# Football Governance Bill [HL]

# SIXTH MARSHALLED LIST OF AMENDMENTS TO BE MOVED

# IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 13th November 2024, as follows –

Clauses 1 to 3 Schedule 7 Schedule 1 Clause 68 Clauses 4 and 5 Schedule 8 Schedule 2 Clauses 69 to 75 Clauses 6 to 9 Schedule 9 Schedule 3 Clauses 76 to 81 Clauses 10 to 18 Schedule 10 Schedule 4 Clauses 82 to 93 Clauses 19 and 20 Schedule 11 Schedule 5 Clauses 94 to 97 Clauses 21 to 24 Schedule 12 Schedule 6 Clauses 98 to 100 Clauses 25 to 67 Title

[Amendments marked ★ are new or have been altered]

Amendment No.

Clause 22

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

172 Clause 22, page 15, line 3, leave out paragraph (c)

#### Member's explanatory statement

This amendment removes the ability of the IFR to restrict a club's overall expenditure.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

173 Clause 22, page 15, line 7, leave out subsection (5)

HL Bill 41 - VI 59/1

### Member's explanatory statement

This amendment removes the power of the Secretary of State to amend the discretionary licence conditions by regulations.

#### LORD MOYNIHAN

173A Clause 22, page 15, line 14, leave out "such" and insert "-

- (a) clubs,
- (b) each specified competition organiser, and
- (c) such other"

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 22 stand part of the Bill.

#### **After Clause 22**

#### LORD HAYWARD

173B After Clause 22, insert the following new Clause –

# "Principles Governing Capital Buffer Requirements

In establishing or imposing capital buffers as part of any liquidity requirements for regulated clubs under section 22(1)(b), the IFR must—

- (a) have regard to any existing liquidity requirements imposed by a relevant competition organiser, or other applicable financial rules,
- (b) ensure that capital buffers are not limited to cash reserves and take account of all appropriate categories of financial security,
- (c) ensure that capital buffers take account of all liquid and semi-liquid assets, including
  - (i) player registration rights;
  - (ii) anticipated revenues from the transfer market;
  - (iii) secured commercial income;
  - (iv) guaranteed broadcast revenues,
- (d) consult with clubs and competition organisers to establish appropriate valuation methodologies that recognise—
  - (i) the fair market value of registered players;
  - (ii) the market value of academy players, including consideration of historic progression rates, comparable players and independent assessments;
  - (iii) the future value created by investments in youth development,

- (e) have regard to existing financial sustainability rules imposed by a relevant competition organiser,
- (f) have regard to the proportionality of the requirement to identified financial risks.
- (g) have regard to the potential impact on investment in players, facilities and youth development, and
- (h) have regard to the need to maintain competitive balance and operational flexibility."

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

174 Clause 23, page 15, line 39, leave out "14 days" and insert "one month"

#### LORD MOYNIHAN

- 174A Clause 23, page 15, line 40, at end insert
  - "(4A) No later than 6 weeks before giving the notice, the IFR must—
    - (a) inform the club and the specified competition organiser of the circumstances that give rise to the IFR seeking to attach the proposed condition or variation, and
    - (b) invite the specified competition organiser to give a commitment under subsection (3)(c)(ii)."

#### LORD MOYNIHAN

Clause 23, page 16, line 10, at end insert ", except that where this paragraph applies the IFR must, as soon as reasonably practicable after attaching or varying a condition, invite the specified competition organiser to give a commitment in lieu of the condition or variation as set out in subsection (3)(c)(ii)"

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 23 stand part of the Bill.

### Clause 24

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

175 Clause 24, page 17, line 17, leave out "14 days" and insert "one month"

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 24 stand part of the Bill.

#### Clause 25

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

176 Clause 25, page 18, line 13, leave out "14 days" and insert "one month"

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 25 stand part of the Bill.

#### Clause 26

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

- 177 Clause 26, page 19, line 15, at end insert
  - "(aa) has the requisite competence, and"

#### Member's explanatory statement

This amendment requires owners to have the requisite competence in the same way that officers must.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON BARONESS GREY-THOMPSON

- 178 Clause 26, page 19, line 16, at end insert
  - (c) respects and promotes the protection of human rights and prevents modern slavery (as set out in section (*Human rights and modern slavery considerations*))."

# Member's explanatory statement

This amendment requires an individual to respect and promote the protection of human rights and prevent modern slavery in order to meet the individual ownership fitness criteria.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

179 Clause 26, page 19, line 20, leave out paragraph (c)

# Member's explanatory statement

This amendment omits the requirement for an officer of a club to be financially sound.

#### Clause 27

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

180 Clause 27, page 20, line 18, leave out subsection (7)

#### Clause 28

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

- **181** Clause 28, page 20, line 37, at end insert
  - "(v) how the applicant satisfies the individual ownership fitness criteria;"

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 28, page 21, line 4, at end insert "and the applicant has provided a commitment to maintain long-term use of the relevant club's home ground (with said commitment to be codified in such form as the IFR may determine)."

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

183 Clause 28, page 21, line 8, after first "the" insert "applicant has demonstrated, and the"

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

- 184 Clause 28, page 21, line 12, at end insert
  - (c) the applicant has provided a commitment to maintain long-term use of the relevant club's home ground (with said commitment to be codified in such form as the IFR may determine)."

