

To:-

Holly Roper-curzon

MCC Assistant Secretary (Legal) Lord's Ground NW8 8QN

25th November 2019

Dear Holly,

Thank you for your e-mail of 18th. November 2019.

The rule of law depends upon certainty and the administration of natural justice. How I wish that you as the MCC's Chief Law Officer together with your professional colleagues would adopt the lessons of Hamlet and apply pure reason to the matters relating to the Club Trustees and the History of the MCC. Where any scintilla of doubt exists you should rely on the historical evidence to establish the truth. Think it is just possible you may be mistaken in adopting your position as a Lord's Trust denier

To allow the senior Secretary at Lord's to guillotine my efforts to determine the truth in matters of Club History is to permit an extraordinary miscarriage of justice that should leave you with a troubled conscience. Like a computer, if you feed defective instructions to the lawyers you consult, flawed opinions are bound to follow as is presently the case.

I now refer to your latest communication and thank you for the clarification concerning the Dissolution of the MCC with Article 14 being sovereign. In the light of the evidence I have provided from the Club archives, the MCC Members cannot be entitled to realise the proprietary rights described in Rule 26 from the sale of Lord's and enjoy a windfall financial gain. This in bald terms could be the result of Rule 26 being implemented.

In October 1985 the Club Rules Section X No. 46 state "**The Trustees may veto the disposal of any freehold property.**" This significant power has since been expunged from the Club Rules.

The Royal Charter proprietary rights appear to emanate from the review and amendment of Club Rules that took place in February 1973 when a new Rule 51 appeared in Section XIV. **There is no record of any similar proprietary entitlement being recorded in any previous Club Rule dating back to 1867 following the purchase of Lord's Ground with a mortgage.** Indeed the Trustee Rules of 1867 Nos. VII a, IX, XI, XII and XIIIa all became entrenched for a period of 84 years until 1951 when the number of Trustees was reduced to four. Since that date the Rules concerning the number of MCC Trustees, their lifetime appointments, their powers and responsibilities and their duty to appoint successors (evidence of death required and confirmed

by the existence of 9 Trustee Death Certificates) have been made the subject of regular arbitrary change resulting in their being nothing more than eunuchs today and unfettered Committee power being the result.

I suspect the new Trustee Rule of 1973 was hidden within a melange of Rule changes made by the Committee and confirmed by Postal Ballot. Since then there has been a regular erosion of Trustee powers and responsibilities until we arrive today with Rule 17.6 (i) "When referred to them by the MCC Committee..." and (ii) "...such additional powers and duties as these Rules provide or the MCC Committee may confer or impose upon them" ending in a complete termination of all the traditional duties and powers of the MCC Trustees. In my opinion these Trustee changes may well constitute breaches of Trust and therefore be deemed ultra vires. The Trustees at the time of the various changes may well have been culpable in failing to exercise their traditional powers as guardians of Lord's Ground under the Public Trustee Act of 1906 Section 4 sub-Sections (2) and (3) clearly stated in the Trustee Deed of 31st August 1937 (MCC Schedule of Deeds Parcel 12 No 5).

I have in my possession the complete list of 407 MCC Deeds (dating as far back as 1813) that was revised and brought up to date on 28 January 2003. **How many members of the Secretariat and the Committee have seen and studied them and recognise their importance? This List combined with the evidence gained from MCC Committee and General Meeting Minutes together with the Club Rules, provide a welter of evidence to establish beyond all reasonable doubt that Lord's Ground was and ought to remain the subject of a Trust.** In any event the Ground itself should **NEVER** be sold for the pecuniary benefit of MCC Members at any time. It is obvious from the General Meeting Minutes of 1864 and 1866 that the expressed wishes of those present decreed the MCC, its Members and successors forever, were to be endowed with a **PERMANENT** home primarily for playing and promoting the national game of Cricket. Why did William Ward, James Dark, William Nicholson and the MCC Committee devote so much of their time and money saving Lord's from a carpet of houses being built? To subsequently sell Lord's Ground for the benefit of MCC Members would constitute an act of heresy.

