

REGISTRATIONS BULLETIN – JANUARY 2011

Registrations List – December 2010

The Monthly Registration List for December 2010 (player movements up to and including 31 December) can be downloaded at www.TheFA.com/PlayerRegistrations

International Window Transfer Clock is Ticking

The International Transfer Window closes at 11pm on 31 January. For the first time all Premier League, Football League and Football Conference National Division Clubs, are conducting their International transfers via the FIFA Transfer Matching System.

The actual FIFA deadline is midnight but the cut off for English Clubs an hour before should prevent FIFA having to adjudicate on the validity of transfers going to the wire when, historically, domestic Leagues have had the final say in resolving any disputes.

We will have a full complement of staff on duty right through to closing time (no, not that closing time!) in both the registration and regulatory departments. Additional assistance is available at weekends and out of hours. Clubs in TM will have also received a note from our FIFA colleagues with details of their extended working hours and contact details.

Clubs submitting urgent player registration documents are asked to use the registrations@TheFA.com email address in addition to the dedicated fax numbers during periods when the office is unmanned.

Emergency contact numbers are as follows:

Steve Rooke – Registrations Manager – 07538 794896

Graham Noakes – Head of Professional Game – 07970 237071

Christopher Hall – (for TMS queries) – 07949 403827

Rachel Foster – (for PBS – work permit – queries) - 07949 404263

Option Clauses

One regularly occurring question at this time of the year is what period is allowable in terms of an option clause in a player's Contract if required and agreed by the parties.

Through to the end of January we permit players to sign a Contract until the end of the current season with a one year option; and allow players to sign a Contract until the end of next (2011-12) season with a two year option.

Don't Forget Us

We have experienced problems with several non-league Clubs failing to submit H3 temporary transfer forms or the League's temporary transfer forms to the Association. Loan signings must be flagged to us as permission is required for the player to play for his new Club. Failure to adhere to FA Rules will result in Clubs being charged.

Several Clubs have fallen foul again in the last month. The onus is on the receiving Club to produce all the necessary documents. FA Rule C.1 explains the process and Clubs should

pay special regard to C.1 (g) (iii) – faxing/emailing a last minute temporary loan – C.1 (g) (vii) and (x).

Students with Tier 4 Entry

All Clubs are advised to satisfy themselves that all non-EU/EEA players have the necessary credentials to take up offers of employment in England as part of normal procedural/personnel checks. If appropriate, you may wish to seek advice from the UK Border Agency.

It has been confirmed that students here under Tier 4 are NOT permitted to perform as professional sports people. Tier 4 students are only permitted to play recreational football on an amateur basis for a wholly or predominantly amateur competition.

Neither it is acceptable to suggest that Tier 4 students can play in the top echelons of the National League System on an expenses only basis. This is because the Football Conference, and many leagues below the Conference, are clearly not predominantly amateur competitions.

Minimum Age for Contracts

We are receiving Contracts for U18 players that have not been countersigned by a parent or guardian which is required under the provisions of FA Rule C.1 (j) (i).

Additionally we would draw your attention to FA Rules C.1 (a) (i) and (ii) regarding players still in full time education. No player who is under 18 and still in full time education can sign a Contract.

Getting It Right

IMPORTANT INFORMATION FOR NON-LEAGUE CLUBS

Hundreds of Contracts are currently being returned for amendment for failing to adhere to FA Rules and Regulations. The Registrations Department is scrutinising Contracts for the benefit for both Club and Player to try to avoid unnecessary disputes arising. If you have any queries please contact us by email or telephone.

Clubs from Conference National down in the National League System are urged to run checks on all Contract documents before submitting them.

We have included some of the main areas of concern below.

Every effort should be made to complete all sections in full. Names must be in full with no 'nicknames' or abbreviations.

Please ensure that your Company details (if applicable) are correct.

Club signatories cannot double up and act as witnesses – please ensure that independent witnesses sign players' documents.

Check dates.

National Minimum Wage

We understand that the rates are currently £5.93 per hour for workers aged 22 years and older, £4.92 per hour for workers aged 18-21 inclusive and £3.64 per hour for all workers under the age of 18, who are no longer of compulsory school age.