#### After Clause 28

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON BARONESS GREY-THOMPSON LORD SCRIVEN

# 185 After Clause 28, Insert the following new Clause –

### "Human rights and modern slavery considerations

- (1) When considering whether a person ("A") satisfies the requirement in section 26(7)(c), the IFR shall have regard to (among other things)
  - (a) whether A has been complicit in any egregious or consistent violation(s) of international human rights law, whether of any international human rights treaty, customary law, or other instrument,
  - (b) whether A has been convicted, cautioned or reprimanded or complicit in any egregious or consistent violation(s) of domestic human rights legislation, including breaching provisions in the UK Modern Slavery Act 2015 or equivalent national legislation;
  - (c) whether A has been subject to a Slavery and Trafficking Prevention Order,
  - (d) whether A has been found liable in a civil claim relating to a human rights violation,
  - (e) whether A has been convicted of an offence, cautioned or reprimanded for failing to comply with their human rights and modern slavery reporting and due diligence obligations under applicable domestic legislation,
  - (f) whether A has been complicit in any hate incidents, including non-crime hate incidents,
  - (g) whether A has engaged in any other conduct of a nature which, if A were to act as an owner or officer, risks bringing the league, the game, or any regulated club into disrepute,
  - (h) whether the fitness or propriety of any person, or of any government, entity, or organisation with whom A is connected in their personal, business or political dealings is of a nature which, if either person was to become an owner or officer, risks bringing the league, the game, or any regulated club into disrepute, and
  - (i) any representations made by A or the club in accordance with the notice.
- (2) In subsection (1)
  - (a) where A is a body corporate or other non-corporeal entity (including a government or nation state), the IFR shall consider the actions of anyone who controls that body corporate or entity (and "control" shall have the meaning given in section 255 of the Companies Act 2006). and
  - (b) the IFR shall have absolute discretion to determine whether conduct falls within any of the categories in paragraphs (a) to (d).
- (3) In respect of subsection (1)(c) and (d), a risk of disrepute shall not be valid grounds for disqualification of any person if such disrepute would, in the reasonable opinion of the IFR, be unfounded."

### Member's explanatory statement

This amendment inserts a new list of human rights and modern slavery considerations which the IFR shall have regard to when considering whether an individual meets the individual ownership fitness criteria.

#### Clause 32

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 32, page 24, line 16, leave out from "is" to the end of line 20 and insert "one month beginning with the day on which the application under section 28 or 29 is made."

### LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 32, page 24, line 20, after second "extended" insert "and, in each case, the determination period shall have an end date which is as soon as is reasonably practicable."

#### LORD MOYNIHAN

187ZA Clause 32, page 24, line 32, leave out "not"

#### LORD MOYNIHAN

187ZB Clause 32, page 24, line 33, at end insert "until such time as the IFR determines otherwise"

#### **After Clause 32**

#### LORD MOYNIHAN

**187ZC** After Clause 32, insert the following new Clause –

# "Exemption for persons with diplomatic immunity

- (1) A person who is entitled to diplomatic immunity under the Vienna Convention on Diplomatic Relations (1961), or any equivalent provision recognised by the United Kingdom, is not subject to the fitness and propriety test for the purposes of ownership or control of a regulated club.
- (2) The exemption in subsection (1) applies where
  - (a) the individual holds diplomatic status as recognised by the Foreign, Commonwealth & Development Office (FCDO),
  - (b) the individual is a serving head of state, government minister or high-ranking official of a foreign government, and
  - (c) the individual's involvement in the regulated club is directly or indirectly connected to their official duties.

- (3) In cases where a person claims an exemption under subsection (1), the regulated club must notify the IFR in writing and provide—
  - (a) evidence of the individual's diplomatic immunity or governmental role, confirmed by the FCDO;
  - (b) a declaration confirming that the individual's ownership or control does not contravene the general objectives of the IFR as set out in section 6.
- (4) The exemption under this section shall not apply where the individual's diplomatic immunity is waived by their sending state.
- (5) The Secretary of State make regulations or prepare and publish guidance under this section to clarify the application of the exemption and any conditions or limitations that may apply."

#### **BARONESS GREY-THOMPSON**

- 187A Clause 33, page 25, line 11, at end insert
  - "(2A) The following individuals or groups associated with a regulated club must notify the IFR where they consider there has been, or may have been, a material change in circumstances which is relevant to whether the individual who is an owner or officer of the club is suitable to be an owner or officer of the club (as the case may be)—
    - (a) owners,
    - (b) officers,
    - (c) other club employees,
    - (d) competition organisers,
    - (e) the Football Supporters' Association,
    - (f) supporters' trusts, or
    - (g) supporters."

# Member's explanatory statement

This amendment aims to provide a route to the IFR for other individuals and groups of people, who may have more inside knowledge than the average fan, to act as whistleblowers and raise any concerns they have about the suitability of an owner or officer.

