

FOOTBALL ASSOCIATION OF WALES

FIT AND PROPER PERSON TEST REGULATIONS - FOR MEN'S TIER 1 CLUB LICENCE HOLDERS AND APPLICANTS

1. DEFINITIONS AND INTERPRETATION

1.1 In these Regulations, unless expressly provided otherwise:

Capitalised words and expressions shall have the meanings given to them in the Association's Rules.

"Amendment" means any amendment which is required to be submitted by a Club in accordance with paragraphs 4.1 and/or 4.2 below.

"Appeals Body" shall have the meaning given to it in the Men's Tier 1 Club Licensing Regulations.

"Decision-Making Bodies" shall have the meaning given to it in the Men's Tier 1 Club Licensing Regulations.

"Disclosure" means a certificate disclosing criminal history and other relevant information issued by The Disclosure and Barring Service (DBS).

"Disclosure and Barring Service (DBS)" means the non-departmental public body of the United Kingdom government Home Office which operates in England, Wales, Northern Ireland (for barring decisions only), the Channel Islands, and the Isle of Man for the purpose of issuing certificates disclosing criminal history and other relevant information to organisations and any successor or replacement bodies therefor.

"First Instance Body" shall have the meaning give to it in the Men's Tier 1 Club Licensing Regulations.

"Foreign Owner" means (a) any natural person who is usually resident outside of the United Kingdom; and/or (b) any other legal person (including any corporate body) which is incorporated, and/or has its principal place of business, and/or has its primary registration outside of the United Kingdom.

"Insolvency Event" means any event or circumstance indicating that a corporate company is unable to pay its debts as they fall due, has suspended or threatened to suspend payment of its debts, has entered into or proposed any moratorium, arrangement or compromise with its creditors, has become subject to administration, receivership, liquidation or dissolution (other than for the purposes of a bona fide solvent reconstruction), or has suffered the appointment of any insolvency office-holder, or any analogous event or proceeding in any jurisdiction having a substantially similar effect.

"Men's Tier 1 Club Licence" means a licence granted by the Association confirming fulfilment of all mandatory minimum requirements by the Club, as part of the admission procedures for entering the Cymru Premier.

“Men’s Tier 1 Club Licensing Regulations” means the men’s club licensing quality standards and procedures set by the FAW from time to time to which all existing members of the Cymru Premier and those seeking promotion to the Cymru Premier must adhere.

“National Association” means a national association in membership of FIFA.

“Official Club Annual Return” means the annual return of Required Particulars relating to Relevant Club Personnel required to be submitted by each Clubs which is entitled to participate in the Cymru Premier in the then current Playing Season and/or wishes to be entitled to participate in the Cymru Premier in the forthcoming Playing Season, using the form prescribed by the Association from time to time, together with all changes from time to time to such return as are permitted by the Association’s Directors, all as set out in these Regulations.

“Personal Declaration” means the personal declaration required to be submitted by each Relevant Club Person using the form prescribed by the Association from time to time, together with all changes from time to time to such return as are permitted by the Association’s Directors, all as set out in these Regulations.

“Relevant Club Person” means any natural person that is required to be disclosed by the Club to the Association pursuant to Paragraphs L.03 or L.04 of the Men’s Tier 1 Club Licensing Regulations.

“Required Particulars” means, for each Relevant Club Person:

- (i) the name, service address, country or state (or part of the United Kingdom) in which the Relevant Club Person is usually resident, nationality and date of birth;
- (ii) confirmation of whether the Relevant Club Person is or will be a Foreign Owner themselves, or is or will be connected to a Foreign Owner which is another legal person (including a body corporate), or not;
- (iii) if the Relevant Club Person is or will be connected to a Foreign Owner which is another legal person (including a body corporate), the name, service address, country or state (or part of the United Kingdom) in which that Foreign Owner is incorporated, and/or has its principal place of business, and/or has its primary registration and any applicable registration number;
- (iv) full details of any Foreign Owner’s existing or proposed direct or indirect ownership or control of the Club;
- (v) the date on which that person became a Relevant Club Person and/or the date(s) on which any of their relevant details changed;
- (vi) any prospective known changes to their relevant details; and
- (vii) any other matter which the Club or the Relevant Club Person (as applicable and acting reasonably) believes might be relevant to determining whether the Relevant Club Person is fit and proper to hold their position(s) relating to the Club.

1.2 In these Regulations, unless expressly provided otherwise:

(a) a reference to any statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time, including any subordinate legislation from time to time made under

it and any amendment or re-enactment, and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts;

(b) words importing the singular only shall include the plural and vice versa;

(c) words importing natural persons shall include corporations;

(d) references to an “Regulation” are to the relevant regulation of these Regulations;

(e) references to “printed forms”, “forms” or “in writing” include the use of electronic media (using the systems and procedures set out by the Association from time to time); and

(f) any phrase introduced by the terms “including”, “includes” or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.

1.3 The headings in these Regulations are inserted for convenience only and shall not affect the construction of these Regulations.

2. EFFECTIVE DATE

These Regulations shall come into force and effect on 1st June 2026.

