

THESE REGULATIONS ARE MADE PURSUANT TO RULE J1(F) OF THE ASSOCIATION.

Regulations for the Fit & Proper Person Test For Clubs Competing in The Football Conference Limited, The Southern Football League Limited, The Isthmian Football League Limited and The Northern Premier League Limited (“The Leagues”)

(“The Regulations”)

1. INTRODUCTION

1.1 In these Regulations the following words shall have the following meanings:

“**The Association**” means The Football Association Limited, of Wembley Stadium, London, HA9 0WS.

“**Applicant Director**” means any person applying to become a Director of a Club.

“**Authorised Signatory**” means any person duly authorised by a resolution of its directors to sign The Declaration on behalf of a Club.

“**Bankruptcy Order**” means an order adjudging an individual bankrupt.

“**Bankruptcy Restriction Order**” and “**Interim Bankruptcy Restriction Order**” mean the orders of the same name made under the provisions of Schedule 1A of the Insolvency Act 1986.

“**Club**” means any association football club incorporated under the Companies Act (as a Company limited by shares or guarantee) that is, from time to time, a member of any of The Football Conference Limited, The Southern Football League Limited, The Isthmian Football League Limited and The Northern Premier League Limited.

“**The Declaration**” means the ‘Fit and Proper Person’ Declaration form (FAPPT3) as prescribed by The Association, and shown at Schedule 1 to these Regulations, such forms to be signed by both the Applicant Director and an Authorised Signatory (who may not be the same person).

“**Director**” means in respect of any Club, any individual person operating the powers that are usually associated with the powers of a director of a company incorporated under the Companies Act (as a company limited by shares or by guarantee) including, but not limited to:

- (a) a person exercising direct or indirect control over a corporate director of the Club;
- (b) a person registered as a director or secretary of the Club with the Registrar of Companies;
- (c) a person for whom a Form 288(a) (to be filed with the Registrar of Companies) has been completed in relation to the Club;
- (d) a person who has been elected to become a director of the Club at a meeting of the board of directors of the Club;
- (e) a person who has been elected to become a director of the Club at a meeting of the members of the Club;
- (f) a person in accordance with whose directions or instructions the persons constituting the management of the Club are accustomed to act; or
- (g) a person who exercises or is able to exercise direct or indirect control over the affairs of the Club. For the purposes of this definition, a person shall be regarded as being able to exercise direct or indirect control over the affairs of the Club in particular but without prejudice to the generality of the preceding words if that person owns or is entitled to acquire 30% or more of the share capital or issued share capital of the Club or the voting power in the Club.

There shall be excluded from the definition of Director any legal or professional advisers acting in their legal or professional capacity without any interest (in excess of a 5% shareholding) in the Club other than as its advisers.

“Dishonest Act” means any act which would reasonably be considered to be dishonest.

“Disqualifying Condition” means all or any of those criteria listed in The Declaration.

“Football Club” means any association football club (including, for the avoidance of doubt, a Club) that is a member of, or affiliated to, any of the following: -

- (a) The Football Association (including, for the avoidance of doubt, any member of any of the leagues set out in Rule A 2 of The Association);
- (b) any Affiliated Associations of The Football Association;
- (c) The Football Association of Wales;
- (d) The Scottish Football Association; and
- (e) The Irish Football Association.

“Holding Company” means any company deemed to be a Holding Company under the Companies Act.

“Individual Voluntary Arrangement” means an arrangement made under the provisions of Part VIII of the Insolvency Act 1986.