### **BARONESS GREY-THOMPSON**

187B Clause 33, page 25, line 18, leave out "or (2)" and insert ", (2) or (2A)"

# Member's explanatory statement

This amendment is consequential on another amendment in Baroness Grey-Thompson's name to Clause 33.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

188 Clause 34, page 25, line 22, after "criteria" insert "only"

#### Clause 35

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 35, page 26, line 36, after "criteria" insert "only"

#### Clause 37

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

- 190 Clause 37, page 28, line 9, at end insert
  - "(1A) In making a determination under section 28 or 34, the IFR must also have regard to the foreign and trade policy objectives of His Majesty's Government in the United Kingdom."

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

191 Clause 37, page 28, line 20, after "to" insert "relevant"

# LORD ADDINGTON

- 192 Clause 37, page 28, line 28, at end insert
  - "(fa) whether the individual has committed actions or demonstrated behaviors that conflict or obstruct intentions and development of equality, diversity, and inclusion (EDI) responsibilities;"

# Member's explanatory statement

This amendment would require, as part of its propriety test, the IFR to include considerations surrounding EDI.

# LORD MCNALLY LORD SCRIVEN

- 193 Clause 37, page 28, line 28, at end insert
  - "(fa) whether the individual, or an entity controlled by or connected to the individual, is convicted, accused, or reasonably suspected of engaging in human rights abuses;"

### Member's explanatory statement

This amendment requires the IFR to consider human rights abuses in the process of its suitability determinations of a potential owner.

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

- 194 Clause 37, page 28, line 28, at end insert
  - '(fa) whether the individual is a member of a proscribed organisation in accordance with section 3 (proscription) and Schedule 2 (proscribed organisations) of the Terrorism Act 2000;"

# Member's explanatory statement

This amendment is intended to prohibit a member of a proscribed organisation under the Terrorism Act 2000 from becoming an officer or owner of a regulated club.

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

195 Clause 37, page 28, line 29, leave out paragraph (g)

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

- 196 Clause 37, page 29, line 2, at end insert
  - "(3A) In making a determination under this Part, the IFR must consult
    - (a) the National Crime Agency;
    - (b) the Security Service;
    - (c) the Secret Intelligence Service;
    - (d) the Serious Fraud Office;
    - (e) His Majesty's Revenue and Customs;
    - (f) the Sports Grounds Safety Authority."

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

197 Clause 37, page 29, line 4, leave out "must" and insert "may"

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

198 Clause 37, page 29, line 9, leave out subsection (6)

#### **BARONESS GREY-THOMPSON**

- 199 Clause 37, page 29, line 12, at end insert
  - "(6A) The IFR will ban potential future owners who live, do business or store money in certain jurisdictions of risk that either—
    - (a) put or are likely to put limits on funds that can be transferred to the United Kingdom, or
    - (b) prevent, either intentionally or unintentionally, the possibility of IFR and competitions from doing proper and effective due diligence in their nation."

#### After Clause 37

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON LORD ADDINGTON

200 After Clause 37, insert the following new Clause –

# "State-controlled clubs

- (1) For the purposes of this section, a state-controlled club is one which is wholly or majority-owned by individual(s), entities, or entities controlled by individual(s) who are deemed by the IFR or the Secretary of State to be under the influence of any state actor, including but not limited to—
  - (a) members of any government or their immediate family,
  - (b) a head of state or their immediate family,
  - (c) diplomats, lobbyists, or other state representatives, or their immediate family, and
  - (d) sovereign wealth funds.
- (2) No state-controlled club may be granted an operating licence, and any affected club must satisfy the IFR that they have divested themselves of their state-control before applying for an operating licence."

#### *Member's explanatory statement*

This amendment prohibits state-controlled clubs (which are defined in the proposed amendment) being granted an operating licence.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

201 After Clause 37, insert the following new Clause –

# "Ownership and directorship by an individual with an unspent serious criminal conviction

- (1) No individual with an unspent serious criminal conviction, whether or not in England and Wales, shall be permitted to own a controlling stake in, or serve as a director for, any regulated club.
- (2) Nothing in this section shall affect the operation of section 37(2)."

#### Clause 38

#### LORD MCNALLY

Clause 38, page 29, line 21, leave out "may" and insert "must"

# Member's explanatory statement

This amendment requires the IFR to disqualify a person from being an officer of a regulated club if it determines that person is not suitable.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 38, page 29, line 35, leave out "14 days" and insert "one month"

#### **After Clause 44**

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

204 After Clause 44, insert the following new Clause –

# "Ownership of multiple clubs

The IFR may not prevent one person from owning, or becoming the owner of, more than one club, providing that the owner or prospective owner satisfies the conditions set out in this Part."

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

- 205 Clause 45, page 37, line 6, at end insert ", or
  - (b) carry on any activity and/or take any step which the IFR considers would prioritise the operation of a team in a restricted competition over the operation of that team in any relevant competition."

### Member's explanatory statement

This amendment prohibits clubs prioritising certain "restricted competitions" over relevant competitions, i.e. it is designed to prevent clubs prioritising (for example) the Club World Cup (or similar) over the league/FA Cup etc.

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

Clause 45, page 37, line 10, at end insert ", unless it has ceased to be a regulated club by virtue of being relegated from competitions specified by the Secretary of State under section 2(3) of this Act."

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

- **207** Clause 45, page 37, line 10, at end insert
  - "(c) a club that is not a regulated club but which bears a material resemblance to a club referred to in subsection (2)(a) or (b) due to factors including its name, shirt colours or players."