3. OFFICIAL CLUB ANNUAL RETURNS AND PERSONAL DECLARATIONS

3.1 Each Club which is entitled to participate in the Cymru Premier in the then current Playing Season or which wishes to be entitled to participate in the Cymru Premier in the forthcoming Playing Season shall submit to the Association in writing to the Association not later than 30th September in each year the Official Club Annual Return containing all Required Particulars about all Relevant Club Persons.

3.2 Each Relevant Club Person shall promptly notify their Club of their Required Particulars to enable the Club to comply with its obligations under Regulation 3.1 above.

3.3 As part of the Official Club Annual Return process, each Relevant Club Person shall provide a Personal Declaration (and their Club shall procure that they shall provide such Personal Declaration) to the Association in writing not later than 30th September in the relevant first year, utilising the form prescribed by the Association’s Directors, that:

(a) they have been furnished with a copy of these Regulations and that, having read these Regulations, the Required Particulars about them (and/or the contents of any supporting personal statement or curriculum vitae that they wish to submit) is complete, true and accurate; and

(b) they are a fit and proper person to hold their position(s) relating to the Club.

3.4 A Relevant Club Person who provides the required Personal Declaration to the Association in the relevant first year in accordance with paragraph 3.3 above shall not be required to provide a Personal Declaration in any subsequent year unless: (a) Regulation 4 below applies; or (b) the Association requests an updated Personal Declaration from them.

4. AMENDMENTS

4.1 In addition and without prejudice to the requirements imposed on each Club under Regulation 3.1 to 3.2 (inclusive) above, during the intervening period between each Official Club Annual Return, each Club shall notify:

(a) any proposed amendments to the Required Particulars of any existing Relevant Club Person who was listed on their last Official Club Annual Return; and

(b) the Required Particulars for any proposed new Relevant Club Person,

in each case to the Association from time to time by submitting any such Amendments to the Association in writing by means of the relevant form as prescribed by the Association's Directors from time to time within ten (10) Business Days of the effective date of such proposed Amendments arising or coming to the attention of the relevant Club.

4.2 Notwithstanding the foregoing, in the event that any such Amendment relates to a resignation, the Club is required to notify the Association in writing of such Amendment as soon as reasonably practicable after the resignation is effective.

4.3 Each Relevant Club Person shall promptly notify their Club of their Required Particulars and any changes in their Required Particulars to enable the Club to comply with its obligations under Regulations 4.1 and 4.2 above.

5. THE ASSOCIATION'S DECISION-MAKING BODIES

5.1 Article 7 (Decision-Making Bodies) of the Men's Tier 1 Club Licensing Regulations shall apply to decisions about whether a Relevant Club Person is a fit and proper person pursuant to these Regulations, amended as expressly stated in these Regulations and as otherwise necessary to give effect to these Regulations.

5.2 Each Decision-Making Body hereby reserves their discretion as to whether or not each Relevant Club Person is a fit and proper person, after due consideration of all relevant facts and evidence which the relevant Decision-Making Body has in their possession and knowledge, including the following list which is acknowledged to be illustrative and not exhaustive:

(a) in relation to the assessment of whether they are fit and proper, they have failed to provide all relevant information, or provided false, misleading or inaccurate information;

(b) they are bankrupt or have made any arrangement or composition with their creditors generally which is current, or has been bankrupt or made any arrangement or composition with their creditors generally on two (2) or more occasions, irrespective of whether any such bankruptcy or arrangement or composition has been discharged;

(c) they are under or are pending suspension imposed or confirmed by the Association;

(d) they are listed in the Official Club Annual Return of another Club;

(e) they are currently participating as a Player or Team Official of another Club in the Men's National Leagues, or as a Match Official, or is a Football Agent;

(f) they are the subject of an endorsed Disclosure from DBS or by an equivalent body or court of competent jurisdiction anywhere in the world;

(g) they have been disqualified as a director pursuant to a disqualification order granted under the Company Directors' Disqualification Act 1986 within the previous five (5) years or was serving a disqualification as a director pursuant to such Act at any time within the previous five (5) years or has been subject to two (2) disqualifications as a director pursuant to such Act, irrespective of when such disqualifications were imposed;

(h) they have been convicted (whether within or outside Wales) within the last ten (10) years of (i) an offence liable to imprisonment of two (2) years or over or (ii) any offence involving any act which could reasonably be considered to constitute or involve corruption, dishonesty, fraud, violence, a sexual offence, perverting the course of justice or a serious breach of any requirement under the Companies Act 2006 or the Companies Act 1985 (or any equivalent legislation anywhere in the world);

(i) they are subject to any unsatisfied judgment or court order for payment of any monetary amount (provided all appeal rights have been exhausted);

(j) they are subject to a suspension or ban from involvement in the administration of a sport by any ruling body of a sport that is recognised by the International Olympic Committee, UK Sport, Sport Wales, another sports council of any part of the United Kingdom, or any other national or international sporting association or governing body, whether such suspension or ban is direct or indirect;

