

**POLICY OF THE FOOTBALL ASSOCIATION LIMITED (“THE FA”) AND THE FOOTBALL ASSOCIATION OF WALES (“THE FAW”) IN RESPECT OF CLUBS PARTICIPATING IN CROSS BORDER COMPETITIONS AT RECREATIONAL LEVEL (“POLICY”)**

**1. INTRODUCTION**

Historically, some Clubs in close proximity to the Border and playing at a Recreational Level have participated in Cross Border Competitions.

The purpose of this Policy is to set out the circumstances under which Clubs playing exclusively at a Recreational Level will be given authorisation by the National Associations to participate in Cross Border Competitions.

This Policy recognises that at Recreational Level:

- the opportunity to participate in Cross Border Competitions can alleviate the costs and burden of travel which a Club might otherwise have to endure and which might be prohibitive if it was only permitted to participate in competitions organised by the National Association of which it is a member; and
- the opportunity to participate in appropriate competitions may not be locally available within the Club’s National Association.

This Policy sets out the requirements to be met and the procedures to be followed by any Club that wishes to seek authorisation from the National Associations to participate at Recreational Level in Cross Border Competitions.

**2. DEFINITIONS**

**Border** means the land border between England and Wales.

**Business Day** means any day of the week except a Saturday or Sunday or public bank holiday in Wales or England.

**Club** means an English Club and/or a Welsh Club.

**Cross Border Competition** means either a competition organised by The FA which takes place in England but in which a Welsh Club participates; and/or a competition organised by The FAW which takes place in Wales but in which an English Club participates.

**English Club** means a football club playing the game of football in England and recognised as such by The FA.

**FIFA** means the Fédération Internationale de Football Association.

**FIFA Statues** means the statues issued by FIFA from time to time.

**Joint Panel** means the panel appointed by the National Associations to consider a Club's application to play in a Cross Border Competition.

**National Association** means The FA or The FAW and **National Associations** means The FA and the FAW.

**National League System** means the league system of competitions set up by The FA under the Regulations for the Operation of the National League System.

**Parent Association** means the National Association to which a Club is a member. The Parent Association for an English Club is The FA; and for a Welsh Club is The FAW.

**Recreational Level** means in England, football being played outside of the National League System; and in Wales, football being played in leagues which are not in membership of and are not directly affiliated to The FAW.

**UEFA** means Union des Associations Européennes de Football.

**Welsh Club** means a football club playing the game of football in Wales and recognised as such by The FAW.

### 3. **FIFA**

3.1. Article 73 of the FIFA Statutes (as amended from time to time) states:-

“Associations, Leagues or Clubs that are affiliated to a member association may only join another member association or take part in competitions on that member association's territory under exceptional circumstances. In each case, authorisation must be given by both member associations, the respective Confederation(s) and by FIFA.”

3.2. Pursuant to the above provision, Clubs can only participate in Cross Border Competitions provided that they obtain the written consent of the National Associations, UEFA and FIFA. This Policy therefore sets out how Clubs obtain the written consent of the National Associations in order to participate in Cross Border Competitions.

3.3. This Policy has been approved by FIFA and UEFA which have agreed that Clubs which obtain the consent of the National Associations under this Policy are not required to obtain any further consent from FIFA or UEFA in order to participate in Cross Border Competitions.

#### **4. REQUIREMENTS FOR AUTHORISATION BY THE NATIONAL ASSOCIATIONS**

4.1. The National Associations agree that for a Club playing exclusively at Recreational Level exceptional circumstances will only exist that justify the National Associations authorising the Club to participate in Cross Border Competitions if:

4.1.1. the Club plays exclusively at Recreational Level;

4.1.2. the Club is affiliated to The FA or The FAW as appropriate pursuant to The FA's or The FAW's rules and regulations;

4.1.3. The Club is able to demonstrate to the reasonable satisfaction of the Joint Panel that either:-

4.1.3.1. the opportunity to participate in appropriate competitions at Recreational Level is not locally available within the Club's National Association; or

