



# **Bermuda Football Association Club Licensing Regulations**

**2020**



## **Preamble**

- The following are regulations of the Bermuda Football Association, (“**BFA**”), which reflect the principles of the FIFA and Concacaf Club Licensing Regulations.
- The BFA recognizes the everyday effort club stakeholders, especially their Executive or Management Committees and administrators, devote to footballers including youth and senior, female and male, to have an opportunity to play football, beach soccer and futsal. These efforts also contribute to bringing the beautiful game to fans at the stadiums, on the internet, on their television screens and on the radio so that football may be enjoyed by all.
- The Club Licensing Regulations (“**the Regulations**”) have been designed as a development tool for all football clubs in Bermuda. The criteria outlined in these regulations have been carefully selected to serve as guidelines for clubs looking to increase their professionalism.

# CONTENTS

Interpretation/Glossary	1
-------------------------	---

## **Section I: Introduction**

Article 1	Goals of the Club Licensing Project	2
Article 2	The Two Levels of Criteria	2
Article 3	Scope of Application	2

## **Section II: BFA Club Licensing System**

Article 4	Exception Policy	3
Article 5	BFA Responsibilities	3
Article 6	The BFA Club Licensing Administration	3
Article 7	The Football Club	3
Article 8	The License	4
Article 9	The Club Licensing Decision-Making Bodies	4
Article 10	The Decision-Making Procedure	5
Article 11	Equal Treatment and Confidentiality	5
Article 12	Concacaf Spot Checks	5
Article 13	FIFA Spot Checks	6
Article 14	Sanctions	6
Article 15	Option for the BFA to Delegate the Club Licensing System to an External Entity	6

## **Section III: BFA Club Licensing Criteria**

<b>Infrastructure Criteria</b>	<b>6</b>	
Article 16	Club Infrastructure Form	6
Article 17	The Stadium or Club Facility (Domestic Competitions)	7

Article 18	The Training Fields	7
Article 19	The Headquarters	7
Article 20	The Stadium or Club Facility (Regional Competitions)	7

**Sporting Criteria** 7

Article 21	Club Youth Development	7
Article 22	Head Coach	7
Article 23	Online Player Registrations	7
Article 24	Assistant Coach	8
Article 25	Youth Teams	8
Article 26	Youth Team Coach	8
Article 27	Medical Care	8
Article 28	Online Registration of All Club Teams	8

**Administration Criteria** 8

Article 29	Club General	8
Article 30	Executive Committee	8
Article 31	Media Officer	8
Article 32	Finance Officer	9
Article 33	Marketing Officer	9
Article 34	Medical Staff	9
Article 35	Security Officer	9

**Financial Criteria** 9

Article 36	Club Finance	9
Article 37	Budget and Financial Reporting	9
Article 38	Financial Statements	9

<b>Legal Criteria</b>		10
Article 39	Legal Declaration	10
Article 40	Ownership and Control of Clubs	10
Article 41	Statutes and Charitable Status	10
Article 42	Anti-Racism Protocol	11
Article 43	Written Contracts with Professional Players	11
<b>Social Responsibility Criteria</b>		11
Article 44	Observances	11
<b><u>Section IV: Final Provisions</u></b>		
Article 45	Authoritative Text	11
Article 46	Language of Correspondence	12
Article 47	Adoption and Entry into Force	12

## **Interpretation/Glossary**

**Administration** refers to the BFA Executive Council and where applicable the Secretariat of the Association.

**Appeal Committee** is the Club Licensing Appeal Committee whose primary function is to review submitted appeals based on the Club Licensing Committee's decision to deny/grant the license of a club (or clubs).

**BFA** is the Bermuda Football Association which is the governing body for football in Bermuda.

**CFU** is the Caribbean Football Union.

**Committee** refers to the Decision-Making Bodies under the Club Licensing Regulations specifically the Club Licensing Committee ("CLC") and the Club Licensing Appeal Committee ("CLAC").

**Concacaf** is the Confederation of North, Caribbean and Central American Football and is the regional governing body for football.