“Insolvency Event” refers to any one of the following;

- (a) A manager, receiver, administrator, administrative receiver, liquidator, provisional liquidator or supervisor to a voluntary arrangement is appointed in respect of the Football Club or any part of its undertaking or assets;
- (b) A Football Club applies for an Administration Order (as defined in Section 10 of Schedule B (i) of the Insolvency Act 1986) or an Administration Order is made in respect of it or it otherwise enters into Administration;
- (c) A winding-up order is made in respect of a Football Club;
- (d) A Football Club enters into any arrangement with a majority in value of its creditors in respect of the payment of its debts or any of them as a Company Voluntary Arrangement (under the Insolvency Act 1986, the Insolvency Act 2000 or the Enterprise Act 2000) or a Scheme of Arrangement (under the Companies Act 1985).
- (e) A Football Club passes a resolution pursuant to Section 84 (i) (c) of the Insolvency Act 1986 to the effect that it cannot by reason of its liabilities continue its business and that it is advisable to wind up.
- (f) A Football Club ceases or forms an intention to cease wholly or substantially to carry on its business save for the purpose or reconstruction or amalgamation or otherwise in accordance with the scheme of proposals that have previously been submitted to and approved to and approved in writing by its Board.
- (g) A Football Club convenes a meeting of its creditors pursuant to Section 95 or Section 98 of the Insolvency Act 1986.

“The Instruction” means the written notification from The Association to a Club and Director stating that an individual is not permitted to hold the position of Director.

“League” means any League sanctioned by The Association.

“The Notice” means the written request from The Association requesting a league to suspend a Club’s membership in accordance with that League’s constitution.

“Registered Offender” means any Person who is required to notify personal information to the police in accordance with Part 2 of the Sexual Offences Act 2003 or any statutory modification or re-enactment thereof.

“**Serving Director**” means any person qualifying as a Director of a Club before 1 August 2010 and continuing to qualify as such at that date.

“**Sports Governing Body**” means any ruling body of a sport that is registered with UK Sport/ Sport England, or any corresponding national or international association.

- 1.2 In these Regulations, the phrase “qualifying as/qualifies as a Director” shall mean when an individual satisfies one or more of the criteria set out within the definition of Director as described above.

2. GENERAL

- 2.1 No Serving Director who becomes subject to a Disqualifying Condition on or after the 1 August 2010 may continue to act as a Director of a Club.
- 2.2 For the avoidance of doubt, no Serving Director who is subject to a Disqualifying Condition as at 1 August 2010 for which he would be disqualified, save for the fact that he is a Serving Director, may become a Director of another Club until such time as he is no longer subject to the Disqualifying Condition.
- 2.3 No person who is subject to a Disqualifying Condition (and who is not a Serving Director) may become a Director of a Club.
- 2.4 No person who becomes a Director on or after 1 August 2010 who becomes subject to a Disqualifying Condition on or after 1 August 2010 may continue to act as a Director of a Club.

3. REPORTING REQUIREMENTS

3.1 *Submission of Declaration*

- 3.1.1 Each Club shall submit to The Association a duly completed Declaration in respect of any Applicant Director signed by him and by an Authorised Signatory.
- 3.1.2 Within 14 days of receipt thereof, The Association shall confirm to the Club whether or not that Applicant Director is permitted to act as a Director of that Club. This confirmation shall be given in writing.
- 3.1.3 The Applicant Director shall not be permitted to act as a Director until such time as The Association gives written confirmation to the Club.

3.2 *Notification of Director becoming subject to a Disqualifying Condition*

- 3.2.1 Upon the happening of an event that results in a Director becoming subject to any Disqualifying Condition(s) contained in a submitted Declaration, or that results in a change to any other information contained in the Declaration;
- the Director in respect of whom the Declaration was submitted shall immediately give full written particulars thereof to his Club; and
 - the Club shall thereupon immediately give such particulars to The Association.
- 3.2.2 Upon The Association becoming aware by virtue of the circumstances given in 3.2.1 above, or by any other means, that a person is subject to a Disqualifying Condition, The Association will:
- issue the Instruction to the person that he is disqualified, and requiring him to resign as a Director within 7 days of the Notice;
 - issue the Instruction to the Club that, in default of the Director’s resignation, it shall procure the removal of the Director from that position within 28 days of the Notice.

3.3 *Notification of Person ceasing to be a Director*

3.3.1 A Club shall inform The Association of the resignation or removal of any Director who is not subject to a Disqualifying Condition within 7 days .

4. **DISCIPLINARY PROVISIONS**

4.1 The Association shall have the power to prescribe fixed fines in respect of any default, as per Schedule 4 to these Regulations. There shall be no appeal against any such penalties.