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

- **208** Clause 45, page 37, line 14, at end insert
  - "(4A) A "restricted competition" is a competition specified as a restricted competition for the purposes of this section in rules made by the IFR."

### Member's explanatory statement

This amendment defines a "restricted competition" as a competition which the IFR has specified as such.

#### LORD HAYWARD

Clause 45, page 37, line 23, after "the", insert "success and"

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON LORD ADDINGTON

- **210** Clause 45, page 37, line 26, at end insert
  - "(5A) In considering whether to specify a competition as a restricted competition, the IFR must have regard to—
    - (a) whether a club which prioritises the operation of a team in the competition—
      - (i) could jeopardise the sustainability of any relevant competition,
      - (ii) could jeopardise the sustainability of clubs operating teams in relation to any relevant competition,
      - (iii) could harm the heritage of English football, and
      - (iv) could harm the ability of that club to operate that team in any relevant competition in a manner which respects the integrity of that relevant competition, and
    - (b) any other factors that the IFR specifies in rules."

### Member's explanatory statement

This amendment sets out factors which the IFR must consider when determining whether to specify a competition as a restricted competition.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 45, page 37, line 27, after second "competition" insert "or a restricted competition"

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 45, page 37, line 30, after "competition" insert "or a restricted competition"

#### *Member's explanatory statement*

This amendment is a consequential amendment relating to Amendment 205.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 45, page 37, line 38, leave out "14 days" and insert "one month"

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 45, page 37, line 39, after second "competition" insert "or a restricted competition"

### Member's explanatory statement

This amendment is a consequential amendment relating to Amendment 205.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 45, page 38, line 3, after "competition" insert "or a restricted competition"

### Member's explanatory statement

This amendment is a consequential amendment relating to Amendment 205.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 45, page 38, line 5, after second "competition" insert "or a restricted competition"

# Member's explanatory statement

This amendment is a consequential amendment relating to Amendment 205.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 45, page 38, line 9, after second "competition" insert "or a restricted competition"

#### Member's explanatory statement

This amendment is a consequential amendment relating to Amendment 205.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 45, page 38, line 19, after "competition" insert "or a restricted competition"

#### Member's explanatory statement

This amendment is a consequential amendment relating to Amendment 205.

#### Clause 46

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 46, page 38, line 26, leave out first "home ground" and insert "specified properties"

#### Member's explanatory statement

This amendment expands the duty to notify the IFR of a potential disposal of a home ground to include a potential disposal of any specified properties.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON LORD WATSON OF INVERGOWRIE LORD FAULKNER OF WORCESTER

Clause 46, page 38, line 26, leave out second "home ground" and insert "specified properties"

### Member's explanatory statement

This amendment expands the duty to notify the IFR of a potential disposal of a home ground to include a potential disposal of any specified properties.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 46, page 38, line 27, leave out "home ground" and insert "specified properties"

# Member's explanatory statement

This amendment expands the duty to notify the IFR of the use of a home ground as security for a loan to include the use of any specified properties as such security.

LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON LORD WATSON OF INVERGOWRIE LORD FAULKNER OF WORCESTER

Clause 46, page 38, line 28, leave out "home ground" and insert "specified properties"

#### Member's explanatory statement

This amendment expands the duty to notify the IFR of the use of a home ground as security for a loan to include the use of any specified properties as such security.

BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON LORD WATSON OF INVERGOWRIE LORD FAULKNER OF WORCESTER

- 223 Clause 46, page 38, line 28, at end insert
  - "(c) making substantial changes to the specified properties or the site on which the home ground is situated."

# Member's explanatory statement

This amendment requires the IFR to be notified where there is a reasonable prospect of changes being made to the specified properties or site on which the home ground is situated.

#### LORD MANN

- 224 Clause 46, page 38, line 39, at end insert
  - "(5A) The IFR may not grant approval for the taking of any step mentioned in subsection (1) unless a majority of fans and a majority of democratically constituted club supporters groups have agreed the decision."

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 46, page 38, line 40, leave out "taking of any step" and insert "carrying on of any activity"

### Member's explanatory statement

This is intended to probe the difference in language between 46(5) and 46(6).

#### LORD HAYWARD

Clause 46, page 39, line 2, after "financial", insert "success and"

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

- 227 Clause 46, page 39, line 2, at end insert
  - "(ii) in the case of the home ground and training ground, it is satisfied that there are suitable plans in place to ensure the club's continued long-term use of the home ground or training ground or to secure an alternative home ground or training ground for the next football season;
  - (iii) in the case of a home ground, it is satisfied that any alternative under sub-paragraph (ii) will be within five miles of the current stadium or the place from where the club takes their name;"

#### Member's explanatory statement

This amendment inserts additional conditions to the granting of approval to dispose of an interest in a specified property or use it as security.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON LORD WATSON OF INVERGOWRIE LORD FAULKNER OF WORCESTER

# 228 Clause 46, page 39, line 5, at end insert –

- "(c) in the case of a substantial change under subsection (1)(c), it is satisfied that the changes would enhance the home ground or other specified property;
- (d) in the case of a disposal under subsection (1)(a) and (c), it has taken reasonable steps to establish that the majority of the club's fans in England and Wales approve of the disposal."