**FIFA** is the Fédération Internationale de Football Association and the world governing body for football.

**First Instance Body** is the Club Licensing Committee whose primary function is to determine whether to approve or deny the license application of all clubs based on the documentation provided by the submission deadlines.

**Licensed Coach** is one who has been suitably licensed by the BFA through the Player Development Committee.

**Natural Persons** refers to individuals.

**Qualified Coach** is one who has obtained the minimum standard in accordance with the BFA's coaching licensing pyramid.

**Stadium or Club Facility** refers to the location where clubs conduct, organize and play football.

## **Section I: Introduction**

### **Article 1: Goals of the Club Licensing Project**

1. The overall aim of Club Licensing is to raise the level of club football. With this in mind, four main goals have been developed:
  - a. Understand and safeguard club football;
  - b. Raise the level of professionalism in club football administration;
  - c. Identify and share best practices of our clubs and leagues; and
  - d. Formalize requirements for participation in domestic and regional club competitions.

### **Article 2: The Two Levels of Criteria**

2. The criteria described in the Regulations are divided into two separate categories and have been defined as follows:
  - a. Domestic Criteria: the fundamental items and procedures that the following categories of clubs need to meet in order to participate in domestic club competitions of the BFA commencing with the 2020 - 2021 season:
    - i. All Full Member Clubs
  - b. Regional Criteria: the fundamental items and procedures that every club who has qualified by sporting merit to a Concacaf club competition needs to meet in order to participate.

***These criteria will need to be met by clubs as of the 2020 - 2021 edition of the Concacaf Champions League.***

### **Article 3: Scope of Application**

- 3.1 These Regulations apply to the following categories of clubs which participate in domestic leagues at the BFA, as well as those clubs aiming to participate in Concacaf club competitions:
  - a. Premier and First division football clubs;
  - b. Women's football clubs (if applicable);
  - c. Beach soccer clubs (if applicable);
  - d. Futsal clubs (if applicable).
- 3.2 These Regulations govern the rights, duties and responsibilities of all parties involved in the BFA Club Licensing system and define in particular:
  - a. the minimum requirements to be fulfilled by the BFA in order to act as the licensor for our clubs;
  - b. the license applicant (club) and the license required to enter the domestic club competitions and Concacaf club competitions;

- c. the minimum infrastructure, sporting, administration, financial, legal and social responsibility criteria to be fulfilled by a club in order to be granted a license by the BFA as part of the admission procedure to enter the domestic or Concacaf club competition.

## **Section II: BFA Club Licensing System**

### **Article 4: Exception Policy**

4. The Concacaf Administration may grant exceptions to the provisions set out in these regulations.

### **Article 5: BFA Responsibilities**

5. The BFA is the licensor of the Club Licensing system and is therefore in charge of implementing the Club Licensing system at the national level. For the implementation of the national Club Licensing system, the BFA will:
  - a. Include a provision regarding Club Licensing in the Statutes. As an alternative, the Club Licensing system may also be based on a binding agreement between the club and the BFA;
  - b. Appoint a Club Licensing Manager for the BFA;
  - c. Adapt the Concacaf Club Licensing Regulations to national Club Licensing Regulations to be recognized by Concacaf;
  - d. Appoint or elect the Decision Making Bodies;
  - e. Establish a Catalogue of Sanctions as outlined in Article 14.

### **Article 6: The BFA's Club Licensing Administration**

6. Upon completion of the tasks outlined in Article 5, the BFA's Administration, under the guidance of the Club Licensing Manager, will:
  - a. Finalize the Club Licensing Support Manual;
  - b. Determine deadlines for documentation to be presented by the clubs to the BFA Club Licensing Manager;
  - c. Send invitation letters to all local clubs to apply for a national license;
  - d. Review documentation submitted by clubs;
  - e. Meet with each club during the licensing process;
  - f. Base the license decision-making process on a two-instance approach (i.e. first instance and appeal instance);
  - g. Inform Concacaf of all license decisions (approvals and denials).

