

# RFU REGULATION 3 – MEMBERSHIP OF RFU

## 3.1 Membership

The RFU Council has designated two categories of members:

- (a) voting members which are clubs or referee societies that are in membership of the RFU and therefore entitled to the privileges of membership of the RFU set out in the RFU's Rules;
- (b) non-voting members which are entities not meeting the criteria for voting membership of the RFU but being entities having separate status and identity and in membership and approved by its Constituent Body (e.g. casual clubs, work teams, some student clubs, some service clubs, sevens and non-contact clubs), schools, leisure rugby organisations and organisations such as the England Deaf Rugby Union and the Great Britain Wheelchair Rugby Union.

## 3.2 Voting Members

Membership of the RFU is personal to the club or referee society and cannot be transferred or assigned. Any applicant for membership must comply not only with RFU Rule 5, but also the criteria set out below.

## 3.3 Applications to be a Voting Member

### 3.3.1 Application by a new club

Each application by a club (which has not previously been a member of the RFU) applying for voting membership of the RFU must satisfy the following criteria:

- (a) the club has a written constitution acceptable to the RFU containing the provision that one of the main objects of the Club is the playing of Rugby Union Football in accordance with the Laws of the Game, World Rugby Regulations relating to the Game, and the RFU Rules and Regulations;
- (b) the club has been a fully paid-up member of its Constituent Body for not less than one Season immediately prior to the date of the application and will remain so as a condition of being a Voting Member;
- (c) the club must be recommended for membership of the RFU by its Constituent Body;
- (d) the club must have a senior adult XV which takes part and plays in a league, operated by or on behalf of the RFU as their principal league system ('the RFU Leagues') or a merit table or other competition approved by the RFU or which has had and will have for its senior XV a fixture list for and has played no fewer than 12 matches against at least 4 other Voting Clubs in the Season immediately prior to the application;

- (e) the club must provide the previous year's financial statements to its Constituent Body (or where requested to the RFU) and they must be acceptable to its Constituent Body (or the RFU as appropriate); and
- (f) the management and ownership of the club is acceptable to the RFU.

### 3.3.2 Application by a referee society

Each application by a referee society applying for voting membership of the RFU must satisfy the following criteria:

- (a) the referee society has a written constitution acceptable to the RFU containing the provisions that one of the main objects of the referee society is the officiating of Rugby Union Football, and that the society and its members comply and agree to the jurisdiction of the Laws of the Game, World Rugby Regulations, and the RFU Rules and Regulations;
- (b) the management and ownership of the referee society is acceptable to the RFU;
- (c) the referee society has completed such applicable membership application form to the satisfaction of the RFU and has agreed in writing to a minimum set of refereeing standards, to include, amongst others, a minimum level of commitment to referee development;
- (d) the referee society has been a fully paid-up member of the Rugby Football Referees Union (RFRU) for not less than one Season immediately prior to the date of the application and will remain so as a condition of being a Voting Member;
- (e) the referee society has been appointed by the RFU for a period of at least 2 seasons (or such other sufficient time for the society to build their planning capabilities) to provide referees to an RFU League;
- (f) the referee society has provided the RFU with an action plan to help achieve the vision to provide trained and qualified referees to all RFU approved fifteen a-side matches within the society's geographical area; and
- (g) the referee society has submitted to the RFRU an annual financial return in respect of its previous financial year.

## 3.4 Incorporation of Existing Unincorporated Clubs and Referee Societies

- 3.4.1 Any existing unincorporated club or referee society that incorporates shall automatically cease to be a member of the RFU. The new entity created shall be a Member of the RFU in its place provided that: (a) all liabilities of the existing unincorporated entity are taken on by the new entity; (b) its membership is the same before and after the incorporation; and (c) the provisions of Regulation 3.3.1 or 3.3.2 respectively are complied with by the new entity.

3.4.2 If any entity that (a) incorporates but for which the membership of the entity is not the same before and after the incorporation; or (b) for any entity which does not take on all the liabilities of the previous entity on incorporation, in addition to the requirements set out in Regulation 3.3.1 or 3.3.2 respectively above, the new entity must satisfy the conditions set out below:

- (a) in the case of a club, the new entity is to provide at the same location the same facilities and similar playing level and range of rugby of the previous entity with a similar and in any event not lower number of teams;
- (b) in the case of a referee society, the entity is to provide the same level of refereeing services, including the same minimum set of refereeing standards and level of commitment to referee development;
- (c) the previous entity has agreed to cease to be a Member;
- (d) the grant of membership of the RFU to the entity is for the benefit of the members of the previous entity and for the purpose of promotion, encouragement and extension of the game of rugby football in the locality and generally;
- (e) in the case of a club, the grant of the RFU membership to the entity is not to the detriment of other rugby clubs in the locality or playing in the same competition(s) or league as the previous entity; and
- (f) the entity can and will as a continuing condition of membership of the RFU meet and discharge such additional terms and conditions as the RFU may in its absolute discretion impose. For the avoidance of doubt such terms and conditions may include an obligation to discharge or guarantee all or part of the previous entity's liabilities and/or indemnify the RFU and such other persons as the RFU may decide against any claim by any third party arising from the grant of RFU membership and the previous entity ceasing to be an RFU member.