### Member's explanatory statement

This amendment inserts additional conditions to the granting of approval to dispose of an interest in a specified property or use it as security.

BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON LORD WATSON OF INVERGOWRIE LORD FAULKNER OF WORCESTER

# 229 Clause 46, page 39, line 5, at end insert –

- "(6A) Before the IFR grants an approval under subsection 6 it must—
  - (a) consult the supporters of the body in question, the relevant competition organisers and persons representing the local community with which the body is associated, and
  - (b) have regard to the views expressed by those consulted."

### Member's explanatory statement

This amendment requires the IFR to consult the relevant supporters, competition organisers and local community, and have regard to their views, before granting approval to dispose of an interest in a specified property or use it as security.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

# Clause 46, page 39, line 11, leave out subsection (10) and insert –

- "(10) In this section, "specified properties"
  - (a) in relation to a body that is a regulated club, means the ground at which a relevant team operated by it customarily plays its home matches, the property at which a relevant team customarily trains and any other properties that make up a more than negligible part of the relevant team's operations;
  - (b) in relation to a body that is a formerly regulated club, means (immediately before it ceased to be a regulated club) the ground at which a relevant

team operated by it customarily played its home matches, the property at which a relevant team customarily trained and any other properties that make or made up a more than negligible part of the relevant team's operations."

### Member's explanatory statement

This amendment defines "specified properties".

#### Clause 48

#### LORD HAYWARD

Clause 48, page 40, line 10, after "financial", insert "success and"

#### LORD MANN

Clause 48, page 40, line 14, after "fans" insert "and democratically constituted club supporters groups"

# BARONESS TAYLOR OF BOLTON BARONESS GREY-THOMPSON

- 233 Clause 48, page 40, line 18, at end insert
  - "(e) if the arrangements would relocate the club's home matches to a ground more than five miles from its current home ground, the club's fans have actively approved the arrangements."

# Member's explanatory statement

This amendment adds a condition which must be met before the IFR grants approval for a club to move home ground.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

- 234 Clause 48, page 40, line 18, at end insert
  - "(4A) In order for the IFR to be satisfied of subsection (4)(b), a regulated club must take reasonable steps to establish that the majority of the club's fans in England and Wales do not consider the arrangements to constitute significant harm to the heritage of the club."

#### Member's explanatory statement

This amendment specifies how the IFR would determine that a club moving home ground would not cause significant harm to the heritage of the club, namely by establishing that a majority of the club's fans in England and Wales do not consider that the move would do this.

#### LORD WOOD OF ANFIELD

235 Leave out Clause 48 and insert the following new Clause –

# "48 Duty on competition organiser not to arrange matches away from home grounds

- (1) A specified competition organiser must notify the IFR where the organiser considers that there is a reasonable prospect of the organiser entering into arrangements whereby a match between two teams operated by regulated clubs might be played at a ground that is not the home ground of either team.
- (2) A notification under subsection (1) must be given as soon as reasonably practicable after the organiser considers the duty under that subsection to have arisen.
- (3) The organiser must obtain the approval of the IFR before it enters into the arrangements mentioned in subsection (1).
- (4) The IFR must grant approval for the organiser entering into those arrangements if the IFR is satisfied that the arrangements
  - (a) would not harm the financial sustainability of the competition or of English football,
  - (b) would not cause significant harm to the heritage of the competition or of English football, and
  - (c) have the approval of UK-based supporters including those of the clubs involved.
- (5) The IFR may not grant approval in any other circumstances.
- (6) The IFR must, as soon as reasonably practicable after the organiser has sought approval, decide whether to grant approval under subsection (4).
- (7) The IFR must notify the organiser of its decision to grant, or not to grant, that approval and give reasons for its decision.
- (8) In this section "home ground", in relation to a regulated club, has the meaning given by section 46(10)(a)."

#### After Clause 48

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

236 After Clause 48, insert the following new Clause –

# "Duty to consult the Office for Place

Before making a decision regarding a home ground or the building of a new home ground, a regulated club must consult the Office for Place."

#### Member's explanatory statement

This amendment requires that a regulated club must consult the Office for Place before making any decision regarding their home ground.

# LORD PARKINSON OF WHITLEY BAY LORD ADDINGTON

Clause 49, page 40, line 27, leave out "crest" and insert "badge"

# Member's explanatory statement

To avoid the incorrect use of heraldic terms.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 49, page 40, line 28, after "colours" insert ", home shirt design"

#### Member's explanatory statement

This amendment requires a club to consult its fans on any changes to the home shirt design.

#### LORD MANN

Clause 49, page 40, line 30, at end insert "and a majority of the club's democratically constituted club supporters groups"

#### LORD MANN

- 240 Clause 49, page 40, line 32, at end insert ", and
  - (b) the club has taken reasonable steps to establish that the changes are supported by a majority of the club's fans in England and Wales and by a majority of the club's democratically constituted club supporters groups."