4.2 Any Club that;

- fails to comply with its obligations under these Regulations; or
- that negligently, recklessly or with intent submits a Declaration that is false in any particular; or
- persistently fails to comply with the provisions of Section 3 of these Regulations, where persistent means failing to provide The Association with the required notification notwithstanding three written requests so to do;

shall be guilty of Misconduct. The Association's powers to bring disciplinary proceedings under the Regulations shall apply.

4.3 Any Director who;

- fails to comply with his obligations under these Regulations; or
- who submits a Declaration that is false in any particular; or
- persistently fails to comply with the provisions of Section 3 of these Regulations, where persistent means failing to provide The Association with the required notification notwithstanding three written requests so to do;

shall be guilty of Misconduct. The Association's powers to bring disciplinary proceedings under the Regulations shall apply.

5. **SUSPENSION OF LEAGUE MEMBERSHIP**

5.1 Where any person acts as a Director of a Club in breach of any of paragraphs 2.1-2.4 and/or 3.1.3, and that Club fails to remove that Director having been instructed so to do by The Association (as per paragraph 3.2.2); then The Association may issue the Notice to the league of which the Club is a member.

5.2 The suspension of the Club's membership of the league may be removed subject to the Association receiving satisfaction on the matter that caused it to be required.

6. **APPEALS**

6.1 There will be a right of appeal for any person receiving notice under 3.1.2 or 3.2.2. Any appeal to The Association must be lodged in writing within 14 days of the receipt of the Instruction.

6.2 An appeal will be allowed only on the basis of a factual error contained within the confirmation or Instruction.

6.3 Any hearing following the appeal will be held within 14 days of the appeal being lodged with The Association, and shall be held in accordance with the disciplinary procedures of The Association.

7. **IMPLEMENTATION**

7.1 This Regulation came into force on the 1 February 2005, and has been updated to become effective from 1 August 2010.

**SCHEDULE ONE
(FORM FAPPT3) – AS AMENDED FROM 1 AUGUST 2010**

THE DECLARATION

TO BE COMPLETED BY ANY PERSON SEEKING TO BECOME A DIRECTOR ON OR AFTER 1 AUGUST 2010 OF A CLUB THAT IS A LIMITED COMPANY AND A MEMBER OF THE FOOTBALL CONFERENCE, THE ISTHMIAN LEAGUE, THE NORTHERN PREMIER LEAGUE, OR THE SOUTHERN FOOTBALL LEAGUE

Any individual completing this Form should read the Fit and Proper Person Regulation supplied to their Club Secretary or shown on TheFA.com before doing so.

I, [insert full name]

Of [insert full home address]

Email address

Date of birth

propose to become a Director of
[insert full name and company number of Club]

on
[insert proposed commencement date];

I confirm that I am aware of the duties and responsibilities of a Director of a limited company as set out in UK Company Law and of a Football Club as set out in the Rules, Regulations and Articles of The Football Association and the League of which the above named Club is a member. I have considered taking professional advice on this matter where appropriate.

I hereby declare that:

- (i) I am not either directly or indirectly involved in or have power to determine or influence the management or administration of another Football Club;
- (ii) I am not subject to a disqualification order as a director of a UK registered company under the Company Directors' Disqualification Act 1986 (as amended);
- (iii) I have not been convicted of any of the following offences, or where I have, this conviction is now considered spent under the Rehabilitation of Offenders Act 1974;
 - (a) an offence involving a Dishonest Act;
 - (b) corruption;
 - (c) perverting the course of justice;
 - (d) committing a serious breach of any requirement under the Companies Act 1985 or 1989 or any statutory modification or re-enactment thereof
 - (e) conspiracy to commit any of the offences set out in paragraphs (i) to (iv) above;
 - (f) any conviction for a like offence to any of the above offences by a competent court having jurisdiction outside England and Wales.
- (g) I am not currently the subject of any current criminal proceedings for any of the offences detailed at items (i) to (vi) above;
- (iv) I am not a Registered Offender;
- (v) I am not currently banned by a Sports Governing Body from involvement in the administration of, or participation in, that sport;
- (vi) I am not subject to a Bankruptcy Order, Interim Bankruptcy Restriction Order, Bankruptcy Restriction Order or an Individual Voluntary Arrangement;