We suggest, therefore, that the Club calculate the number of hours that each player is likely to 'work' (under the guidelines) and then multiply these by the NMW rates given above to assess whether the contracted weekly wage is likely to breach NMW legislation. You will need to factor in your playing programme (both home and away) and training schedules over the length of the Contract.

The FA does not believe, based on NMW rates, that Contracts of less than £20 per week can be accepted. If you have any other queries regarding this legislation or other contractual matters please do not hesitate to contact the FA registrations team.

Expenses paid to Players

We cannot accept Contracts specifying actual expenses to be received. No Club should be contracting to pay a player expenses in this manner as once they are inserted into the Contract they become a contractual commitment and, theoretically, subject to taxable deductions.

Players are not entitled to receive reimbursement for travel expenses incurred from home to their Club's ground or training ground as expenses with no deduction for tax.

The only recognised legitimate payment of travel expenses are those incurred on travelling to away matches where the Club does not run its own transport. Expenses for away game travel can be repaid subject to a completed and signed claim form being received at an agreed mileage rate (currently 40p) in accordance with HMRC guidelines. If asked by Clubs, providing fuel receipts is not evidence of a valid claim and expense forms should be completed.

As far as acceptable wording is concerned something to the effect that 'the Player will be reimbursed actual travelling expenses incurred whilst on Club business on production of valid receipts' will suffice.

The PAYE and semi-professional brochures remain on The FA website and although the tax codes are out of date the requirements as to how Clubs should account for expenses remain the same.

Relocation clauses

Legitimate relocation clauses can be paid. The wording is normally along the following lines: 'The player will receive a relocation clause of up to a maximum of £8,000 (eight thousand pounds), providing he moves within x miles of the Club, for Stamp Duty, legal and removal costs incurred, curtains, carpets and other general disbursements, on production of relevant receipts.'

General Notes

FA Rule C.1 (f) requires original documents to be returned within five days of signature. Whilst we allow some flexibility (particularly affecting Contracts returned for amendments to

be made) many Clubs are failing to return them for several weeks thereby delaying the registrations process which can lead to problems later if a dispute arises.

Clubs also need to be reminded that the space on the back page for other financial provisions can run onto a separate piece of paper.

Option clauses cannot be for any longer than the duration of the Contract – if in doubt please seek our assistance.

Particular attention needs to be paid to bonus incentives – appearances, goals scored, clean sheets etc to ensure that Clubs adopt robust wording.

The principle of bonuses is that they are generally paid for competitive matches (Clubs should list them) for that Club only (not when the player is out on loan unless specified). Appearances need to be defined – are they paid for an appearance in the starting eleven or as a used substitute. Do they apply if the player is a nominated but unused substitute?

Similarly goal bonuses must be set out in a transparent manner. Anything that could be challenged should be clarified.

Inclusion of a percentage sell-on to a player without taking into account instalment payments or contra-deals should also be clarified as the wording needs to be as watertight as possible.

Payment of signing on fees and loyalty bonuses must be clearly set out and unambiguous. They may be accompanied by wording such as ‘this is a once only payment and does not constitute terms of re-engagement’ or ‘payment will only be made whilst the player is in the employment of the Club.’

Clubs are making provision to include clauses offering reduced salaries after x weeks of injury/sickness with payments reverting to normal after fitness is restored. However, there are often disagreements over the level of a player’s fitness and disputes have arisen where Clubs withhold salary from players who are out of favour. If appropriate it should be suggested that a clause is inserted to the effect that a player’s match fitness can be determined by an independent medical practitioner.

Schedule of Other Financial Provisions/Club Bonuses

All Clubs should now have agreed bonus schedules for the 2010-11 season. Clubs are advised to send us one copy together with an attached schedule of players’ signatures confirming they have read and understood the bonus structure and received a personal copy for their reference.

We expect bonuses to be paid within a reasonable time, usually in arrears on a calendar month basis.

Terminating Dates for Non-League Contract Players

First Saturday in May, as follows
7th May 2011
5th May 2012
4th May 2013
3rd May 2014

These dates MUST be adhered to.

For clarification, it is permissible to cease paying the player on the last scheduled fixture date of the season (e.g. Saturday, 23 or 30 April, 2011) in which case, this must be reflected in the remuneration section of the contract.

How To Reach Us at Wembley Stadium

All items of post should be marked for the attention of the Registrations Department, The Football Association, PO Box 1966, London, SW1P 9EQ. All recorded and special delivery items should also be sent to this address.