### **Article 7: The Football Club**

- a. The football club is defined as being the legal entity fully responsible for a football team which participates in national and international club competitions and is a member of or is affiliated to the BFA.
- b. The status of a football club (professional, semi-professional or amateur) is not relevant to the issue of a license.
- c. The legal form or structure of a football club is not relevant to the issue of a license.



- d. Only a registered member or an affiliate of the BFA may apply for a license. Natural persons may not apply for a license.
- e. The club is fully responsible for participation in national and international football competitions as well as the fulfillment of the Club Licensing criteria within the deadlines established by Concacaf and the BFA.

#### **Article 8: The License**

- 8.1 The BFA will issue a written invitation to the football clubs to apply for a License. The club applying for a License must submit a written application to the BFA. In this application, the club must, in particular, declare that it shall fulfill the obligations of the licensing system.
- 8.2 Only clubs which fulfill the criteria established in these Regulations by the relevant deadline will receive a License.
- 8.3 Licenses will be issued by the BFA according to the provisions of these Regulations.
- 8.4 The BFA will indicate the License expiration date.
- 8.5 A License may be withdrawn by the Club Licensing decision-making bodies during a season if:
  - a. for any reason a club becomes insolvent and enters into liquidation during the season, as determined by the applicable national law (where a club becomes insolvent but enters administration during the season, the license should not be withdrawn as long as the purpose of the administration is to rescue the club and its business);
  - b. any of the conditions for the issue of a License are no longer satisfied; or
  - c. the club violates any of its obligations under the BFA Statutes or other relevant rules and regulations.

#### **Article 9: The Club Licensing Decision-Making Bodies**

- 9.1 The BFA shall establish two Club Licensing decision-making bodies, namely the Club Licensing Committee (“CLC”) and the Club Licensing Appeal Committee (“CLAC”) together referred to as the “Committees”, which can be appointed or elected.
- 9.2 The Committees shall be independent from each other. They shall receive administrative support from the BFA Administration. A member of the Committees must in all cases immediately abstain from participating in the licensing process if there is any doubt as to his/her independence towards the club or if there is a conflict of interest.
- 9.3 The BFA may nominate BFA administrative staff as members of the CLC, with the exception of the Club Licensing Manager.
- 9.4 The CLC shall decide on whether a License shall be granted to a club on the basis of the documents provided and in accordance with the provisions of the Regulations at the submission deadline set by the BFA.
- 9.5 The CLAC shall decide on appeals submitted in writing and make a final and binding decision on whether a License shall be granted or any other decision as required by these Regulations.
- 9.6 All decisions by the Committees must be made in writing and if a License is rejected, the reason for refusal must be provided.

- 9.7 The BFA may delegate the duties of the Committees to other existing bodies (e.g. Standing Committees).

#### **Article 10: The Decision-Making Procedure**

10. In the Support Manual, the BFA shall define procedural rules with respect to decision-making. These shall, as a minimum, regulate the following standards:
- a. deadlines (e.g. submission deadlines);
  - b. the principle of equal treatment;
  - c. representation (e.g. legal representation);
  - d. the right to be heard (appeal hearing);
  - e. official language(s);
  - f. time limit to issue a request (e.g. calculation, compliance, interruption and extension thereof);
  - g. time limit to appeal;
  - h. effect of the appeal;
  - i. type of evidence requested;
  - j. burden of proof (e.g. club has burden of proof);
  - k. decisions (in writing with reasoning, etc.);
  - l. ground for complaint;
  - m. content and form of pleading;
  - n. deliberation and hearings;
  - o. cost of procedure, administrative fee and deposit.

#### **Article 11: Equal Treatment and Confidentiality**

- 11.1 The BFA ensures equal treatment of all clubs applying for a License.
- 11.2 The BFA guarantees the clubs full confidentiality with regard to all information submitted during the licensing process. Anyone involved in the licensing process or appointed by the BFA shall and must sign a confidentiality agreement before assuming their tasks.

