

Consultation Paper: Liability of Clubs, Societies and Other Unincorporated Associations

This Consultation Paper sets out the key concepts that the Commission is considering in relation to reform of law on the liability of clubs, societies and other unincorporated associations.

The project examines the law on civil and criminal liability as it applies to clubs, societies and other unincorporated associations. Many voluntary non-profit associations, clubs, societies and other groups that gather in pursuit of shared religious, sporting or other recreational interests are unincorporated associations. Such associations do not have a legal existence separate and distinct from their members: the association is simply the collection of members. This has a number of important legal consequences. It means that:

- (a) members can be exposed to personal liability for the wrongdoing of other members, in which they played no active part.
- (b) members of unincorporated clubs, societies and associations who are injured cannot sue their own association, as doing so is treated by the law as suing oneself.
- (c) suing unincorporated associations can be very difficult, as unincorporated associations cannot sue or be sued in their own name, rather individual members at the time of the relevant wrongdoing have to be identified.

The Consultation Paper forms part of the Commission's [Fifth Programme of Law Reform](#).

The Commission has set out a number of key objectives of law reform in this area:

- (a) bringing clarity to the law on unincorporated associations
- (b) protecting the interests of third parties dealing with unincorporated associations
- (c) providing that the assets of an unincorporated association are available to meet its responsibilities
- (d) providing that unincorporated associations can be sued in their own names
- (e) clarifying the law on personal liability of members
- (f) clarifying the applicability of existing legislation to unincorporated associations
- (g) ensuring that existing legislation is enforceable in respect of unincorporated associations
- (h) removing the impediment to suing a club of which you are a member
- (i) minimising regulatory burdens.

Closing date for submissions: **15th March 2023**.

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