

Running Your Club

Legal Issues: Contract checklist

Question	Yes	No	Actions
Preliminary matters			
Do we know who we are entering into an agreement with?	<input type="checkbox"/>	<input type="checkbox"/>	
Is a company search required?	<input type="checkbox"/>	<input type="checkbox"/>	
Will the arrangement be reduced to writing?	<input type="checkbox"/>	<input type="checkbox"/>	
If so, are we to draft the contract?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the contract have a clear starting and finishing date?	<input type="checkbox"/>	<input type="checkbox"/>	
Are the six essential elements present?			
■ Has there been an offer and acceptance of that offer?	<input type="checkbox"/>	<input type="checkbox"/>	
■ Is there any consideration?	<input type="checkbox"/>	<input type="checkbox"/>	
■ Is there an intention to create legal relations between the parties?	<input type="checkbox"/>	<input type="checkbox"/>	
■ Do the parties have the legal capacity to enter the agreement?	<input type="checkbox"/>	<input type="checkbox"/>	
■ Is the contract for a legal purpose?	<input type="checkbox"/>	<input type="checkbox"/>	
■ Is there genuine consent to the terms of the contract?	<input type="checkbox"/>	<input type="checkbox"/>	
Contractual terms and conditions			
Do the specific terms of the contract accord with your understanding of the agreement?	<input type="checkbox"/>	<input type="checkbox"/>	
Are all the obligations of each party provided in the contract?	<input type="checkbox"/>	<input type="checkbox"/>	
Are there any terms in the contract which require clarification?	<input type="checkbox"/>	<input type="checkbox"/>	
Termination and disputes			
Does the contract provide adequate opportunity for the organisation to terminate the agreement? On what grounds?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there a clause directing the parties to a specific form of dispute resolution?	<input type="checkbox"/>	<input type="checkbox"/>	
Do we know which state/country law is applicable?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the contract provide for the return of property (including intellectual property) in the event of termination?	<input type="checkbox"/>	<input type="checkbox"/>	

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Legal Issues: Contract checklist (continued)



Question	Yes	No	Actions
Final matters			
Does the party signing the contract have the capacity/authority to bind his/her organisation?	<input type="checkbox"/>	<input type="checkbox"/>	
Do we have a copy of the contract executed by both parties?	<input type="checkbox"/>	<input type="checkbox"/>	
If there are schedules, are they attached to the contract?	<input type="checkbox"/>	<input type="checkbox"/>	