For deliveries by courier only the actual address is Wembley Stadium, Wembley, Middlesex, HA9 0WS. Do not address letters/packages to be delivered by courier/hand to the PO Box number.

Telephone numbers (please telephone the Wembley switchboard and manually input the extension number you require).

Steve Rooke	(Registrations Manager)	0844 980 8200 x 4966
Dawn Keleher	(Assistant Manager)	0844 980 8200 x 4630
Lucy Hamshere	(Registrations Officer)	0844 980 8200 x 4631
Rachel Foster	(Registrations Officer/PBS Administrator)	0844 980 8200 x 4629
Christopher Hall	(Registrations Administrator)	0844 980 8200 x 4852

You are encouraged to leave voicemail messages when the office is closed or unmanned. Over the weekend and Bank Holiday periods the office telephones are diverted to a member of the team who can be contacted to deal with urgent enquiries.

Fax numbers:

Premier League/Football League/Conference National: 0844 980 8214

Football League exclusive: 0844 980 0635

All other clubs (Conference South/North/National League System): 0844 980 0663

Work Permits

To be eligible to become a Sponsor and issue Certificates of Sponsorship to a player a Club must be in membership of the Premier League or the Football League. Any Clubs below the Football League who wish to register a player from a country outside the EEA should contact the UK Border Agency directly as we are unable to advise on this.

Criteria for Players

The set football criteria for a player to meet when entering the country has not changed with the new system.

There are two levels of entry – Tier 2 and Tier 5. Clubs should note that entry under Tier 2 requires that players from a non-English speaking country achieve a pass in an English language test prior to entry. In the event that the player does not have the level of English required, he will only be able to enter the country under Tier 5 for a maximum of 12 months at a time and will need to pass the English test within those 12 months to enable him to switch over to Tier 2 employment for the remainder of his contract.

Panel hearings

In the event that a player does not meet the set criteria, an appeal panel will be convened to consider the application. The panel will consist of representatives from the relevant football governing bodies together with three independent football experts. The panel's terms of reference are: (1) to consider whether the player is of the highest calibre and (2) to consider whether the player is able to contribute significantly to the development of the game at the top level in England.

Players Coming On Trial

GBE's will **not** be issued to Clubs for the purpose of having players on trial for friendly matches etc. Clubs may wish to approach the Immigration Enquiry Bureau on 0870 606 7766 or email UKBApublicenquiries@ukba.gsi.gov.uk for further information should they wish to consider taking a non-European Economic Area (EEA) player on trial.

Further details on the work permit process can be found on the FA's website:

<http://www.TheFA.com/TheFA/RulesandRegulations/FARegulations.aspx>

If you have any queries relating to work permits and the Points Based System, please contact Rachel Foster, our PBS Administrator, on 0844 980 8200 extension 4629.

Regulations for the International Transfer and First Registration of Players under the age of 18

FIFA's updated Regulations for the Status and Transfer of Players, which became effective on 1 October 2009, introduced a sub-committee to monitor and control every international transfer of a minor **and** every first registration of a minor who is not a national of the country in which he wishes to be registered.

FIFA have now clarified that the sub-committee will **not** be involved in processing applications for players under the age of 12 (Academy and Centre of Excellence forms).

For further clarification a minor player holding a UK Passport and crossing borders to register for a Club under the jurisdiction of one of the National Associations for the first time within the UK (England, Scotland, Northern Ireland and Wales) **IS EXEMPT** from this new system but international clearance will still apply.

The new Regulations will be implemented through a web-based system that FIFA have introduced for National Associations. FIFA TMS (Transfer Matching System) is designed to allow FIFA to monitor the international transfers of professional players. It also has an element devoted to monitoring the international transfers and registration of all minors.

You should note that the sub committee's approval (ages 12-18) must be in place before the new Association is able to process the final piece of the jigsaw – the International Clearance Certificate.

The implications for clubs at every level of the game are:

- Comprehensive written evidence will be required by The FA to support the request for an International Transfer Certificate for a minor.
- The evidence will need to be provided in PDF format as this is the only format accepted by FIFA TMS.

- There may be delays in obtaining permission for the international transfer of a minor compared with applications under the previous system. The days of quick turnarounds are over.
- Standard decisions are expected to take 2-3 weeks and longer delays of up to six weeks may be encountered where the foreign Association disputes the request for the international transfer.

