed proper with power to buy in as Trustees of these presents at any sale by auction and to rescind or vary any Contract for Sale and to re-sell the premises which shall have so been bought in or as to which the Contract for Sale shall have been rescinded and for the purposes aforesaid may execute and do all such assurances and things as they shall think fit.

8. **AND IT IS HEREBY FURTHER ADMITTED AND DECLARED** that the power of appointing new Trustees or these presents shall be vested in the persons (hereinafter called the 'Appointers') who for the time being hold the office of President of the
_____ Provincial Council of the Gaelic Athletic Association.
Chairman of the _____ County Committee of the
Gaelic Athletic Association, Chairman of the _____
Club Committee of the Gaelic Athletic Association and _____

9. **AND IT IS HEREBY FURTHER ADMITTED AND DECLARED** that the Appointers of whom the President of the _____ Council of the Gaelic Athletic Association shall be chairman with a casting vote may at any time in their absolute discretion by writing under the hands of the majority of the Appointers remove any existing Trustee or Trustees from his/her or their office as Trustee or Trustees and as from the date of such removal the Trustee or Trustees so removed shall cease to hold office as Trustee or Trustees of the said lands and premises and in the case of removal of any such Trustee or Trustees so removed hereby irrevocably constitute and appoints the President for the time being of the _____ Council of the Gaelic Athletic Association to be his/her or their lawful Attorney in his/her or their name and on his/her on their behalf to transfer his/her or their right title estate and interest in and to the said lands and premises or any part thereof to any other person or persons or Corporation and to execute all deeds and documents and do all such things on his/her or their behalf necessary for that purpose.

10. **AND IT IS HEREBY FURTHER AGREED AND DECLARED:**

- (a) That Trustee meetings shall be duly summoned by the Chairman of the Trustees as hereinafter appointed and at least five day's notice of the time and place of such meetings shall be given and that every notice of a meeting shall state the place, day and hour of the meeting.
- (b) That every question of fact at any such meeting shall be decided by a majority of the votes of the Trustees present and voting at such meetings.
- (c) That the quorum for a meeting of Trustees shall be two.
- (d) In case the Trustees shall not be unanimous upon any matter arising out of or about the trusts of these presents the decision of the majority shall bind the dissenting minority and the acts of the majority in the execution of the powers and trusts hereby given to and reposed in the Trustees shall be as valid as if they acted such matters unanimously.
- (e) That the Trustees hereof for the time being nominated by the _____ Council of the Gaelic Athletic Association or in his/her absence the Trustee hereof for the time being nominated by _____ County Committee of the Gaelic Athletic Association shall be chairman of trustee meetings and in the event of a tie any such chairman shall have a casting vote.

Dated this _____ day of _____ 20 .

DECLARATION OF TRUST:

Explanatory Notes for Club Officers

Real Property:

1. Premises, land or other property acquired by a G.A.A. Club is referred to legally as real property. As such it must be legally transferred from the previous owner to Trustees. To ensure effective control, the transfer document must be accompanied by a Declaration of Trust drawn up by a Solicitor and signed by Trustees.

Purpose of Vesting:

2. It is necessary to vest a ground or other property in the Association to ensure that:
 - It will be used for G.A.A. purposes in accordance with the Charter which states that “the resources of the Association shall be utilised for and dedicated solely to the aims of the Association”.
 - it remains under the permanent control of the club.
 - continuity of G.A.A. club ownership is maintained and a takeover by any group for non G.A.A. purposes is prevented.
 - certainty of legal ownership by the club.
 - it will be eligible for G.A.A. loans and grants.
 - any buildings erected on vested land will be automatically vested in the G.A.A. and will also be eligible for G.A.A. grants e.g. for Dressing Rooms etc.

It must be stressed that the funds for purchase of a ground or property will usually have been collected by the G.A.A. Club members for the purpose of promoting Gaelic Games. Money will have been subscribed by the public specifically for those purposes; therefore, the club has an obligation to ensure that the ground is used in accordance with the Charter of the Association and Rule 42 of the Official Guide.

Specimen Declaration of Trust:

3. There is an official specimen Declaration of Trust. A copy of this draft for the use of the Club's Solicitor is attached. This draft is for **freehold registered land** as most grounds are registered in the Land Registry. In the case of unregistered grounds, the Solicitor, to whom the draft Declaration of Trust is submitted, will be able to adjust to this particular requirement e.g. Paragraphs 2 and 6.

Where land is or has been allocated to a club by the Land Commission, the necessary Trustee document is prepared by the Commission in accordance with its regulations.

Trustees:

4. **Real** property which includes club grounds should have five Trustees. The normal requirement for vesting **Real property** in Cumann Lúthchleas Gael is three Trustees nominated by the Club Executive Committee, one nominated by the County Committee (County Board) and one by the Provincial Council.

Provision for the three Club Trustees is in accordance with Rule 43 (c) of the Official Guide 1994 and the Official Club Constitution (Rule 40b). The fact that some Trustees represent the County Committee and/or Provincial Council does not affect the ownership of property by the club; in fact it safeguards the club's ownership.

Trustees are selected by the bodies which they represent to hold the property in trust for the bodies they represent and for the Association. It is their function to ensure that the property is used in accordance with the terms of the Declaration of Trust. The Trustees are responsible to the Executive Committee of the bodies which selected them.

Appointers:

5. Clubs should ensure that there is at all times a full complement of Trustees for each vested property. The Trustees will remain until death; resignation; or removal by the three persons named in the Declaration of Trust as the 'Appointers' following consultation with the nominating bodies. The Declaration of Trust provides that the 'Appointers' be the persons for the time being holding offices of:

- President of the Provincial Council;
- Chairman of the County Committee, and;
- Chairman of the Club.

How to complete the Declaration of Trust:

6. The following notes explain how the specimen Declaration of Trust is to be completed.

Page 1: Para. 1 *The full names and addresses of all the Trustees are entered*

Para. 2 *Paragraph to be amended slightly by the Club Solicitor if the property is unregistered.*

Para. 3 *Title of the Club
Title of the appropriate County Committee.*

Page 2: Para. 5 (a) *Names of the Club Trustees and the title of the Club*

(b) *Name of the County Committee Trustee*

(c) *Name of the Provincial Council Trustee (or Central Council Trustee if applicable).*

Para. 6 *If the property is unregistered a slight amendment by the Club Solicitor is necessary at the beginning of the paragraph.*

Page 3: Para. 8 *Title of the appropriate Provincial Council.*

Title of the appropriate County Committee.

Title of the Club.

Title of a fourth 'Appointer' if required.

Para. 9 *Title of the Provincial Council (twice)*

Para 4: Para. 10. (e) *Title of the Provincial Council.*

Title of the County Committee.

Page 5: *Signature of Trustees.*

IN WITNESS whereof the parties hereto have hereunder set their hands and affixed their seals
the day and year herein written.

SIGNED SEALED & DELIVERED by the
said
in the presence of:-

SIGNED SEALED & DELIVERED by the
said
in the presence of:-

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in the presence of:-

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said
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