

Newtown GAA is proposing to change our Trustee model To The Corporate Trustee model. Please see below for further information.

The Corporate Trustee

The Corporate Trustee is now an option for Clubs, when considering appointment of Trustees of Clubs. The Corporate Trustee is a separate legal entity, a Trust Company, called "Iontaobhas Corparáideach Chumann Lúthchleas Gael cuideachta faoi Theorainn Ráthaíochta" (ICCLG), set up by the GAA. The Trust Company holds the property for and on behalf of the Club.

Clubs can now opt to hold property through the Corporate Trustee. Holding property through the Corporate Trustee does not affect the ownership in any way but can have advantages in the way of continuous amendments to the title is avoided when trustees die or retire. This will save on Legal costs to the Club. This also takes the pressure off individual Trustees and avoids the publishing of names should court proceedings take place.

Newtown GAA currently uses the Personal Trustee Model;

What is a trustee?

A trustee is a natural person i.e., individuals appointed by a club, who are duty bound to act in the best interests of the club and the Association in dealing with the management and property of the club. Title to the club's property is held in the individual names of those personal trustees. In the case of a corporate trustee, instead of individual members of the club, a sole corporate body or company holds the club property on trust, in almost exactly the same way as a personal trustee.

The Corporate Trustee model is optional.

There are three options available to clubs:

**Option 1- Clubs may elect to do nothing and to continue to hold Club property through personal Trustees. **

**Option 2- Clubs may elect to introduce a partial change in that case property is held by a combination of personal trustees and the Corporate Trustee. **

Option 3- Clubs may elect to have property held only through the Corporate Trustee.

Disadvantages of the Current System (Local Trustees)

- Additional complexity in dealing with Financial Institutes
- Trustees refusing to co-operate -Trustees bound to act in accordance with directive issued by Club
- Death of Trustees -Surviving trustees continue to hold the property
- Incapacity of Trustees
- Retirement of Trustees -Deed required to change title -Separate deeds for each property

The personal or individual trustee system has conventionally been employed by GAA clubs for decades. It involves three or more natural persons acting as trustees over club property. In the past, that has led to difficulty and delay in the administration of the property of the club. For example, if one of the individual trustees dies or is otherwise unable to act, the club incurs both the additional legal cost and delay of having them removed and replaced, such as awaiting the issue of a grant of probate over the estate of the deceased trustee and so on.

In addition to this, if an individual trustee gets into financial difficulty, the club can be left vulnerable to a judgement being obtained over club property. All the individual trustees can be named on any such court proceedings issued or court order granted, when a third party successfully applies for a judgment. These issues are coupled with the considerable administrative burden on the exercise of one's duties as an individual trustee of the club.

Advantages of the Corporate Trustee

- Continuous amendments to title avoided when trustees die or retire
- Avoids individual's names being published on Judgments and Court Proceedings

The GAA have established this trust company to act as trustee and manage club property for and on behalf of clubs. Property is held in the exact same manner as it would be by personal trustees and ownership of all club property remains with the club. However, clubs will enjoy the benefits of corporate trusteeship, whilst avoiding the administrative drawbacks that can arise with the individual trustee system.

The corporate trustee system cuts out any delay or additional cost associated with the removal, retirement or replacement of trustees, as the trustee is a body corporate, rather than a natural person. Correspondingly, the risk of any personal liability against an individual person e.g., a judgment, having any impact on the title of club property is eliminated.

The use of the trust company is recommended by the GAA. The decision to change to a corporate trust must however be approved at a general meeting by the members of the club. Once approved, the GAA advise that clubs engage a solicitor to ensure the correct documents are in order to enable the transfer of its assets to the corporate trustee. The GAA have also made grants of €1,000 available to facilitate this once the corporate trust is registered. The new corporate trust must be registered by the club and once the club has implemented this new corporate trust regime, it is anticipated that the legal costs of the club going forward, when dealing with the sale or purchase of club assets, should reduce.

Adopting the Corporate Trustee

1. The club must call a general meeting to discuss the option of electing the Corporate Trustee.
2. There must be a signed minute from the club stating the club are electing the Corporate Trustee.
3. Old trustees must sign a Deed of Transfer; they are signing over the property to the new trustees or the Corporate Trustee.
4. If an old trustee has died, a copy of their death cert will be required for the transfer
5. A new Declaration of Trust must be drawn up ratifying the Corporate Trustee/ Local Trustees are holding the land.
6. The Declaration of Trust and Deed of Transfer must be executed at the same time.

The Corporate Trustee only act 'For and Behalf' of the Club. They cannot act without instruction from the club.

For more information on The Corporate Trustee, see the FAQ document below/attached