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Football Agents Regulations



Quick reference guide for FA LICENSED AGENTS



20/60/10

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Key points for FA LICENSED AGENTS

(Numbers in brackets are references to the relevant regulations)

Use of Agents by Clubs and Players

- Any individual other than a Club Official or Player who represents Clubs or Players in negotiations is acting as an Agent and as such must be authorised; (I.1 & J.1)
- Clubs and Players may choose to represent themselves and do not have to use an Agent; (J.2)
- Authorised Agents and Solicitors **cannot** act as a "front" for unauthorised (unlicensed) agents. It is an offence for an Agent to act as a "front" (eg. where an Agent does not negotiate the deal but signs the paperwork at the end of the deal). (H.12 & H.13)

Representation Contracts

- Agents conducting Agency Activity on behalf of a Club or Player must have a written contract in place **before** they conduct any Agency Activity. They must ensure that the contract is signed, **dated** and submitted to The FA within 5 days of execution (or at the time of a transaction if that is within the 5 days); (B.1 & B.4)
- Agents must inform Players in writing to consider taking independent legal advice regarding the contract, allow reasonable time for the Player to take advice and obtain their written confirmation that either they have taken advice or they do not wish to. This also applies whenever the terms of a contract are varied; (B.1)
- Contracts must contain the entire agreement between the parties and contain all Obligatory Terms of the relevant Standard Representation Contract; (B.2)
- Agents **must not** enter into a Representation Contract with, or approach, a Player or Club that has an exclusive Representation Contract with another Agent unless they have the written permission of that other Agent or the contract has less than one month to run. Agents must not induce a Player or Club to breach a contract; (H.6)

- Agents may only enter into representation contracts with Players or Clubs as an individual. It is their name that must appear in the contract and not that of the agency/organisation. It is that individual who must carry out the Agency Activity and not another individual from the same company; (App II)
- Agents must not offer any inducement to a Player as an incentive to enter into a contract; (H.14)
- Contracts with Clubs or Players must **not** be for a period of more than two years. (B.7)

Dual Representation and Conflicts of Interest

- Agents (including any connected Agents) may only act for one party (either Player or Club) in a Transaction or Contract Negotiation. Dual representation is not allowed; (C.1)
- An Agent cannot act for a Club in relation to a Player where the Agent (or any connected Agent) has acted for the Player during the previous 2 transfer windows. This prevents "switching" (i.e. representing the Player but changing to represent a Club in respect of that Player at the time of a transaction); (C.2)
- If an Agent acts for the Club in a transaction involving a Player, the Agent is not permitted to act for a Club in relation to that Player (i) in the next transaction involving the same Player or (ii) for a period of two transfer windows. This prevents "shadowing" of Players through their careers (i.e. where Agents repeatedly claim to act for a Club when in fact the Agent is the Player's Agent); (C.3)
- An Agent cannot act for a Club in relation to a Player where the Agent (or any connected Agent) has acted in relation to the Player's commercial rights during the previous 2 transfer windows. (C.5)

Payments

- Payments to Agents in respect of Agency Activity on behalf of a Club must be made by the Club only and all such payments must be made via The FA. In addition all supporting documentation such as contracts, Agent Declaration forms etc. must include agent details such as name, signature, bank account details and licence or registration number and details of the remuneration to be paid; (F.1, G.10 & G.11)
- Agents must notify The FA of all payments of any kind received or made by them (or their Organisation) relating to Agency Activity within 5 days of completion of any relevant Transaction or Contract Negotiation; (H.10)
- Agents acting for Players must only be paid by the Player. Clubs may only discharge the Player's obligation to pay the Agent via a deduction from the Player's salary. Such payments must be paid in accordance with the terms and sums that are agreed in the Player/Agent representation contract; (G.4, G.5 & G.6)
- Clubs and Players can pay their Agents by instalments, by an hourly rate or by a lump sum payment; (G.2)
- Agents must not make or seek to make payments of any kind to any Club, Club Official, Manager or Player as a result of a Transaction or Contract Negotiation. (G.3)

Registration Rights

- Agents are not permitted to own any interest in the Registration of a Player (including any interest in the future sale value of a Player). (H.11)

Subcontracting

- If an Agent wishes to subcontract any Agency Activity to an Authorised Agent, he must obtain the prior written consent of his client, record the terms

of the subcontracting arrangement in writing and disclose this information to The FA; (H.4)

- An Agent must not subcontract any aspect of Agency Activity to an unauthorised agent. (H.5)

Owning shares in a Club

- Agents must not have any interest or shares in a Club (over a 5% limit) or have a position of influence over the Club (this includes an interest held by a close relative). (H.8)

Illegal approaches and Minors

- Agents shall not make approaches or enter into negotiations regarding a Player unless the Player's current Club has given permission to do so or the relevant rules permit; (H.7 & J.9)
- Agents must not approach or enter into agreements with Players who are minors (under 16) and must not charge or receive any payment, fee or commission as a result of introducing such a player to a Club; (H.16 & H.18)
- Agents may not enter into a contract with a Player between the age of 16 and 18 unless that contract is countersigned by the Player's parent or guardian. (H.17)

This leaflet is intended as a brief guide to the new Regulations and seeks to identify the key points that relate to FA Licensed Agents.

For a more detailed explanation please refer to the Regulations themselves or the accompanying detailed Guidance Notes – these are available on The FA website www.TheFA.com. Alternatively further assistance or advice can be obtained by telephoning The FA Football Agents Regulations enquiry line on 0844 980 8213.

This leaflet does not form part of the Regulations, is subject to the terms of the Regulations and in the event of any conflict, the Regulations will apply.