#### **Article 12: Concacaf Spot Checks**

- 12.1 Concacaf reserves the right to conduct spot checks, at any time, on the BFA and/or the clubs, stadiums, training facilities and headquarters.
- 12.2 FIFA has the right to request Concacaf to carry out a specific spot check.
- 12.3 The spot checks aim to ensure licenses have been correctly awarded by the BFA at the time of the final and binding decision.
- 12.4 Upon FIFA's request, Concacaf shall send to FIFA, comprehensive reports about the results of the spot checks.
- 12.5 If Concacaf determines that the BFA issued a License in breach of its own Statutes, rules and regulations and Concacaf Club Licensing Regulations, the BFA may be sanctioned by Concacaf's Disciplinary Committee in accordance with the applicable disciplinary regulations. If deemed appropriate, the matter may also be referred to Concacaf's Ethics Committee.

### **Article 13: FIFA Spot Checks**

- 13.1 In the event that Concacaf fails to implement a spot check procedure, does not carry out spot checks to the BFA or does not send to FIFA, at its request, comprehensive reports about the result of the spot checks, FIFA may set Concacaf deadline to do so. If this deadline is not respected by Concacaf, FIFA has the right to carry out the spot checks directly. The BFA is obliged to cooperate with FIFA for this purpose and provide FIFA with full access to the files.
- 13.2 If FIFA realizes that the BFA has issued a license in breach of its own Statutes, rules and regulations and Concacaf Club Licensing Regulations, FIFA may inform Concacaf so the latter can sanction the BFA in accordance with Article 12. In the event that Concacaf fails to take action or fails to impose sanctions, FIFA may set Concacaf a deadline to do so. If this deadline is not respected by Concacaf, the FIFA Disciplinary Committee has the right to sanction the BFA directly in accordance with the FIFA Disciplinary Code.

### **Article 14: Sanctions**

14. Under the Regulations or the Support Manual, the BFA will establish Sanctions for the Club Licensing system (e.g. for non-fulfillment of Domestic Criteria). The Sanctions are:
- a. a caution;
  - b. a fine;
  - c. the obligation to submit evidence or fulfill certain conditions by a certain deadline;
  - d. the deduction of points;
  - e. a prohibition on concluding new player releases and late transfers;
  - f. a prohibition of voting at any Congress meeting
  - g. a prohibition of participating in the FA Cup or any other Cup competition.

### **Article 15: Option for the BFA to Delegate the Club Licensing System to an External Entity**

- 15.1 The BFA may delegate the Club Licensing system to an external entity, subject to the approval of Concacaf's General Secretariat.
- 15.2 The BFA, as a member of Concacaf, remains fully responsible for the proper implementation of the Club Licensing system, regardless of whether or not there is a delegation.

## **Section III: BFA Club Licensing Criteria**

### **I. INFRASTRUCTURE CRITERIA**

Implementation of the Infrastructure Criteria is aimed at ensuring that clubs have adequate facilities for all matches and training sessions, as well as informing clubs of the minimum requirements their facilities must comply with in order to participate in Concacaf club competitions.

#### **Domestic Criteria**

### **Article 16: Club Infrastructure Form**

16. The club must accurately complete and submit the Club Infrastructure Form.

**Article 17: The Stadium or Club Facility (Domestic Competitions)**

- 17.1 The club must have facilities available to host home matches through one of the following options:
- a. The club legally owns their facilities; or
  - b. The club rents or is permitted to use facilities free of charge. The club must provide a copy of the written contract or agreement with the owner of the facility. The contract or agreement specifying the club’s use of the facility for all home matches should be, at a minimum, for the duration of the upcoming season.
  - c. The BFA will conduct an annual facility inspection to assess the suitability of the club’s facilities for hosting football matches.
- 17.2 The field of play must comply with the FIFA Laws of the Game.

**Article 18: The Training Fields**

18. The club must have access to training facilities and must inform the BFA of the location of their training facility.

**Article 19: The Headquarters**

19. The club must have a registered address with the BFA which represents the headquarters of the club.

Regional Criteria:

**Article 20: The Stadium or Club Facility (Regional Competitions)**

20. The stadium or club facility registered by the club to host home matches must meet all the requirements of the Concacaf club competition the club is aiming to participate in.