We would strongly urge you to factor the potential delays into your business plans, particularly ahead of the critical registration periods at professional level.

FIFA Article 19 – Clearances for Minors

For players under the age of 12 who have lived permanently in England but who have a foreign place of birth and/or nationality no action is required. If the player came to England from abroad before he/she was 12 then the same applies. In both cases there are no hurdles in respect of registering and playing for a club.

It is vital that clubs familiarise themselves with FIFA Article 19 before starting the registration process.

International transfers are only permitted if the player is over the age of 18. The following three exceptions apply:

- The player's parents move to England for non football reasons
- The transfer takes place within the EC/EEA and the player is aged between 16 and 18 in which case the new club is obliged to carry out the following minimum requirements:
 - i) it shall provide the player with an adequate football education and/or training in line with the highest national standards
 - ii) it shall guarantee the player an academic and/or school and/or vocational education and/or training, in addition to his/her football education and/or training, allowing the player to pursue a career other than football should he cease playing professional football
 - iii) it shall make all necessary arrangements to ensure that the player is looked after in the best possible way (optimum living standards with a guest family or in club accommodation, appointment of a mentor at the club etc)
 - iv) it shall, on registration of a player, provide the relevant Association with proof that it is complying with the aforementioned obligations; or
- The player lives no further than 50km from a national border, and the club for which the player wishes to be registered in the neighbouring Association is also within 50km of that border. The maximum distance between the player's address and the club's headquarters/training centre shall be 100km. In such cases, the player must continue to live at home and the two Associations involved must give their explicit consent.

Birth Certificates

There is absolutely no need to send an original Birth Certificate to us on first registration as a Contract Player or Scholar as a copy is acceptable. Clubs sending originals should note that we cannot be held responsible for their safe return.

Player History

When submitting Scholarship forms or first registration Contract forms it would be helpful if a covering note was included stating the length of time the player has actually lived in the UK as this will determine whether we activate the international clearance process. International clearance is required for all players aged 12 and over who are crossing borders including players arriving from other UK countries.

International Clearance Notes

International Clearance is required by all players moving across borders to play football. It applies to all players over the age of 12.

Please be vigilant when registering players. If you think they have played abroad they will need clearance back before they can play in England.

"Abroad" even applies to Wales, Scotland and Northern Ireland.

Make sure you ask your players if they have played outside of England BEFORE you register them. If they have you will need to contact us here at the Registrations Department. We will do our utmost to get the player cleared for you as soon as is possible.

Please bear in mind that it is not always possible to get Clearances immediately. We have to deal with many foreign Associations and sometimes the process is slow. Please also remember the time differences in some countries, especially America and Australia.

When requesting International Clearances, in order to assist us with spellings, etc, it would be appreciated if you could supply a copy of the player's National Passport.

Application forms are available from this Department. Players coming from the United States need to complete a different form which is also available from us.

General Notes

The Attention of Clubs is Drawn to:

Rule C.1 (a)(i) and (ii)

(i) A Player under eighteen (18) years of age and in receipt of full-time education in accordance with the Education Acts may not enter into a contract of employment with a Club in membership of The Association or an Affiliated Association.

(ii) A Player under seventeen (17) years of age may not enter into a contract of employment with a Club in membership of The Association or an Affiliated Association, except as a Scholar as provided for by Rule C3.

Rule C.4 (b)(iii)

It shall be deemed to be misconduct for any Club or Club Official to induce any player of school age registered with a separate Club or Centre of Excellence to leave school for the purpose of signing a contract of employment.

Rule C.1 (i)(D)

Clubs should note the correct format for sending letters of permission in accordance with the above Rule, i.e. allowing a player to go to another English club for trial matches.

The letter must be set out as follows:

Dear Secretary

Name of Player

We hereby give permission under FA Rule C.1 (i)(D) for the above named contract player to take part in no more than two matches for your Club by way of a trial. Such matches to be within a period of 28 days and must not be for your first team.

Yours sincerely

cc: Football Association
Leagues Concerned

We have been receiving a large number of letters from Clubs giving permission for one match, then another letter at a later date giving permission for yet another match. Sometimes the period of 28 days has elapsed and we have to remind Clubs that the player cannot now take part in the second match.