



## Chapter Six – Property Ownership

1. Vesting of Property and the Appointment of Trustees
2. Procedures for Disposal of Association Property

In Association with





## CLUB MANUAL

### Chapter Six - Property Ownership

#### 1. Vesting of Property and the Appointment of Trustees

This advisory sheet deals with the arrangements to be made on the acquisition of real property by a GAA club for use as a playing field, social centre, clubrooms, handball courts etc. The first stage of Acquisition is followed by two further separate stages of Appointment of Trustees and Vesting.

##### Acquisition

Before entering into a purchase contract consult a Solicitor to ensure that your Club's rights are safeguarded and that the intended use of the property is permissible under the Planning Act and/or municipal Bye-Laws. Where real property is acquired by a Club, it must be transferred in writing to Trustees on behalf of the Club by the kind of transfer appropriate to the type of property which is as follows :

- (a) Freehold land, where title is not registered by Land Registry: Required Action - Conveyance and registration in Registry of Deeds.
- (b) Leasehold land where title is not registered by Land Registry: Required Action - Assignment and registration in Registry of Deeds.
- (c) Freehold or Leasehold land where title is registered by Land Registry: Required Action - Transfer and registration of transfer at Land Registry.

Where the property is acquired by allotment from the Land Commission under the Land Acts, the Commission look after the legal formalities and ultimately the ownership is registered on a Land Registry folio.

##### Appointment of Trustees

Club property should be vested in five Full Members of the GAA known as Trustees. Three trustees representing the Club; one representing the County Committee and one representing the Provincial/Central Council. It is the function of the Club's Executive Committee to select the three Club Trustees. The power of appointing trustees is vested in the Cathaoirleach of the Club at the time, along with the Cathaoirleach at County and Provincial level. Trustees should be carefully selected; it is desirable, for example, that they should not all be in the same age group.

The fact that one Trustee represents the County Committee and one represents the Provincial/Central Council does not affect the ownership of the property by the Club.

The club should adopt a resolution to indemnify and save harmless its Trustees in their capacities as such by the Club.

##### Vesting

It is necessary to vest real property in the Association to ensure that:

- it will be used for G.A.A. purposes;
- continuity of G.A.A. ownership is maintained;
- it will be eligible for G.A.A. loans and grants.



Vesting can be effected by the Trustees completing a suitable Declaration of Trust. The Association has a standard form of declaration which can be used as a draft. The Club or the Solicitor who acts for the Club should write to Páirc an Chrócaigh for a copy of this standard form of Declaration of Trust.

These directions do not apply to land allocated to a Club by the Land Commission. The necessary trustee document is prepared by the Commission in accordance with its regulations. Clubs should seek guidance in particular cases from Páirc an Chrócaigh.

### **Procedure on Death, Retirement etc. of Trustee**

When a Trustee dies, becomes unfit, or ceases his/her connection with the Association, he/she should be replaced as soon as possible. The new Trustee must be nominated by the persons authorised by the Declaration of Trust or if there are none such, in accordance with the law. The new Trustee must be appointed by deed and the Solicitor for the Club should be instructed. A mere Club resolution appointing a Trustee will not vest the property in him/her.

### **Safekeeping of Title Deeds & Declaration of Trust**

These valuable documents should be kept in a secure place such as in the Club's Bank and a record of their place of custody put in the Club minute book. A copy should be lodged with Páirc an Chrócaigh and it might also be useful to retain a copy. If the Title Deeds are thought to be lost or mislaid, the explanation may lie in one of the following :

- In the case of lands allotted to a G.A.A. Club by the Land Commission, the vesting deed is retained by the Commission, and is ultimately lodged by the Commission in the Land Registry, where it is retained and the ownership is registered on a folio.
- In most other cases, particularly in rural areas, the title is registered in the Land Registry with the result that the transfer to the Club has to be registered there on the appropriate folio. The deed of transfer is then retained by the Land Registry.
- Where lands are registered in the Land Registry, the owners are entitled in person to search the Registry records on payment of a small fee. These records are held in the County Registrar's office in each county.
- Where the lands are unregistered (which is frequently the case in cities and towns) there is usually a bundle of deeds relating to the title including the deed under which the Club acquired the property. It is possible for these deeds to be lost or mislaid. If they are not available, enquiries should be made by the Club officials to the officers of the Club at the time of acquisition; the office of the Solicitor who acted for the Club at the time of the purchase; the Club's bank, where the deeds may have been lodged for safeguarding or as security for a loan; Central or Provincial Council or the appropriate Grounds Committee. In the past deeds were handed over to some of these units and may not have been returned.

If enquiries prove fruitless the Club should then consult a Solicitor.

### **Existing Property**

Clubs should ensure that there is at all times a full complement of Trustees for each vested property. Declarations of Trust should now be examined and, in the light of the foregoing directions, any action found to be necessary should be taken immediately to rectify the Trusteeship.

It is advisable to review the situation from time to time, possibly at the Annual General Meeting.



## CLUB MANUAL

### 2. Procedures for the Disposal of Association Property

In attempting to ensure that the Associations interests are safeguarded and the best deal is obtained for our units when disposing of Association property, the following procedures were agreed by An Coiste Bainistí after consultation with the Provincial Councils, where proceeds are in excess of €250,000.

1. Re-investment proposals to be detailed at the outset.
2. Presentation to be made to the County and/or Finance Committee detailing re-investment proposals.
3. Two Independent Valuers Reports to be submitted to the Provincial Council.
4. Agreement of members to the disposal (i.e. Club, County Committee or Provincial)
5. Transparent procedures to be put in place i.e. 3 tenders to be obtained; to be opened in the presence of the Provincial Secretary/Chairman or a member of the Finance Committee.
6. The deal to be scrutinized by independent professional. The Provincial Council may obtain independent valuation prior to giving consent to the sale of the property.
7. Funds arising from the disposal to be lodged to a trust fund and drawn down only upon the signature of all Trustees. This is to ensure re-investment plans are adhered to.

In addition to the above guidelines we would ask GAA units to consider local issues and all implications the disposal of the property may have on the club and community. It's recommended Clubs should follow the following steps to ensure they're making the right decision and one that will be for the overall betterment of the club and its members. This is a major decision for any club and not one to be rushed into.

When the idea to sell or move grounds is first muted the Club Executive should call a meeting to discuss their various options. At this stage the members can decide to investigate the matter further or else abandon the idea.

If the decision is made to investigate the matter further, the club is advised to carry out a feasibility study to look at what impact the proposed move will have on the club.

The feasibility study should be carried out if at all possible by an independent professional and should:

- Identify a suitable alternative site
- Identify suitability of land in terms of drainage if it's being offered as part of exchange
- Provide evidence of consultation with Local Planning Authority
- Detail plans for alternative site and costs
- Examine the option of purchasing land surrounding existing property
- Look at cost of redeveloping existing property
- Proximity of proposed alternative site to local schools and population base
- Location of alternative site in relation to other clubs. Will Competition for players increase?
- Transport issues. Are footpaths, street-lighting available?
- Identify current Membership and Participation levels
- Identify Members and Community needs
- Population trends and projections

Details and information on the above should form part of any proposal submitted to the County Committee, Provincial Council and/or Finance Committee

When the feasibility study has been completed it should be presented to the members at a Special General Meeting at which point they can make an informed decision.

Should the members vote to move to a new ground the Club Executive must now follow the procedures set out by An Coiste Bainisti in 2004.

**Remember: A Club shall not sell, lease, let, mortgage or otherwise dispose of lands houses or buildings hereditament and other property of the Association without the approval of Central Council of the GAA as per the Official Guide.**