**II. SPORTING CRITERIA**

Implementation of the Sporting Criteria is aimed at identifying and increasing the number of footballers and coaches while improving the experience for youth players at club level.

Domestic Criteria:

**Article 21: Club Youth Development**

- a. The club must accurately complete and submit the Club Youth Development Form.
- b. All Clubs must have at least one youth team (between U-6 and U-16) by the 2020 - 2021 football season.

**Article 22: Head Coach**

22. The club must appoint Licensed Coaches for all teams in accordance with the BFA’s coaching qualification program.

The club must appoint a qualified Head Coach to the first team and licensed coaches for all youth teams in accordance with the BFA’s coaching qualification program.

**Article 23: Online Player Registrations**

23. All players and coaches must be registered with the BFA through the online player registration.

Regional Criteria:

**Article 24: Assistant Coach**

24. The club must appoint a qualified Assistant Coach to the first team.

**Article 25: Youth Teams**

25. The club must have, at a minimum, one youth team between the ages of 10 to 20 years of age.

**Article 26: Youth Team Coach**

26. The club must appoint a qualified coach to the youth team in Article 25.

**Article 27: Medical Care**

27. All first team players must undergo and pass an annual medical examination and have medical insurance.

**Article 28: Online Registration of All Club Teams**

28. All coaches and players, including youth players at or above the age of 10, must be registered with the BFA through MyCONCACAF.com or with the BFA through its online player registration platform.

**III. ADMINISTRATION CRITERIA**

Implementation of the Administration Criteria is aimed at encouraging clubs to appoint individuals to key administrative roles in order to increase the level of professionalism at the organizations.

Domestic Criteria:

**Article 29: Club General**

29. The club must accurately complete and submit the Club General Form.

**Article 30: Executive Committee**

- a. The Club must comply with the BFA Statutes Article 6 under Application for Membership to the Association (a) Full Membership;
- b. The Club must comply with BFA Statutes Article 7 under Members Rights;
- c. The Club must comply with BFA Statutes Article 8 under Members Obligations;
- d. The club must hold an Annual General Meeting and elect an Executive Committee that is responsible for running its operations by the start of the 2020 - 2021 football season.

**Article 31: Media Officer**

31. The club must identify a Media Officer who is responsible for its media operations by the start of the 2020 - 2021 football season

### **Article 32: Finance Officer**

32. The club must appoint a Treasurer or Finance Officer who is responsible for its financial operations by the start of the 2020 - 2021 football season. This individual can be either a person elected to the club's Executive or Management Committee, the club's administration or an external partner mandated by the club through a written contract.

### **Article 33: Marketing Officer**

33. The club must identify a Marketing Officer who is responsible for its marketing activities by the start of the 2020 - 2021 football season.

#### Regional Criteria:

### **Article 34: Medical Staff**

34. The club must appoint to the first team at least one doctor and one physiotherapist certified by the national health authorities.

### **Article 35: Security Officer**

35. The club must appoint a Security Officer who is responsible for its safety and security operations.

## **IV. FINANCIAL CRITERIA**

Implementation of the Financial Criteria is aimed at assisting the club with its financial management and the BFA with understanding the financial capabilities of the clubs, while safeguarding the continuity of club competitions.

#### Domestic Criteria:

### **Article 36: Club Finance**

36. The club must accurately complete and submit the Club Finance Form.

### **Article 37: Budget and Financial Reporting**

- a. The club must prepare and submit a budget for the upcoming fiscal year;
- b. The Club must prepare monthly management reports for its monthly Executive meeting and annual financial statements and present the same at their Annual General Meeting;
- c. Club must declare whether or not it has and maintains its charitable status.

#### Regional Criteria:

### **Article 38: Financial Statements**

38. The club must prepare and submit its audited Financial Statements (Balance Sheet, Income Statement and Audit Reports) from 2019 - 2020.

## **V. LEGAL CRITERIA**

Implementation of the Legal Criteria is aimed at assisting the BFA with protecting the integrity of club competitions, while formalizing the legal structures of clubs.

