

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

Regulations for the Owners' and Directors' 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 Officer"** means any person applying to become an Officer of a Club.

**"Authorised Signatory"** means any person duly authorised by a resolution of its board of directors or Management Committee 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 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 Declaration form as prescribed by The Association, and shown at Schedule 1 to these Regulations, such forms to be signed by both the Applicant Officer and an Authorised Signatory (who may not be the same person).

**"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.

**"Effective Date"** means 1 August 2013.

**"Football Club"** means any association football club.

**"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) entering into a Company Voluntary Arrangement pursuant to Part 1 of the Insolvency Act 1986 ("the 1986 Act") or a compromise or arrangement with its creditors under Part 26 of the Companies Act 2006 or any compromise agreement with its creditors as a whole; or
- (b) lodging a Notice of Intention to Appoint an Administrator or Notice of Appointment of an Administrator at the Court in accordance with paragraph 26 or paragraph 29 of Schedule B1 to the 1986 Act, an application to the Court for an Administration Order under paragraph 12 of Schedule B1 to the 1986 Act (other than paragraph 12(1)(c)) or where an Administrator is appointed or an Administration Order is made ("Administrator" and "Administration Order" having the meanings attributed to them respectively by paragraphs 1 and 10 of Schedule B1 to the 1986 Act); or
- (c) an Administrative Receiver (as defined by section 251 of the 1986 Act), a Law of Property Act Receiver (appointed under section 109 of the Law of Property Act 1925) or any Receiver appointed by the Court under the Supreme Court Act 1981 or any other Receiver is appointed over any assets which, in the opinion of The Association, are material to the Club's ability to fulfil its obligations as a member of the League; or

- (d) shareholders passing a resolution pursuant to section 84(1) of the 1986 Act to voluntarily wind up; or
- (e) a meeting of creditors is convened pursuant to section 95 or section 98 of the 1986 Act; or
- (f) a winding up order is made by the Court under section 122 of the 1986 Act or a provisional liquidator is appointed under section 135 of the 1986 Act; or
- (g) ceasing or forming an intention to cease wholly or substantially to carry on business save for the purpose of reconstruction or amalgamation or otherwise in accordance with a scheme of proposals which have previously been submitted to and approved in writing by The Association; or
- (h) being subject to any insolvency regime in any jurisdiction outside England and Wales which is analogous with the insolvency regimes detailed in (a) to (g) above;

**"The Instruction"** means the written notification from The Association to a Club and Officer stating that an individual is not permitted to hold the position of Officer.

**"League"** means any league sanctioned by The Association.

**"The Notice"** means the notification from The Association issued to a League giving notice that the Club's membership of the League is to be suspended in accordance with League Rules.

**"Officer"** means in respect of any Club, any individual person operating the powers that are usually associated with those of:

- (i) a director of a company incorporated under the Companies Act (as a company limited by shares or by guarantee); or
- (ii) an officer of an Industrial & Provident Society ("IPS") registered with the Financial Services Authority ("FSA"); or
- (iii) a Chairman, Secretary or Treasurer of a Club that is an unincorporated association.

Such powers include, but are not limited to those of:

- (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 registered with the FSA as an officer of the Club in the case of an IPS;
- (d) a person for whom a Form AP.01 (to be filed with the Registrar of Companies) has been completed in relation to the Club;
- (e) a person that has been named by the Club on the latest Form A submitted to The FA as being an Officer of the Club and any subsequent amendments thereto that are required to be advised to The FA under FA Rule A 3 (j) (ii);
- (f) a person who has been elected to become a director of the Club at a meeting of the board of directors or members of the Club;
- (g) a person who has been elected to become Chairman, Secretary or Treasurer of a Club that is an unincorporated association at a meeting of the Management Committee or members of the Club;
- (h) a person in accordance with whose directions or instructions the persons constituting the management of the Club are accustomed to act; or
- (i) 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 Officer 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.

**“Parent Undertaking”** means as set out in Section 1162 of Companies Act 2006.

**“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 Officer”** means any person qualifying as an Officer of a Club before the Effective Date 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 an Officer” shall mean when an individual satisfies one or more of the criteria set out within the definition of Officer as described above.

