

SCOTTISH RUGBY UNION
ANNUAL GENERAL MEETING 2021
AMENDMENTS TO CLUB MOTIONS

1. **Amendment to Motion 1** (*Motion proposed by Glasgow Hutchesons' Aloysians RFC, Seconded by Hawick RFC*):

Amendment submitted and proposed by the Council of Scottish Rugby Union and Scottish Rugby Board.

2. **Amendment to Motion 2** (*Motion proposed by Glasgow Hawks RFC, Seconded by Falkirk RFC.*)

Amendment submitted and proposed by the Council of Scottish Rugby Union and Scottish Rugby Board.

Amendment to Motion 1

(Motion proposed by Glasgow Huthchesons' Aloysians RFC, Seconded by Hawick RFC)

Amendment submitted and proposed by the Council of Scottish Rugby Union and Scottish Rugby Board.

THAT

(i) The words

"...from season 2022/23 onwards for senior men's rugby.

A consultation on the format and criteria for participation in the Inter-District Championship should be instigated by the SRU Council with the aim that the competition format be agreed by 31 January 2022. The competition format and timing should take into consideration the needs of the player development pathway and the objectives of the role currently fulfilled by Super 6."

be **deleted** and replaced with the following:

"...for senior men's rugby at levels below Super 6 to commence no later than season 2023/24, but subject always to the Rugby Development Department, in conjunction with the Scottish Rugby Council (or any successor to it) having first conducted a detailed consultation with members and players on (i) whether an Inter-District Championship should be reinstated; and (ii) if sufficiently supported, the format and timing of such a competition. That consultation process should, if practicable, be completed by no later than 31 January 2022 and the outcomes published."

AND

(ii) the following words also be **deleted** from the Motion:

" Resources currently directed by Scottish Rugby from the Domestic Rugby budget towards the Super 6 tournament should be reallocated to support the Scottish Inter District Championship and club rugby in order to support the player development pathway."

Rationale

The Motion as proposed seeks to create a requirement for an inter-district championship, then a consultation on how that tournament should be structured. It anticipates the suggested inter-district championship replacing the Super 6 in the player development pathway. As a result of the use of the words "from season 22/23 onwards" it is not entirely clear in which season the proposed competition would begin i.e., in 22/23 or after 22/23.

The Council and Board have no objection to an Inter-District Championship **below the level of Super 6** being arranged, if that is what member clubs wish and it can be accommodated within the domestic rugby season.

However, the Council and Board consider that a full consultation should firstly be undertaken with members (and with players) to establish whether they wish to have an inter-district championship and also then be consulted on what form that might take and when it would begin, rather than impose the requirement to have a competition through an AGM motion and consult only on the format of it.

The Council and the Board do not see an Inter-District Championship as a replacement for Super 6 in the high performance and professional player development pathway already in place.

The Super 6 is an integral part of the pathway but in common with the rest of the game, has been disrupted by the Coronavirus pandemic and needs time to resume and continue the progress already made. The wording in the Motion threatens the continuation of the Super 6 as part of the development pathway, jeopardising the significant investment already made and the work that has gone into that tournament by Scottish Rugby, member clubs, sponsors, broadcasters and players.

The amendment suggested by the Council and Board would still provide for a consultation process on an inter-district championship but for a competition at levels below Super 6. The consultation would be conducted by the Rugby Development Department in conjunction with the Council (or a successor to it, depending on the outcome of the current governance review), enable sufficient time for that to be completed, and then arrangements made for any new competition then arising.

The Motion wording referred to in paragraph (ii) of the suggested amendment constitutes a direction as to finance. The Council and Board are also proposing that this wording be deleted in its entirety. The question of where resources are allocated within budgets is considered by the Council and the Board to fall within the existing remit of the Board.

If the suggested amendment was approved, the Motion, as amended would then read:

“That a modernised version of the Scottish Inter-District Championship (with the inclusion of a potential Scottish Exiles squad) be reinstated for senior men’s rugby at levels below Super 6, to commence no later than season 2023/24 but subject always to the Rugby Development Department, in conjunction with the Scottish Rugby Council (or any successor to it) having first conducted a detailed consultation with members and players on (i) whether an Inter-District Championship should be reinstated; and (ii) if sufficiently supported, the format and timing of such a competition. That consultation process should, if practicable, be completed by no later than 31 January 2022 and the outcomes published.”

Amendment to Motion 2

(Motion proposed by Glasgow Hawks RFC, Seconded by Falkirk RFC.)

Amendment submitted and proposed by the Council of Scottish Rugby Union and Scottish Rugby Board.

THAT the following wording is deleted from the Motion:

“ *...and that;*

- *guarantees are sought that any public funds allocated will not be used to support the recruitment of non-Scottish qualified players either directly or indirectly (by meeting other operating costs) ”*

Rationale

The Council and Board each consider that the words identified above should be deleted, for the reasons set out below.

It is not clear from the motion to whom the words identified are meant to apply - the Union, its members, Scottish Rugby Union Limited or any or all of these.

In any event, the guarantee approach suggested is not in the best interests of Scottish Rugby Union or its members. If passed or implemented, this would leave Scottish Rugby Union and the members exposed to a substantial and unacceptable risk of legal, financial and reputational consequences creating significant detriment to the interests of the Union and the members.

The suggested guarantees are capable of amounting to direct and/ or indirect discrimination under sections 13 and/or 19 of the Equality Act 2010. If applied, that could expose any entity taking the steps suggested open to proceedings under that Act.

Discriminatory conduct is also contrary to Scottish Rugby's own Code of Conduct (paragraph 12) and World Rugby's Code of Conduct (WR Regulation 20.3 and 20.4 (c)) rendering Scottish Rugby itself or a member liable to proceedings under those Codes.

The grant agreement entered into between Scottish Rugby Union Limited and the Scottish Ministers is the source for the funding referred to. It places no such guarantee condition on Scottish Rugby Union Limited, Scottish Rugby Union or any member of it, nor does it permit such a condition or requirement to be imposed. Discriminatory conditions would as a matter of law be unenforceable.

That grant agreement also requires Scottish Rugby Union Limited to comply with all applicable laws in Scotland. That includes the Equality Act 2010. Failure to do so could leave Scottish Rugby Union Limited in default of the grant funding agreement, potentially entitling the Scottish Ministers to require repayment of some or all of the grant funding provided.

Conduct which is discriminatory may be unlawful and risks significant damage to the reputation of member clubs, Scottish Rugby Union and Scottish Rugby Union Limited in the eyes of Government, other sports governing bodies, sponsors, commercial partners and the public at large.

The wording also seeks to apply a direction as to finance falling under Bye-Law 18, which the Council and Board consider is properly the preserve of the Board.

The suggested amendment, if agreed by members, would be a straightforward solution - removing these risks for the Union and its members without affecting the other element of the Motion relating to publication of information.

On behalf of the Council of Scottish Rugby Union **On behalf of the Scottish Rugby Board**



Ian Barr, President
Date: 28 June 2021

John Jeffrey, Chairman
Date: 28 June 2021