4.1.3.2. the cost and burden of travel within competitions available at Recreational Level within the Club's National Association is or has become prohibitive;

4.1.4. any player playing for a Club in a Cross Border Competition must be registered as part of a central registration of players which is accessible by the National Associations;

4.1.5. the Club makes an application to both National Associations in writing by 1 April each year for authorisation to participate in Cross Border Competitions commencing in the following season; and

4.1.6. the Club, on being granted authorisation, enters into an agreement (in the form set out in the appendix to this Policy) with the National Associations in respect of the Club's participation in the Cross Border Competition.

4.2. Authorisation will only commence once the agreement has been signed and returned to the National Associations by someone authorised to do so on behalf of the Club.

#### **5. DETERMINATION OF APPLICATIONS**

5.1. When an application is submitted by a Club to the National Associations, the process set out below will be followed:-

- 5.1.1. Each National Association will consider the application independently of the other. Each National Association will have 14 calendar days from receipt of an application to review it and make submissions to the Joint Panel.
- 5.1.2. Within 28 calendar days of an application being received by the National Associations, a Joint Panel will be appointed and will meet to consider the Club's application.
- 5.1.3. A Joint Panel will be made up of three (3) individuals who will be chosen from a pool of six (6) ("**Pool**") individuals designated by the National Associations from time to time. The FA and The FAW will each appoint three (3) people to the Pool. In each particular case, the Joint Panel will be made up of two (2) members from a Club's Parent Association (who will be chosen by the Parent Association) and one (1) member from the other National Association (who will be chosen by the other National Association) as appropriate.
- 5.1.4. Where a Joint Panel member(s) perceives there to be an actual or potential conflict of interest on the part of a Joint Panel member(s) (which for the avoidance of doubt can include themselves) this must be declared to the National Associations at the earliest opportunity and, in any event, in advance of the determination of an application.
- 5.1.5. The applicant Club will be informed of the membership of the Joint Panel in advance of the Joint Panel sitting to decide the case. An applicant Club may challenge the appointment of any Joint Panel member if circumstances exist which give rise to an actual or perceived conflict of interest on the part of a panel member. If a Club intends to challenge the appointment of a Joint Panel member, the Club must declare this to the National Associations at the earliest opportunity and, in any event, before the Joint Panel sits to determine the Club's application.
- 5.1.6. If an objection in respect of the appointment of a Joint Panel member is raised, the National Associations will determine in their absolute discretion whether the relevant Joint Panel member(s) should be excluded from participating in the determination of an application. In the event that one of the National Associations determines that the Joint Panel member should be excluded, that Joint Panel member will be excluded. For the avoidance of doubt, if a Joint Panel member is to participate in the determination of an application once an objection has been raised, the National Associations must unanimously determine that the relevant member is entitled to participate and vote. If the National Associations decide in their absolute discretion that the relevant panel member(s) cannot participate, the National

Association who appointed the panel member shall appoint a replacement.

- 5.1.7. The Joint Panel will consider each application, the supporting documentation provided by the Club and the submissions of the National Associations and will make a decision in respect of whether to grant authorisation to a Club to play in a Cross Border Competition. The Joint Panel will make its decision by a majority vote. Each member of the Joint Panel must vote in respect of each application.
- 5.1.8. A Joint Panel can, if it determines that it is necessary, request any further information from a Club that it deems necessary in its absolute discretion in order to make its decision.
- 5.1.9. The Joint Panel will conduct its meetings in whatever way is most efficacious.
- 5.1.10. A decision will be made and communicated to the Club within 56 days of the Club making its application.
- 5.2. A Club whose application is refused will not be entitled to make a further application within a period of three (3) seasons of the decision to refuse the application.
- 5.3. Applications sent to The FA must be sent to the Sanctions and Registrations Department and applications sent to The FAW must be sent to the Competitions Department, who will review each application and make submissions to the Joint Panel.
- 5.4. A Club's application must be supported by letters from the league which the Club wants to join confirming that a place is available and any other information, including but not limited to, letters from a county football association in England and letters from an area association in Wales supporting the application and all relevant evidence that the requirements for authorisation as referred to in section 4 of this Policy have been met.