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 49, page 40, line 32, after "Association" insert "and its fans"

# LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 49 stand part of the Bill.

#### After Clause 49

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

242 After Clause 49, insert the following new Clause –

### "Incorporation of heritage restrictions in Articles of Association

- (1) A regulated club must, within the time limit, ensure that the requirements in sections 48(4A) and 49(1) are incorporated into its Articles of Association.
- (2) For the purposes of subsection (1), the time limit is the period of one year from the day on which this section comes into force, or such other period of time as the IFR may direct in relation to a particular regulated club.
- (3) Subsection (1) is fulfilled if the club's Articles of Association provide for even greater fan consultation than sections 48(4A) and 49(1) require."

### *Member's explanatory statement*

This amendment requires clubs to incorporate into their Articles of Association the heritage restrictions in sections 48(4A) and 49(1).

#### Clause 50

#### LORD MOYNIHAN

Clause 50, page 40, line 36, leave out from "that" to end of line and insert "would affect the IFR's ability to achieve its objectives"

#### Clause 51

#### LORD MANN

Clause 51, page 41, line 6, after "fans" insert "and democratically constituted club fan supporters groups"

#### After Clause 51

#### LORD JACKSON OF PETERBOROUGH

244 After Clause 51, insert the following new Clause –

# "Duty to consult fans on political statements

(1) A regulated club may not publish any political statements, engage in political activity, or issue any items or clothing with political connotations unless it has taken reasonable steps to establish that such statements, activity or items are supported by the majority of the club's fans in England and Wales.

(2) A regulated club may not permit any officers, employees or players of the club, when acting in an official capacity, to engage in political activities, publish political statements or wear any item with political connotations unless it has taken reasonable steps to establish that such activities, statements or items are supported by the majority of the club's fans in England and Wales."

#### LORD ADDINGTON

245 After Clause 51, insert the following new Clause –

#### "Social responsibility duty

- (1) A regulated club must ensure it establishes training schemes in local communities.
- (2) The training schemes must provide opportunities for individuals in local communities to develop knowledge and skills congruent with becoming—
  - (a) a sports club, charity, or voluntary group treasurer;
  - (b) a sports club, charity, or voluntary group secretary;
  - (c) a sports club, charity, or voluntary chairperson."

# Member's explanatory statement

This amendment would require the IFR to ensure that regulated clubs and competitions provide training to local communities which develop competencies consistent with officers of an organisation.

#### LORD ADDINGTON

246 After Clause 51, insert the following new Clause –

### "Environmental sustainability duty

- (1) A regulated club has an environmental sustainability duty.
- (2) This duty is fulfilled if a regulated club employs an environmental sustainability officer who is responsible for evaluating the club's environmental impact.
- (3) This individual must develop policies and initiatives which seek to reduce that impact.
- (4) This individual may hold other positions at the club and does not need to be engaged in the work of the environmental sustainability officer full time."

#### Member's explanatory statement

This amendment requires regulated clubs to employ an environmental sustainability officer tasked with evaluating and seeking to reduce the club's environmental impact, however, this individual may be employed by the club in some other capacity and is not expected to carry out the duties of an ESO full time.

# LORD ADDINGTON BARONESS JONES OF MOULSECOOMB

# 247 After Clause 51, insert the following new Clause –

# "Duty to facilitate football training for young women and girls

A regulated club must facilitate football training for young women and girls in local communities."

### Member's explanatory statement

This amendment would place a duty on regulated clubs to facilitate football training for young women and girls.

#### LORD MANN

248 After Clause 51, insert the following new Clause –

# "Duty to register all contracts

A regulated club must register all player contracts, transfer and other fees including loan transactions with the IFR by 31 May for the preceding 12 months."

#### **BARONESS GREY-THOMPSON**

248A After Clause 51, insert the following new Clause –

# "Ticket pricing

- (1) Regulated clubs must adhere to the following rules in relation to ticket pricing
  - (a) dynamic pricing strategies for tickets are prohibited,
  - (b) concessionary ticket pricing categories are mandatory, and
  - (c) ticket prices for away fans must be capped at the level set in regulations by the Secretary of State.
- (2) The Secretary of State must, by regulations, establish the categories and caps for concessionary ticket pricing under subsection (1)(c), including categorisation based on age and income."

# **After Clause 52**

### LORD MANN

249 After Clause 52, insert the following new Clause –

#### "Duty to report on equal opportunities

A licensed club must publish an annual report detailing its diversity and inclusion strategy, including a breakdown of diversity in its workforce."

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

- **250** Clause 53, page 42, line 22, at end insert
  - (f) the amount which the IFR estimates is necessary to fund appropriately for that period the Central Fund established pursuant to Section (*Central Fund*)."

# Member's explanatory statement

This amendment adds another factor which must be considered (namely the amount required to fund the Central Fund - see amendment 254) when determining the amount of the levy.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

- **251** Clause 53, page 43, line 19, at end insert
  - "(c) any interest charged under paragraph (b) may not exceed the rate of inflation, as measured by the Retail Price Index, plus 2 per cent."

#### Member's explanatory statement

This amendment limits the rate of interest the Regulator may charge on unpaid levies.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 53, page 43, line 22, after "club" insert "and in particular that the starting point for calculation of the levy payment applicable to a particular club should be a percentage of annual revenue"

#### Member's explanatory statement

This amendment provides for the levy to be calculated by reference to the annual revenue of a club.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

- **253** Clause 53, page 43, line 24, at end insert
  - "(9A) Once the IFR has established a levy under subsection (1) and made the required payments under section 96, the IFR may only fund its functions under this Act through its own revenue streams.
  - (9B) For the purposes of subsection (9A) the IFR's 'own revenue streams' are any amounts payable to the IFR from regulated clubs under subsection (1).
  - (9C) The IFR may not borrow any amount from any third party."

