

Our Ref: SGM 2020/Letter 2
19 November 2020



**To: Secretaries of Full Member Clubs, Associate Bodies and Associate Clubs
Members of Scottish Rugby Council and Scottish Rugby Board
Past Presidents**

Scottish Rugby Union Limited
BT Murrayfield
Edinburgh EH12 5PJ

Dear Sir/Madam

+44 (0)131 346 5000
scottishrugby.org

SPECIAL GENERAL MEETING – 26 NOVEMBER 2020

Further to my letter of 3rd November, I confirm that a Special General Meeting of the Union will be held on **26 November 2020** with the Meeting **commencing immediately on conclusion of Stage 2 of the Annual General Meeting.**

The Special General Meeting will be hosted on the same virtual meeting platform as AGM Stage 2, with those attending AGM Stage 2 encouraged to remain logged-in to the meeting platform when that meeting adjourns.

Motion and Amendments

No amendments to the motion submitted by Biggar RFC and others have been received within the applicable timescale. Accordingly, the Motion to be considered remains as communicated previously, and as set out at the foot of this letter.

Meeting Arrangements

Clubs and associated bodies are asked to identify representatives to participate. Representatives do not need to be office bearers of clubs but must be current members of the Club/Associate Body they are representing.

Log-in details and instructions will be circulated separately.

Delegate Download Pack

The Agenda for the Meeting, the Motions paper with a note on behalf of the Council and Board and an explanatory note on SGM procedure and other relevant papers are attached, and can also be downloaded from the SGM section of our website. Please read these carefully. The website will be kept updated with any further documents which may be relevant.



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Should you have any queries with regard to the above, please do not hesitate to contact Scottish Rugby's Head of Regulation, Graham Ireland (DL: 0131 346 5004; E: graham.ireland@sru.org.uk) in the first instance.

Yours faithfully,



Robert Howat
Secretary

MOTION TO BE CONSIDERED:

*“To promote those teams who had **without doubt** won promotion for the 2020/2021 Season. Reverting back to the SRU’s intended structure following a full season of play.”*

This need not alter the decision to “Null and Void”, only seek to rightfully reward successes already gained. We specifically do not seek to relegate any team that does not wish to be relegated.”

SCOTTISH RUGBY UNION

SPECIAL GENERAL MEETING

26 NOVEMBER 2020

(Commencing on conclusion of AGM Stage 2)

VIRTUAL MEETING PLATFORM

AGENDA

- 1 Opening and Welcome**
 - Quorum and Apologies
 - Notice of Meeting
 - Procedures
- 2. Club Motion – Proposer: Biggar RFC**
- 3. Results of Voting**

NOTES:

A. Proposing, Seconding and Comments/Questions

1. The Motion is to be proposed live at the Meeting by a representative of Biggar RFC and seconded through electronic messaging by a separate club.
2. Questions and comments at the Special General Meeting should relate only to the business of the Meeting and the Motion being considered.
3. Comments at the Meeting can be submitted through the electronic messaging function on the virtual meeting platform, before being directed by the President, as Chair of the Meeting, to the appropriate person, including the representative of Biggar RFC, for a response, if required. Further details on how to submit a comment or question at the Meeting will be provided with the log-in information.
4. To assist in the effective management of the Meeting, similar comments or questions may be grouped for a response, rather than dealing with each comment or question individually.

B. Voting

1. Voting on the Motion will be conducted electronically, with the ability to cast votes being opened up once the Motion has been proposed, with results announced at the end of the Meeting and being published on the Scottish Rugby website.

2. As a result of the application of Bye-Law 21 of the Scottish Rugby Union Bye-Laws, a majority of two thirds of those present and entitled to vote at the Meeting is needed for the Motion to succeed.

Bye-Law 21 states that a two thirds majority is needed *“to reverse any decision of the Scottish Rugby Council or of the Scottish Rugby Board made in terms of the Bye-Laws or otherwise”*.

The Motion relates to the decision made by the Board in March this year, on the recommendation of Council, to declare the 19/20 domestic season null and void, with no promotion and relegation.

Although the Motion does not seek to change the null and void outcome, if the Motion is passed promotion would apply for some clubs and perhaps relegation for others, resulting in changes to the number of clubs in some leagues.

In contrast, the Board decision allowed no promotion or relegation - that being the necessary consequence of results being declared null and void – and no change in the number of clubs in each league.

If the Motion is passed, opposite outcomes to the Board’s decision would occur: promotion vs. no promotion, relegation vs. no relegation, changes to league size and participants vs. leagues remaining exactly the same.

These outcomes are considered sufficient to constitute a reversal of the Board decision, and a two thirds threshold therefore applies.

C. Council and Board Recommendation

The Council and Board recommend that those entitled to attend and vote at the Special General Meeting should vote **against** the Motion.

The right of Biggar RFC and others to requisition the Meeting and put the Motion forward is fully recognised, and the Council and Board have considerable sympathy with Biggar and other clubs negatively affected by the decision made. However, if the Motion is passed it would reverse the outcome of the decision made by the Board to declare the competitive 19/20 season null and void, with no promotion and relegation and lead to a fundamentally different result.

That decision followed a recommendation made by the Scottish Rugby Council and a considered process which had to be undertaken swiftly. The Council, in conjunction with the Competitions Department examined numerous options, before making a recommendation to the Board. A solution similar to that being proposed by Biggar was also considered. Advice was also taken from the Championship Committee Convenor and Regional Competition Committees with input from clubs and account was taken of views communicated via Council members.

The Council and Board also took account of the importance that has recently been attached by member clubs to the format of certain leagues (Premiership and National) and the requirements which the Bye-Laws (Bye-Law 14.2.3) place on the Council and Board if formats of these leagues are to be altered at the Council or Board’s suggestion. Two of the options would have fallen into

that category, as does the proposal from Biggar. Of the 45 Premiership and National clubs responding just over 50% (23 clubs) favoured a null and void season, with the next most popular option of using the then existing standings attracting significantly less support (8 clubs).

In such difficult circumstances there was no ideal or perfect answer which would suit all clubs but the solution favoured by most of those involved in the process was adopted and the advice provided by those closest to the domestic game, including elected representatives, was followed. Timescales prevented a more lengthy or extensive consultation process.

In concluding that the null and void option with no promotion or relegation should be applied, the Council and Board sought to act fairly, proportionately and in the best interests of Scottish Rugby and the game as a whole, balancing the potential detriment to some clubs against the wider good of the game and the need for clarity and a decision to be made.

The approach applied was also straightforward, easy to understand, carefully considered as one of a range of options, and with an outcome which also avoided changing league formats, thereby respecting Bye-Law requirements.