



EXPLANATORY NOTE

This explanatory note is intended to provide clarification on the extent and nature of the definition of Agency Activity (the regulated work of an Authorised Agent). In interpreting the Regulations, the guidance below should provide assistance in determining what is, and is not, Agency Activity, and as a result it should be clear:

- *which services can only be provided by someone with a Licence or Registration granted by The FA;*
- *which services require payments for those services to be made in accordance with these Regulations (eg, disclosed, paid via The FA, paid by the client receiving the services etc);*
- *which services need to be covered by a Representation Contract.*

AGENCY ACTIVITY

For the purposes of these Regulations, the following is a non-exhaustive list of activities for which an individual needs to be an Authorised Agent or Exempt Solicitor – each of the circumstances listed below is for, or in relation to a Transaction:

- Personally representing the interests of a Player or Club;
- Negotiating with a Club on behalf of a Player or another Club;
- Negotiating with a Club in relation to a Player;
- Advising Players in relation to aspects (which includes, but is not limited to, the financial aspects) of an employment contract or other contract as part of a Transaction;
- Advising Clubs in relation to contracts (which includes, but is not limited to, the financial aspects of contracts) as part of a Transaction;
- Representing Clubs or Players at meetings;
- Introducing Players to Clubs (or vice versa) with a view to a Transaction;
- Introducing Clubs or Players to third parties with a view to a Transaction;
- Discussing the terms of possible deals with Players or Clubs;
- Facilitating a Transaction by discussing the availability of a Player with a Club;
- Making arrangements for Clubs to meet with Players or other Clubs (where a fee is sought or paid/received for the service);

Again this is not an exhaustive list, but should be used as a guide. These restrictions apply for all Transactions involving the actual or possible negotiation of Player contracts, renegotiation of Player contracts and/or negotiation of transfers of Player registrations.

Please note that for Lawyers, the above list should be read in conjunction with the definition of Permitted Legal Advice.

ADMINISTRATIVE DUTIES

The Regulations set down that individuals who do not hold a licence are entitled to carry out “administrative duties”.

For the purposes of these Regulations, the following is a non-exhaustive list of activities that would be considered to be administrative in nature and for which an individual would not need to be an Authorised Agent or an Exempt Solicitor include:



- Providing normal secretarial support to an Authorised Agent / Exempt Solicitor in the production of documents / letters (whether in relation to a Transaction or not);
- Arranging meetings between Authorised Agents and Clubs / Players (where there is no fee sought or paid for the service)
- Assisting with the practical arrangements for the relocation of a Player (ie. not the contractual financial arrangements);

Again this is not an exhaustive list, but should be used as a guide and should be read in conjunction with the Note above on Agency Activity. These restrictions apply for all Transactions involving the actual or possible negotiation of Player contracts, renegotiation of Player contracts and/or negotiation of transfers of Player registrations.

SCOUTING

Scouting is a specific service and is different from Agency Activity. Scouting involves (and only involves) the identification, monitoring and assessment of player talent.

It does not involve any of the following, which will be regarded as Agency Activity as above:

- direct contact with Players regarding Transactions; or
- representation of, or advice to, Players or Clubs in relation to Transactions; or
- involvement in the facilitation or negotiation of a Transaction.

When operating in respect of a Premier League Club, scouts must be registered with the Premier League and act in accordance with Premier League Rule P (Scouts) and Appendix 5 (Code of Conduct for Scouts).

If an Agent claims to act as a scout, The FA will have specific regard to the nature of the services provided by that Agent in determining whether or not the services constitute Agency Activity and should therefore be subject to the requirements of these Regulations.

INTRODUCTION FEES

Introduction fees are generally paid to a party who introduces a specific Player or Club, but may play little, or no, part in the negotiation of the terms of the resulting Transaction.

As set out above, this type of service is considered to be Agency Activity and should be treated as such with regard to these Regulations.

CONSULTANCY / RETAINERS

Consultancy or retainer arrangements are permitted under the Regulations. However, please note that The FA will have specific regard to the nature of the services provided in determining whether or not the services constitute Agency Activity. If the services provided under a consultancy or retainer agreement fall within the scope of Agency Activity, then all aspects of the arrangements and remuneration should be made in accordance with the requirements of these Regulations (in particular with regard to disclosure and payments) as for any other Agency Activity service.

COMMERCIAL AGENCY

Provision of agency services in relation to the commercial aspects of a Player's or a Club's business (eg. negotiation of a boot deal or similar sponsorship type arrangement, which does not form part of a Transaction or Contract Negotiation) is not governed by these Regulations,



save where The FA requires disclosure of certain information as specifically identified within the Regulations.

FRONTING

For the avoidance of any doubt and as referred to at Regulation H12 (and Appendix III, paragraph 4.12/4.13), it is prohibited for any Authorised Agent (or Exempt Solicitor) to act as a front for an Unauthorised Agent or any other party. This includes using a Lawyer or an Authorised Agent to sign off on Transaction documentation that is disclosed to The FA where the Agency Activity was actually carried out, in part or in whole, by an Unauthorised Agent.

As stated in the Regulations, if a Club or Player uses the services of an Unauthorised Agent for any Agency Activity, they will be in breach of these Regulations. This is irrespective of the content of the disclosure documents provided to The FA in relation to a given Transaction.

In addition, it will be misconduct to provide false, misleading or inaccurate information in the relevant disclosure documents.