My concerns have been conveyed to the Privy Council Office who expect Royal Charter Corporations to operate within the letter and spirit of the rule of Law, which in this case involves Statutory Trust Law, governing the actions of the MCC Trustees and their successors as referenced in the Trustee Deed of Conveyance executed by them on 31st August 1937.

It is with great respect I have to bring to your notice as the MCC Law Officer that you, your professional advisors and some of your Committee colleagues cannot continue in a state of denial on the subject of the Lord's Trust and its History. Please find attached a copy of my "Memorandum of Evidence" dated 2 February 2011 that was presented to the MCC CEO Keith Bradshaw at the time and later to the Incorporation and Structure WP for action. I draw your attention to the 4 "Matters Arising" listed on P3 Item 6 of this Paper that remain outstanding and formally request the MCC Committee to implement them without further equivocation, obfuscation or delay.

I believe section 6 (iv) should have been addressed on the introduction of the Royal Charter on 1 July 2013 that appears to remove the necessity of a Custodian Trustee identified in Rule 18.

In addition I wish to make a formal complaint (Rule 6) concerning Guy Lavender's decision to guillotine any further correspondence with me on these important matters:-

"Whilst I would not wish to attempt to restrict any Member in his or her quest to receive information regarding the Club, it is, at the same time, my responsibility to ensure that the time of the Secretariat and staff is spent in such a manner as to provide to all Members with a proper and efficient service. There must come a point, therefore, at which it is detrimental for the Club in general to devote large amounts of time to correspondence received from one Member in particular."

This represents a naked abuse of power. His actions do not accord with reason and fairness nor do his actions seem to have been authorised in accordance with Rule 6 (i) or (ii). I have been deprived of basic rights and privileges to which as a long standing Member MCC I am entitled to enjoy. His unacceptable sanctions are more in keeping with those of a military junta than the MCC.

When I consider the time and money I have spent serving my Club over very many years and representing the MCC on the field of play, this is rather shabby treatment.

My recent correspondence drawing the Secretary's attention to the fact the MCC website Home Page contains material errors and the Lords website HP is defective in the history of Lord's Ground has been ignored. My attempts to chronicle and record accurately a vital part of MCC History are being wilfully obstructed.

The Memorandum (see attached) provided by the past Club Solicitor Alan Meyer dated 11 January 2011 includes an early example of a possible breach of Trust identified at Para 7. This Memorandum contains some unrecorded

history relating to the events that culminated in the rejection of the Bicentenary Report and A/c's in 1987.

In Law the word "Trustee" has a very specific meaning tracing back at Lord's to when it was first used by the MCC Committee in 1864 with the creation of 5 Trustees. The word has been in existence ever since and Sir Scott Baker in his Structure WP Report (2002) expressed his confusion over the role of the MCC Trustees

If you, your professional colleagues together with the MCC Committee members remain as the deniers of a Lord's Trust then I have to raise the obvious question **"What is the purpose of Royal Charter Article 9 "Governing Body and Officers" appointing Trustees as specified in Club Rule 17 (pages 40 and 41) if no Lord's Trust exists?** To use the word with an appellate function only in the Club Rules is to create a most extraordinarily deceitful charade. As is common in any legal document and the Club Rules should be no different, the use of the word "Trustee" should be properly defined to remove any misunderstanding or doubt over the actual meaning. Perhaps the removal of the capital "T" would be appropriate?

Please submit this correspondence accompanied by the two attached files to every member of the MCC Committee soonest, with a request for a formal investigation into the matter of the MCC Trustees and the MCC Committee Orders made on 26 March 1866 for "The 5 Trustees to execute a Deed of Trust" and on 22 August 1866 for "Lord's Ground to be vested in the Trustees" being entrenched in MCC Rule XII of 1867.

Sincerely ,
Nigel

Nigel J Knott (Dr)
Elected Playing Member 1966
Committee appointee to 5 Working Parties

Attached Files:-
Alan Meyer Memorandum
Nigel Knott Memorandum of Evidence