### **Domestic Criteria:**

#### **Article 39: Legal Declaration**

- 39.1 The club must submit the valid declaration provided by the Association confirming the following:
- a. It recognizes as legally binding the Statutes, rules and regulations and decisions of FIFA, Concacaf, CFU and the BFA;
  - b. It recognizes the exclusive jurisdiction of CAS (the Court of Arbitration for Sport in Lausanne) for any dispute of international dimension and in particular involving FIFA, Concacaf, CFU and the BFA;
  - c. It recognizes the prohibition on recourse to ordinary courts under the FIFA Statutes and the Concacaf Statutes;
  - d. At national level, it will play in competitions that are recognized and endorsed by the BFA;
  - e. At regional level, it will participate in competitions recognized by Concacaf and CFU. For the avoidance of doubt, this provision does not relate to friendly matches;
  - f. It undertakes to abide by and observe the provisions and conditions of all local rules and regulations as it pertains to football and the BFA;
  - g. All submitted documents under the Club Licensing system are complete and accurate;
  - h. It authorizes the competent Club Licensing authority to examine documents, seek information and in the event of any appeal procedure, seek information from any relevant public authority;
  - i. It acknowledges that Concacaf reserves the right to conduct spot checks at national level to review the assessment and decision-making processes;
  - j. It acknowledges that FIFA reserves the right to conduct spot checks at national level to review the assessment and decision-making processes.
- 39.2 This declaration must be executed by an authorized signatory of the club.

#### **Article 40: Ownership and Control of Clubs**

40. The club must submit a legally valid declaration outlining the ownership structure (if applicable) and control mechanism of the club.

#### **Article 41: Statutes and Charitable Status**

41. The club must provide the following documents to the Association:
- a. A copy of the club's updated valid Statutes (Constitution and Bylaws);
  - b. Letter from the Charities Commission containing information on the club (such as name, address, legal status, list of authorized signatories, etc.) and confirm if the club has charitable status.

## Regional Criteria:

### **Article 42: Anti-Racism Protocol**

42. The club must inform (and instruct) its players, officials and fans of the Concacaf Anti-Racism protocol for matches.

### **Article 43: Written Contracts with Professional Players**

43. All professional players employed by the club must have a written employment contract with the club (see Articles 2 and 5 of the FIFA Regulations on the Status and Transfer of Players).

## **VI. SOCIAL RESPONSIBILITY CRITERIA**

Implementation of the Social Responsibility Criteria will be aimed at increasing the involvement and impact of clubs in their local communities.

### **Article 44: Observances:**

- a. Security: Club acknowledges the BFA Safety and Security regulations and accepts responsibility for any breaches of these regulations;
- b. Integrity: Club acknowledges that match-fixing is against the sporting ideals of football and will be responsible for ensuring that it players, coaches and members resist any attempts to manipulate the results of all matches they participate under the auspices of the BFA;
- c. BASBEC: The Club agrees to abide by the provision contained in the BFA Bermuda Anti-Social Behaviour Policy;
- d. SCARS: Club agrees that all persons working with the Club youth program will undergo SCARS training and provide evidence that all such persons have been SCARS certified before the start of the 2020 - 2021 football season.
- e. First Aid: Club agrees that at least one person per team registered with the Association will undergo first aid training and provide evidence that all such persons have been trained by a recognized agency before the start of the 2020 - 2021 football season.

## **Section IV: Final Provisions**

### **Article 45: Authoritative Text**

45. If there is any discrepancy in the interpretation of these Regulations, then the BFA Executive Council shall decide and if said discrepancy still exist then Concacaf and FIFA shall be consulted.



**Article 46: Language of Correspondence**

46. All correspondence between Concacaf and the BFA, and/or club must be in one of Concacaf's official languages (English, Spanish or French). If any correspondence is not written in any of Concacaf's official languages, then Concacaf may request any party for a certified translation of documents at their expense.

**Article 47: Adoption and Entry into Force**

47. These Regulations were adopted by the BFA Executive Council on January 20<sup>th</sup>, 2016 and came into force with immediate effect.