## 2. GENERAL

- 2.1 No Serving Officer who becomes subject to a Disqualifying Condition on or after the Effective Date may continue to act as an Officer of a Club.
- 2.2 For the avoidance of doubt, no Serving Officer who is subject to a Disqualifying Condition as at the Effective Date for which he would be disqualified, save for the fact that he is a Serving Officer, may become an Officer 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 Officer) may become an Officer of a Club.
- 2.4 No person who becomes an Officer on or after the Effective Date who becomes subject to a Disqualifying Condition on or after the Effective Date may continue to act as an Officer 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 Officer 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 Officer is permitted to act as an Officer of that Club. This confirmation shall be given in writing (“the Confirmation”).
- 3.1.3 The Applicant Officer shall not be permitted to act as an Officer until such time as The Association gives written confirmation to the Club.

### 3.2 *Notification of An Officer becoming subject to a Disqualifying Condition*

- 3.2.1 Upon an Officer 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 Officer in respect of whom the Declaration was submitted shall within three working days give full written particulars thereof to his Club; and
  - the Club shall thereupon within three working days 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 an Officer within 7 days of the date of the Instruction and provide evidence of the resignation to The Association to be received by the third working day following the resignation;
- issue the Instruction to the Club that, in default of the Officer's resignation, it shall procure the removal of the Officer from that position within 28 days of the date of the Instruction and provide evidence of the removal to The Association to be received by the third working day following the removal.

3.3 *Notification of Person ceasing to be an Officer*

3.3.1 A Club shall inform The Association of the resignation or removal of any Officer 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 2 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
- knowingly allows a Declaration to be submitted 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 Officer who;

- fails to comply with his obligations under these Regulations; or
- 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 an Officer 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 Officer 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 and forward a copy to the Club.

5.2 The suspension of the Club's membership of the League may only be lifted upon written notification from The Association.

**6. APPEALS**

6.1 There will be a right of appeal for any Applicant Officer where a Confirmation is issued to a Club under 3.1.2 or an Officer is subject to an Instruction under 3.2.2 or a Club is subject to a Notice under 5.1. Any appeal to The Association must be lodged in writing within 7 days of date of the Confirmation, Instruction or Notice. The effect of the Confirmation, Instruction or Notice shall be suspended pending the outcome of an appeal.

- 6.2 An appeal will be allowed only on the basis that:
  - 6.2.1 none of the Disqualifying Conditions apply; or
  - 6.2.2 any applicable Disqualifying Condition has or will within 14 days of the date of the appeal being lodged with The Association cease to exist; or
  - 6.2.3 the Disqualifying Condition is a conviction that is subject to an appeal which has not yet been determined and in all the circumstances it would be unreasonable for the individual to be disqualified as an Officer pending the determination of that appeal.
- 6.3 Any appeal hearing will be held within 14 days of the appeal being lodged with The Association, and shall be held in accordance with the Regulations for Appeals of The Association.

## 7. IMPLEMENTATION

- 7.1 These Regulations come into effect on the Effective Date.

**SCHEDULE ONE  
AS AMENDED FROM 1 AUGUST 2013**

**THE DECLARATION**

**ALL SECTIONS TO BE COMPLETED BY ANY PERSON SEEKING TO BECOME AN OFFICER ON OR AFTER 1 AUGUST 2013 OF A CLUB THAT IS 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 Owners' and Directors' Regulations supplied to their Club Secretary or shown on TheFA.com before doing so.

I, *[insert full name]* .....

Previous or other names, if any *[insert details]* .....

Of *[insert full home address]* .....

Email address .....

Date of birth .....

I propose to become an Officer of .....