- (vii) I am not subject to any form of disqualification or striking-off by a professional body , including, by way of example and without limitation, The Law Society, Bar Council or The Institute of Chartered Accountants in England & Wales;
- (viii) I have not been a Director of a Football Club that has been expelled within the last five years from either the Premier League, Football League, Football Conference, Isthmian League, Northern Premier League or Southern Football League whilst I have been a Director of that Football Club;
- (ix) I have not been a Director of:
- two or more Football Clubs or Holding Company of a Football Club that have entered into an Insolvency Event either:
 - whilst I have been a Director of those companies; or
 - in the 30 days immediately following me having resigned as a Director of those companies
 in the five years preceding the date of the signing of this Declaration; or
 - one Football Club or Holding Company of a Football Club that have entered into two separate Insolvency Events either:
 - whilst I have been a Director of that Football Club or Holding Company of a Football Club; or
 - in the 30 days immediately following me having resigned as a Director of that Football Club or Holding Company of a Football Club
 in the five years preceding the date of the signing of this Declaration

(For the avoidance of doubt, where any Football Club or Holding Company has been subject to more than one Insolvency Event during the process of compromising its creditors (for example Administration followed by exit via a Company Voluntary Arrangement ('CVA')), this will only count as one Insolvency Event).

I understand that the words or terms 'Director', 'Football Club', 'Dishonest Act', 'Registered Offender', 'Sports Governing Body', 'Bankruptcy Order', 'Interim Bankruptcy Order', 'Bankruptcy Restriction Order', 'Individual Voluntary Arrangement', 'Holding Company' and 'Insolvency Event' above have the meanings set out in the Regulations of The Association.

I, the Applicant Director, confirm that I have read the 'notes and definitions' that accompany this form and hereby consent pursuant to Schedule 2 and Schedule 3 of the Data Protection Act 1998 to The Association holding and processing the above 'personal data' and 'sensitive personal data' for the purposes of assessing my compliance with the Fit and Proper Person Test for Football Club Directors as set out in the Regulations of The Association.

I certify that the above information is correct and I acknowledge and agree that The Association shall be entitled to undertake such checks as may be necessary to verify the information contained within this Declaration. I acknowledge that if I provide a false declaration then I am liable to such penalties as laid out in the Regulations of The Football Association.

I also acknowledge that, having submitted this Declaration, in the event that I become unable to satisfy any of the conditions (i) to (ix) shown above, I must notify The Association immediately, and I will be unable to act as a Director of a Club from this time.

Applicant Director Signature

Signed:

Name (Print):

Date:

Authorised Signatory Signature

I hereby confirm on behalf of (insert full company name and number of Club) that the above information is correct. I acknowledge that if the Club gives a false declaration then it is liable to such penalties as laid out in the Regulations of The Football Association.

Signed:

Name (Print):

Date:

For and on behalf of the board of
(insert full company name and number of Club)

(Note – the Authorised Signatory signing on behalf of the Club must be a different person from the individual completing the Form)

SCHEDULE TWO

FAPPT – OVERDUE FORMS FINE TARIFF

Days Overdue	0-7	8-21	22 and over*
Football Conference	£250	£300	£500
Southern Football League / Northern Premier League / Isthmian Football League – Premier Divisions	£125	£200	£250
Southern Football League / Northern Premier League / Isthmian Football League – Non-Premier Divisions	£75	£100	£125
* Clubs fined this amount for each period of four weeks that form remains unsubmitted.			

FAPPT – FALSE INFORMATION FINE TARIFF

League	Fixed Fine for Provision of False Information
Football Conference	£5,000
Southern Football League/ Northern Premier League/ Isthmian Football League – Premier Divisions	£1,000
Southern Football League/ Northern Premier League/ Isthmian Football League – Division One	£500