3.4.3 For any club at Level 1 or Level 2 that incorporates, or for which a new legal entity (of club or referee society) is created, the new entity's directors and any shadow directors and any person holding or controlling directly or indirectly 30% or more of the entity's shares for those, must each supply a declaration to the RFU in the form of the declaration set out at Appendix 1 of RFU Regulation 5 before the entity shall be granted Membership of the RFU. The RFU reserves the right to direct that an entity must not have as a director or member any person who will not or cannot complete the required declaration. Any person who is found to have signed or submitted a declaration containing false information may be subject to such sanctions as the RFU Head of Discipline may impose.

### 3.5 Suspension and Termination

In addition to the RFU's powers under Rule 5.12, a club or referee society shall be liable to suspension or termination of its membership or privileges as the RFU Governance Committee may determine if it should fail to satisfy

the criteria and conditions of membership set out in Regulation 3.3.1 (in respect of Clubs) or 3.3.2 (in respect of referee societies), or fails to provide evidence to the satisfaction of the RFU Governance Committee that it meets the criteria and conditions of membership set out in Regulation 3.3.1(d) or 3.3.2(e) for two consecutive seasons.

### 3.6 Subscriptions

The annual subscription for clubs and referee societies determined by the RFU Council under Rule 21 is £20.00 inclusive of VAT.

### 3.7 Club Names, Team Names and Referee Societies Names

#### Club Names and Referee Societies Names

- 3.7.1 A club or referee society cannot be accepted into membership of the RFU until its name has been approved in writing by the RFU.
- 3.7.2 A club or referee society may not change its name without the prior written consent of the RFU to the new name.
- 3.7.3 Where two or more clubs or referee societies are proposing to merge to form a new club or referee society, the name must be approved in writing by the RFU before the new entity can be accepted into membership of the RFU.
- 3.7.4 Any application for the approval for a name, or change of name, must be made in writing to the RFU Chief Executive and must be supported, in the case of Premiership Clubs by Premier Rugby Limited, in the case of all other clubs by the Club's Constituent Body, and in the case of referee societies, by the RFRU.
- 3.7.5 Whilst an application for approval for a name shall not be unreasonably withheld or delayed, the RFU shall have power to reject any name that is confusing, offensive or liable to bring the Game into disrepute.
- 3.7.6 The RFU shall have the right to determine the date that the name change becomes effective.
- 3.7.7 A club or referee society shall not be allowed to change its name between 1st September and 31st May, except in exceptional circumstances.
- 3.7.8 A club or referee society must apply to change its name by 31st May for the following season, so as to ensure that the application can be considered and the new name, if approved, included in the following season's published fixture lists and other documentation.
- 3.7.9 The club or referee society shall be notified in writing of the decision of the RFU.
- 3.7.10 If the application to change its name is refused, the club or referee society will be notified in writing of the reason(s) for the refusal and shall have the right to appeal to the RFU Council. Such appeal must be submitted in writing to the RFU Chief Executive within 21 days of the date of the notification of the rejection of the application.

## Team Names

- 3.7.11 A club may not change the name of its First XV or that of any of its other teams if they participate in the League, without the prior written consent of the RFU to the new name.
- 3.7.12 Any application for the approval to change the name of a team must be in writing and sent to the RFU Chief Executive and must be supported, in the case of Premiership Clubs by Premier Rugby Limited, and for all other clubs, by the club's Constituent Body.
- 3.7.13 Whilst an application for approval to change the name of a club's First XV name (or any of its teams covered by Regulation 3.7.11) shall not be unreasonably withheld or delayed, the RFU shall have power to reject any name that is likely to cause confusion, prejudice or embarrassment to the RFU.
- 3.7.14 A club shall not be allowed to change the name of its First XV (or any of its teams covered by Regulation 3.7.11) between 1st September and 31st May except in exceptional circumstances.
- 3.7.15 A club must apply to change the name of its First XV (or any of its teams covered by Regulation 3.7.11) by 31st May for the following season, so as to ensure that the application can be considered and the new name, if approved, included in the following season's published fixture lists and other documentation.
- 3.7.16 The club shall be notified in writing of the decision of the RFU.
- 3.7.17 If the application to change the name of its First XV is refused, the Club will be notified in writing of the reason(s) for the refusal and shall have the right to appeal to the RFU Council. Such appeal must be submitted to the Chairman of the RFU Governance Committee within 21 days of the date of the notification of the rejection of the application.
- 3.7.18 Clubs are allowed to change the names of their lower sides (mens, ladies, youth & mini), which do not participate in the League, without seeking the approval of the RFU, but power to require a club to change an unsuitable name shall be delegated to the club's Constituent Body. The club shall have the right of appeal to the RFU Governance Committee if it believes that the club's Constituent Body has acted unreasonably.

