

Football Governance (Supporters' Participation) Bill

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TO

Require football clubs to offer for sale to their supporters a specified percentage of shares in the club upon a change of ownership; to require that a minimum number of places on the club's board be set aside for election by a qualifying supporters' organisation; to define what constitutes a qualifying supporters' organisation; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Qualifying supporters' organisations

- (1) The Secretary of State shall establish qualifying football supporters' organisations for the purposes of this Act, including provision for their constitution, membership, monitoring, oversight and federation, and for any other matter which the Secretary of State considers is required. 5
- (2) A qualifying football supporters' organisation shall be known as a "football club supporters' association" ("FCSA").
- (3) There may be no more than one FCSA per football club to which any supporter, or group of supporters, of that club are entitled to join.
- (4) An FCSA shall have the right to appoint at least two, and up to one quarter, of the members of the relevant football club's board. 10
- (5) An FCSA shall be entitled to preferential opportunities to purchase up to 10% of the shares of the relevant football club circumstances where shares in the club are offered for sale amounting, or equivalent, to a change of ownership.
- (6) The organisers of competitions in the top eight levels of professional and semi-professional football in England and Wales shall may not make any rule forbidding, inhibiting or discriminating against a football club in relation to the participation of its FCSA in club governance. 15

2 Property

Regulations under this Act may provide for the creation of rights or interests, or the imposition of liabilities or conditions, in relation to property (or an interest in property) of any description.

3 Regulations

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- (1) The Secretary of State shall in particular make provision by regulation for –
 - (a) the types of football club to which this Act shall apply,
 - (b) the steps that persons, a supporters' organisation, or a number of supporters' organisations, must take to form or join a qualifying football club supporters' association (FCSA), 10
 - (c) the information that must be provided to an FCSA about a relevant football club, including details about –
 - (i) how the club makes decisions affecting its management, operation or governance, and
 - (ii) how, and by whom, the club and any property connected with it is owned or held, 15
 - (d) in which types of decision affecting management, operation or governance of a relevant football club, its FCSA must be involved, and
 - (e) the manner in which an FCSA is to be involved in those decisions.
- (2) Regulations made under this Act may, in particular, make provision for or in connection with – 20
 - (a) the things which the regulations may facilitate ownership of, including, in particular –
 - (i) any entity which owns, operates or controls a football club,
 - (ii) a shareholding or other interest in such an entity, and 25
 - (iii) any asset (including any right or liability) of the football club or such an entity,
 - (b) the valuation of anything mentioned in paragraph (a),
 - (c) the requirement, restriction or prevention of the sale or transfer of anything which is, or may become, subject to the rights conferred by regulations. 30

4 Offence

- (1) The Secretary of State may designate certain decisions, or types of decisions, within the duties, responsibilities and powers of a relevant football club, or a body or person responsible for its management, operation or governance, as requiring – 35
 - (a) specified notice to,
 - (b) consultation of, or
 - (c) consultation of, or
 the relevant FCSA. 40
- (2) It shall be an offence for a football club to make, and act upon, a decision designated under subsection (1) without first taking the steps required under paragraphs (1)(a) to (c) as may be the case.
- (3) An entity or person who is convicted of an offence under subsection (2) shall be subject to a fine. 45

5 Regulations and consultation: procedure

- (1) Any power or requirement under this Act may be exercisable by statutory instrument.
- (2) No instrument containing regulations or orders under this Act is to be made unless –
 - (a) the Secretary of State has consulted such body or bodies as appear to him to be representative of the interests of football clubs, the leagues in which they play, their players and their supporters, and such other persons as he considers appropriate. 5
 - (b) a report of the public consultation under paragraph (a) has been published, accompanied by a statement by the Secretary of State in response, and 10
 - (c) a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (3) Subsection (2)(a) and (b) shall not apply where the Secretary of State lays a statement before each House of Parliament declaring himself satisfied that a public consultation under paragraph (a) is not necessary because the regulations are technical in nature or intended only to make minor updates to previous regulations made under this Act. 15
- (4) The first regulations under this Act are to be laid no later than the end of the period of 18 months beginning with the day specified in section 6(2) of this Act. 20

6 Short title, commencement and extent

- (1) This Act may be cited as the Football Governance (Supporter's Participation) Act 2016.
- (2) This Act comes into force on the day after the day it receives Royal Assent. 25
- (3) This Act extends to England and Wales.

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To require football clubs to offer for sale to their supporters a specified percentage of shares in the club upon a change of ownership; to require that a minimum number of places on the club's board be set aside for election by a qualifying supporters' organisation; to define what constitutes a qualifying supporters' organisation; and for connected purposes.

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