### Member's explanatory statement

This amendment requires the Regulator to be self-funding through the industry levy, but after it has paid its initial costs and the Secretary of State's establishment costs to HM Treasury.

#### LORD MAUDE OF HORSHAM

Lord Maude of Horsham gives notice of his intention to oppose the Question that Clause 53 stand part of the Bill.

#### After Clause 53

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON BARONESS GREY-THOMPSON

254 After Clause 53 insert the following new Clause –

#### "Central Fund

- (1) The IFR must—
  - (a) hold, manage and apply in accordance with the provisions of this section a fund to be known as the Central Fund,
  - (b) fund the Central Fund with the levy which is payable by licensed clubs pursuant to section 53, and
  - (c) have such powers and duties in respect of the Central Fund as are conferred or imposed by this section.
- (2) The IFR may apply the Central Fund for the purposes set out in rules made by the IFR."

#### *Member's explanatory statement*

This amendment provides for the IFR to establish and fund a Central Fund.

# LORD FOSTER OF BATH LORD ADDINGTON

255 After Clause 53, insert the following new Clause –

# "Duty to prevent gambling advertising and sponsorship in football

English football must not promote or engage in advertising or sponsorship related to gambling."

# Member's explanatory statement

This amendment prevents regulated clubs and competitions from promoting or engaging in gambling advertising or sponsorship.

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

256 Clause 54, page 43, line 35, leave out "Treasury" and insert "Chancellor of the Exchequer"

#### Member's explanatory statement

This amendment specifies that the Regulator must consult the Chancellor of the Exchequer and not anyone else at HM Treasury.

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

Clause 54, page 43, line 38, leave out subsection (2)

### Member's explanatory statement

This amendment removes the provision allowing the Regulator not to consult if it considers the changes to the levy rules to be minor.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 54, page 44, line 1, leave out "As soon as is reasonably practicable" and insert "Six months"

#### Member's explanatory statement

The amendment requires the Regulator to publish levy rules six months before the chargeable period.

#### After Clause 54

#### LORD MOYNIHAN

258A After Clause 54, insert the following new Clause –

### "Duty to address ticketing market practices

Licensed clubs and, where relevant, specified competition organisers must take reasonable steps to—

- (a) monitor practices in the secondary ticketing market that may lead to excessive price mark-ups or unauthorised resale,
- (b) provide transparent information about ticket pricing and resale policies, including the face value of tickets, and
- (c) support fans by providing official ticket exchange channels where reasonably practicable."

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

# **259** Clause 55, page 45, line 17, at end insert –

"(c) include evidence that the specified competition organiser has taken into account the views of all regulated clubs that compete in that specified competition."

### Member's explanatory statement

This amendment requires a competition organiser to demonstrate that it had consulted with clubs involved in that competition, when consulting the IFR about additions to/removals from/changes to a competition's rules.

#### Clause 56

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 56, page 45, line 25, leave out "a specified competition organiser to apply to the IFR for"

#### Member's explanatory statement

This amendment is one of a series of amendments which mean that it is not only a specified competition organiser which can trigger the mediation process regarding the distribution of revenue.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

- **261** Clause 56, page 45, line 26, at end insert
  - "(za) specified competition organisers are required to seek regulatory consent in connection with the distribution of relevant revenue received by one of the competition organisers,
  - (zb) the IFR must be satisfied that the distribution of relevant revenue proposed by the competition organisers complies with the principles in section 62(2),"

#### Member's explanatory statement

This amendment provides for competition organisers to obtain consent before determining the distribution of revenue, and requires the IFR to be satisfied that the distribution proposal complies with the principles in s.62(2).

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 56, Page 45, line 30, after "process" insert ", or if the IFR is not satisfied that the distribution which is the subject of that agreement complies with the principles in section 62(2)"

# Member's explanatory statement

This amendment permits the IFR to make an order regarding revenue distribution if it is not satisfied that the proposal made by the competition organiser(s) complies with the principles in s.62(2).

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

- 263 Clause 56, page 45, line 32, leave out subsection (2) and insert
  - "(2) In this Part, revenue received by a specified competition organiser is "relevant revenue" if—
    - (a) it is revenue received as a result of the sale or acquisition of rights to exploit the broadcasting of football matches included in a competition organised by the specified competition organiser, and
    - (b) it is not revenue that the specified competition organiser distributes to a club by virtue of a team operated by the club being relegated from a competition organised by the specified competition organiser."

#### Member's explanatory statement

The amendment prohibits parachute payments from being included in the distributions of revenue resolution procedure.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 56, page 45, line 35, leave out "the" and insert "any"

#### Member's explanatory statement

This amendment provides for this section to refer to multiple, rather than a single, competition organiser.