..... ("the Club")  
*[insert full name and company number of the Club]*

on .....  
*[insert proposed commencement date];*

I have held a position as an Officer of a Football Club in the last five years: Yes / No  
*[delete as necessary];*

*(If "Yes" insert details below):*

From	To	Position	Name of Club

I confirm that I am aware of the duties and responsibilities of an Officer as set out in UK 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;

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- (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 2006 or any statutory modification or re-enactment thereof;
  - (e) dishonestly receiving a programme broadcast from within the UK with intent to avoid payment under Section 297 of the Copyright, Designs and Patents Act 1988;
  - (f) admitting spectators to watch a football match at unlicensed premises under Section 9 of the Football Spectators Act 1989;
  - (g) ticket touting under Section 166 of the Criminal Justice and Public Order Act 1964;
  - (h) conspiracy to commit any of the offences set out in paragraphs (a) to (g) above;
  - (i) any conviction for a like offence to any of the above offences by a competent court having jurisdiction outside England and Wales.
  - (j) I am not currently the subject of any current criminal proceedings for any of the offences detailed at items (a) to (i) above;
- (iv) I am not a Registered Offender and am not required to notify personal information pursuant to Part 2 of the Sexual Offences Act 2003;
- (v) I am not subject to a banning order in accordance with Schedule 1 of the Football Spectators Act 2000;
- (vi) I have not breached or admitted breaching (irrespective of any sanction actually imposed on me or whether any disciplinary proceedings were brought) at any time:
- (a) Rule E5 of The Association in relation to bribes, gifts or rewards or other matters in relation to matches;
  - (b) Rule E8 of The Association in relation to betting;
  - (c) Rule E9 of The Association in relation to attempts and agreements to breach Rules E5(a) or E8 of The Association;
  - (d) Any other rule in force from time to time in relation to the prohibition on betting on football matches played in England and Wales;
  - (e) Any rule of any other ruling body of football in relation to the prohibition of betting on football (whether in England or Wales or elsewhere)
- (vii) I am not currently banned by a Sports Governing Body from involvement in the administration of, or participation in, that sport;
- (viii) I am not subject to a Bankruptcy Order, Interim Bankruptcy Restriction Order, Bankruptcy Restriction Order or an Individual Voluntary Arrangement;
- (ix) 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;
- (x) I have not been an Officer 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 an Officer of that Football Club;
- (xi) I have not been an Officer of:
- two or more Football Clubs or Parent Undertaking of a Football Club that have entered into an Insolvency Event and in respect of which a sporting sanction was applied either:
    - whilst I have been an Officer of those companies; or
    - in the 30 days immediately following me having resigned as an Officer of those companies
  - in the five years preceding the date of the signing of this Declaration; or
  - one Football Club or Parent Undertaking of a Football Club that have entered into two separate Insolvency Events and in respect of which a sporting sanction was applied either:

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- whilst I have been an Officer of that Football Club or Parent Undertaking of a Football Club; or
  - in the 30 days immediately following me having resigned as an Officer of that Football Club or Parent Undertaking 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 Parent Undertaking 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 'Officer', 'Football Club', 'Dishonest Act', 'Registered Offender', 'Sports Governing Body', 'Bankruptcy Order', 'Interim Bankruptcy Order', 'Bankruptcy Restriction Order', 'Individual Voluntary Arrangement', 'Parent Undertaking' and 'Insolvency Event' above have the meanings set out in the Regulations of The Association.

I, the Applicant Officer, 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 Owners' and Directors' Test for Club Officers 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, having submitted this Declaration, in the event that I become unable to satisfy any of the conditions (i) to (xi) shown above, that:

- (a) I must notify the Club within three working days, and
- (b) I will be unable to act as an Officer of a Club.

**Applicant Officer Signature**

Signed: .....

Name (Print): .....

Date: .....

**Authorised Signatory Signature**

I hereby confirm that I am an Authorised Signatory of the Club and that to the best of the Club's knowledge and belief 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 Club

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

All Pages Of This Form Must Be Returned To:

ODT Declarations  
Financial Regulation Department,  
The Football Association,  
Wembley Stadium,  
PO Box 1966  
London  
SW1P 9EQ

or by email to [odt@TheFA.com](mailto:odt@TheFA.com)

## SCHEDULE TWO

## OADT – OVERDUE FORMS FINE TARIFF

Days Overdue	0-7	8-21	22 and over*
Football Conference	£300	£400	£500
Southern Football League / Northern Premier League / Isthmian Football League – Premier Divisions	£150	£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.			

## OADT – FALSE INFORMATION FINE TARIFF

League	Fixed Fine for Provision of False Information
Football Conference	£2,000
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