## **6. CONDITIONS THAT MUST CONTINUE TO BE FULFILLED IF A CLUB'S APPLICATION IS GRANTED**

- 6.1. Any authorisation to participate in a Cross Border Competition given by the National Associations pursuant to this Policy is subject to continued compliance by the Club with the following conditions:-
  - 6.1.1. The Club must continue to participate exclusively at Recreational Level.

- 6.1.2. A Club granted authorisation to play in Cross Border Competitions shall not be entitled to promotion to step 7 or above of the National League System or entitled to promotion to level 4 or above in Wales.
- 6.1.3. No period of participation in Cross Border Competitions permitted by this Policy may be relied upon by a Club seeking to establish exceptional circumstances in an application for authorisation to participate in Cross Border Competitions outside the scope of the Policy.
- 6.1.4. The Club must enter into an agreement with the National Associations in the form set out in the appendix to this Policy and must comply at all times with the terms of this agreement.
- 6.2. Authorisation to participate in a Cross Border Competition is given for a period of three (3) seasons. After a period of three (3) seasons, the authorisation automatically expires. At which point, the Club must reapply for authorisation in accordance with this Policy (or such policy as is in place from time to time in respect of participation in Cross Border Competitions).
- 6.3. The National Associations reserve the right to remove any authorisation given to a Club to participate in a Cross Border Competition in the event that a Club no longer complies with any of the provisions of this Policy.

## **7. RESTRICTIONS ON APPLICATIONS TO MOVE BACK AND FORTH**

- 7.1. Any Club that has been granted authorisation to participate in a Cross Border Competition but has then returned to their Parent Association's competitions will not be granted authorisation to move again within three (3) years of returning to their Parent Association.

## **8. DISCIPLINE**

- 8.1. All Clubs participating in Cross Border Competitions will be required to comply with the discipline procedures set out below.

### **8.1.1. Players**

Player discipline will be the responsibility of the National Association which sanctions the Cross Border Competition in which the player participates and will be in accordance with the discipline procedures of that National Association.

### **8.1.2. Clubs/teams**

Team discipline will be the responsibility of the National Association which sanctions the Cross Border Competition in which the team participates and will be in accordance with the discipline procedures of that National Association.

#### **8.1.3. Reciprocal discipline arrangement**

Discipline sanctions applied by one National Association will be recognised and applied by the other National Association. This applies in respect of all sporting and financial sanctions.

### **9. RECOURSE TO ARBITRATION**

- 9.1. If a Club wishes to appeal against a decision of the National Associations or the Joint Panel made under this Policy, the Club may refer the matter to independent arbitration as provided for by Rule K of The FA's Rules in respect of English Clubs and FAW Rule 146 in respect of Welsh Clubs.
- 9.2. Notwithstanding the above, as per section 8, discipline will fall to be dealt with by the procedures, including the appeal procedures, of the National Association which is responsible for the discipline of the Cross Border Competition.
- 9.3. Any Club wishing to appeal against the decision of the National Association or the Joint Panel made under this Policy will give notice of its intention to appeal by serving a written notice of arbitration (stating the nature of the dispute, specifying the relief claimed and requesting such matter be referred to independent arbitration) on the other party or parties to the dispute within twenty one (21) Business Days of the date of written notification of the decision appealed against.
- 9.4. Any notice of arbitration not served within twenty one (21) Business Days will be out of time and the appeal rejected unless the Club lodging the same can demonstrate to the reasonable satisfaction of the FAW in respect of Welsh Clubs or The FA in respect of English Clubs, that it was not reasonably practicable to serve the notice of arbitration within the time limit.