(k) they have been suspended or expelled by FIFA, UEFA or a National Association from involvement in the administration of an association football club;

(l) they are subject to any form of suspension, disqualification or striking-off by any organisation which the Decision-Making Body considers to be a professional body, whether such suspension, disqualification or striking-off is direct or indirect;

(m) they are subject to a suspension or ban or other form of disqualification by any United Kingdom government or Welsh government appointed regulatory body and/or any equivalent body of competent jurisdiction anywhere in the world;

(n) they have been subject to two (2) or more suspensions, bans, disqualifications, expulsions or striking-offs as set out in Regulations 5.2(j) to (m) (both inclusive) above, irrespective of whether they are current or not;

(o) they have been removed from acting as a trustee of a pension scheme by the Pensions Regulator or a court, or have otherwise seriously contravened the pensions regulatory system (whether in the United Kingdom or by any equivalent body or court of competent jurisdiction anywhere in the world);

(p) they have held a role equivalent to being a Relevant Club Person in connection with an association football club in membership of a National Association within the five (5) year period preceding such club having undergone an Insolvency Event;

(q) they are currently under or is pending suspension imposed by or confirmed by FIFA, UEFA, or a National Association in accordance with any applicable anti-doping or match fixing code, rules, or regulations;

(r) they are the subject of a penalty applied by a Judicial Body; or

(s) they (or any entity of which they are a shareholder, director or equivalent) are or have been at any time in the preceding five (5) year period been subject to sanctions imposed by the United Kingdom government.

5.3 In the event that a Decision-Making Body determines that a Relevant Club Person is not fit and proper to hold their position(s) relating to the Club, the Decision-Making Body shall determine (in its sole discretion) what, if any, actions/consequences will apply in such circumstances. The Decision-Making Body shall notify both the Club and the Relevant Club Person in writing of any decisions it has made under this Regulation 5.3.

5.4 Each Club and each Relevant Club Person, by allowing their details to be included on each relevant Official Club Annual Return, each relevant Personal Declaration and/or any Amendment, thereby agrees:

(a) to be bound by, comply with and be subject to these Regulations and the Rules and other Regulations of the Association (as amended from time to time); and

(b) that the Association's decision on all matters shall be final and binding, subject to any appeals or arbitration procedure available in terms of or promulgated under the Association's Rules or these Regulations,

and the Official Club Annual Return, the Personal Declaration and any Amendment, shall display prominently a notice to this effect.

5.5 Each Club and each Relevant Club Person shall give full effect to all decisions of the Decision-Making Bodies pursuant to this Regulation 5, subject to all rights of appeal by the Club and Relevant Club Person having been waived or exhausted.

5.6 The Association shall be entitled to publish any decision by a Decision-Making Body, including any Required Particulars provided to it pursuant to Regulation 3 or 4 above or to the Decision-Making Bodies pursuant to this Regulation 5, to the extent that the Club or the Relevant Club Person (or any associated person) is required by law (or has otherwise elected) to keep such Required Particulars available for inspection or submit them to a public register pursuant to Chapter 3 or Chapter 4 of Part 21A of the Companies Act 2006 (or any equivalent legislation anywhere in the world). For the avoidance of doubt, the Association shall not publish any such Required Particulars which are not otherwise generally available to the public, or which are subject to protection from disclosure pursuant to section 790ZF of the Companies Act 2006 or regulations made pursuant to section 790ZG of the Companies Act 2006 (or any equivalent legislation anywhere in the world).

6. FOREIGN OWNERS

6.1 This Regulation 6 applies to any Club:

(a) to which these Regulations generally apply; and

(b) in which any Foreign Owner has or will have, directly or indirectly:

(i) 10% or greater legal and/or ultimate beneficial ownership of the Club, and/or

(ii) 10% or greater control of the shareholder or member voting rights in the Club.

6.2 The Association's Directors may require any relevant Club to provide security for that Club's existing and/or future Football Related Liabilities in an amount to be decided at the Association's Directors discretion and in a form acceptable to the Association by 30th September in the first relevant year or by such other date as may be set by the Association's Directors. The Association's Directors may specify the nature of any such security, which may include the provision of a bank guarantee, the provision of a legal charge, and/or the payment of a deposit by the Club, in each case to the Association.

6.3 The Association's Directors shall agree to release any such security if they are satisfied that:

(a) Regulation 6.1 above ceases to apply to the relevant Club; and

(b) the Club is able to meet its then current Football Related Liabilities.

6.4 Each relevant Club, Relevant Club Person and Foreign Owner shall promptly co-operate with, and respond to any request for information from, the Association's Directors to enable the Club to comply with its obligations under this Regulation 6.

7. DISCIPLINARY PROCEEDINGS

7.1 If a Club or a Relevant Club Person or Foreign Owner fails to comply with its or their obligations under these Regulations, the Association may bring a charge of an alleged Disciplinary Offence.

7.2 The Judicial Bodies will have jurisdiction to hear any such charge and any such related appeal and to impose related penalties or sanctions as prescribed within the Association's Rules.

As approved by the FAW Board May 868

Ends