## Commercial Agreements

- 3.7.19 The RFU shall be permitted to enter into contracts, which may restrict the names that a club or referee society may use. If such a contract exists approval for a name change may be refused even though the proposed name is not offensive, confusing or liable to bring the Game into disrepute. For the avoidance of doubt the RFU shall have no power to force a club or referee society to change a name from that in use before the contract came into effect.

## Overriding Power

- 3.7.20 The RFU Board of Directors may upon receipt of a recommendation from the RFU Governance Committee, and having regard to any representations from the club or referee society, may require a club, referee society or First XV to change its name notwithstanding that approval for the name being used had been previously applied for and granted, but shall not have the power to impose a new name on the club, referee society or on any of its teams.

## 3.8 Ground Moves

### 3.8.1 Definitions and Interpretation

- (a) This Regulation 3.8 shall apply to Clubs at Level 1 to 4 inclusive and should be read in conjunction with the guidance set out in Appendix 1.
- (b) For the purposes of this Regulation 3.8:
- (i) **“Relevant Matches”** shall mean first XV home matches in Cup Competitions, and League Matches or Premiership Matches (as the case may be); and
- (ii) **“Stadium”** shall mean the stadium or ground at which that Club plays the majority of its Relevant Matches.

- 3.8.2 Each Club must register its Stadium with the RFU in writing to the Legal and Governance Director of the RFU.

- 3.8.3 No Club shall move Relevant Matches to another Stadium (whether on a permanent or temporary basis) without first obtaining the written consent of the Board (which shall consult with PGB and take into account any PGB recommendations in respect of Level 1 and Level 2 clubs). Any application for consent must be made in writing to the Chief Executive of the RFU, setting out the reasons why the applicant Club proposes to move Relevant Matches to another Stadium, together with all evidence relied upon in support of the application. The Board at its discretion shall decide whether or not to hold any meeting or meetings with the applicant Club and/or with any other interested parties and/or whether to seek further information and evidence from any person or body. This Regulation 3.8 shall not apply where a Club wishes to play a Relevant Match or another match at another Stadium on a one-off basis.

- 3.8.4 The Board shall grant consent to a Club’s application to move Relevant Matches to another Stadium if the Board concludes, following consideration of all relevant information that it has received, that the proposed move would not adversely affect the game of rugby football in England. In reaching its decision, the Board shall have regard to all of the circumstances including, but not limited to:

- (a) the reasons why the applicant Club proposes to move Relevant Matches to another Stadium and any evidence that it has adduced in support of those reasons;

- (b) the effects of the proposed move on:
  - (i) the Club;
  - (ii) the Club's officials, players, employees, supporters and others having an interest in its activities.
  - (iii) any Club with a Stadium (whether registered in the case of Clubs at levels 1 to 4 inclusive, or unregistered at level below 1 - 4) in the surrounding area of the proposed location;
  - (iv) the locality into which the applicant Club proposes to move;
  - (v) any other relevant stakeholder;
- (c) the implications of the proposed move, if any, for the game of rugby football generally; and
- (d) whether the proposed move is consistent with the objects of the RFU as set out in the RFU Rules.

3.8.5 If the Board considers it appropriate, the Board may make the consent subject to conditions.

### 3.8.6 Appeals

- (a) Regulation 19.14 shall apply to appeals under this Regulation 3.8
- (b) If the Board refuses consent, or grants consent subject to conditions with which the applicant Club is dissatisfied, the applicant Club shall be entitled to appeal against the decision.
- (c) If the Board grants consent and any other Club is dissatisfied, that Club shall be entitled to appeal against the decision provided it can demonstrate to an Appeal Panel that it has or is likely to suffer material disadvantage by the Board granting consent.
- (d) A Club entitled to appeal may do so only on the grounds that the Board:
  - (i) came to a decision to which no reasonable body could have come; or
  - (ii) made an error of law in reaching its decision; or
  - (iii) failed to act fairly in a procedural sense.
- (e) For the purposes of Regulation 19.14, the relevant fee shall be £1,000.