# LORD PARKINSON OF WHITLEY BAY LORD BASSAM OF BRIGHTON

- **265** Clause 56, page 45, line 38, at end insert
  - "(2A) The reference in subsection (2)(a) to the sale or acquisition of rights to exploit the broadcasting of football matches includes the sale or acquisition of rights to exploit on-demand coverage of such matches, for example audiovisual content consisting of coverage of, or excerpts from, such matches where the content is selected by

users from a range of such content made available to members of the public and is received by the user by means of the internet."

# Member's explanatory statement

This amendment expands the definition of "relevant revenue" to include revenue from full coverage or clips and highlights of football matches provided on demand via the internet.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

266 Clause 56, page 46, line 5, leave out paragraph (c) and insert –

"(c) the relevant specified competition organisers."

### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

- 267 Clause 56, page 46, line 5, at end insert
  - "(d) such other persons which appear to the Secretary of State to represent the views of the fans of regulated clubs, and
  - (e) such other persons which appear to the Secretary of State to represent the views of regulated clubs."

#### Member's explanatory statement

This amendment requires the Secretary of State to consult people who represent the views of regulated clubs, and the views of fans of regulated clubs, before making regulations which specify the source or description of "relevant revenue".

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

268 Clause 56, page 46, leave out lines 13 to 17 and insert –

""distribution agreement" means an agreement (including an agreement entered into before the coming into force of this Part) between two or more specified competition organisers that provides for the distribution of relevant revenue received by one, both or all of those organisers as applicable;"

# Member's explanatory statement

This amendment amends the definition of "distribution agreement".

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 56, page 46, line 20, after "57" insert ", or a notification under section (Independent notification for resolution process to be triggered by the IFR)"

### Member's explanatory statement

This amendment is one of a series of which mean that it is not only a specified competition organiser which can trigger the mediation process regarding the distribution of revenue.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 56, page 46, line 29, leave out "60" and insert "(Independent notification for resolution process to be triggered by the IFR)"

### Member's explanatory statement

This amendment is consequential on amendment 293.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 56 stand part of the Bill.

#### After Clause 56

# BARONESS BRADY LORD BIRT

271 After Clause 56, insert the following new Clause –

### "Principles of the resolution process

- (1) For the purpose of this Part, the IFR must
  - (a) pay due regard to the contractual or other property rights of
    - (i) regulated clubs, and
    - (ii) a specific competition organiser;
  - (b) ensure that neither the process nor final decision place an undue burden on the commercial interests of the parties;
  - (c) have regard to whether the parties negotiated in good faith;
  - (d) consider whether there are less intrusive measures available that could be used without unacceptably compromising the achievement of the objectives set out in this Act;
  - (e) have regard to the fact that the process and final decision should not result in any regulated club being at risk of breaching its obligations under rules of the relevant specified competition organiser or other applicable financial rules."

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 57, page 46, line 39, leave out "another" and insert "one or more other"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

273 Clause 57, page 46, line 40, leave out "organiser" and insert "organisers"

### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

274 Clause 57, page 47, line 8, leave out "two"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

**275** Clause 57, page 47, line 10, leave out "two"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 57, page 47, line 13, leave out "reduction" and insert "change (whether to the amount received in quantum or to the amount received as a proportion of the overall relevant revenue)"

### Member's explanatory statement

This amendment provides that a competition organiser can apply to the IFR to trigger the resolution process if there has been a change (rather than only a reduction) to the revenue received by a competition organiser in a particular season as compared to the previous season.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

277 Clause 57, page 47, line 17, leave out "two"

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 57, page 47, line 22, leave out "either or both of"

#### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

**279** Clause 57, page 47, line 30, leave out "two"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

#### **BARONESS BRADY**

Clause 57, page 47, line 32, leave out "five years" and insert "the applicable period (see subsections (7) and (8))"

#### **BARONESS BRADY**

- **281** Clause 57, page 47, line 35, at end insert
  - "(7) Where
    - (a) the specified competition organisers have agreed (whether in the distribution agreement or otherwise) a period for the purposes of condition 4, and
    - (b) both of the organisers have notified the IFR of the period so agreed, the applicable period is that period.
    - (8) In any other case, the applicable period is 5 years."

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 57 stand part of the Bill.

#### Clause 58

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 58, page 47, line 39, leave out "organiser" and insert "organiser(s)"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 58, page 47, line 39, leave out "respondent" and insert "respondent(s)"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

- **284** Clause 58, page 48, line 5, at end insert
  - "(ca) specify why the notifier considers that any issues highlighted or set out in the most recent state of the game report are not satisfactorily resolved by the distribution agreement in relation to that season or those seasons,"

#### Member's explanatory statement

This amendment requires any notification which a competition organiser gives to trigger the resolution process regarding distribution to explain why issues highlighted in the most recent state of the game report are not resolved by the distribution agreement in relation to that season/those seasons.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 58, page 48, line 6, leave out "respondent" and insert "respondent(s)"

### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

- **286** Clause 58, page 48, line 20, at end insert
  - "(ca) specify why the notifier considers that any issues highlighted or set out in the most recent state of the game report are not satisfactorily resolved by the distribution agreement in relation to that season or those seasons,"

### Member's explanatory statement

This amendment requires an application to trigger the resolution process regarding distribution to explain why issues highlighted in the most recent state of the game report are not resolved by the distribution agreement in relation to that season/those seasons.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 58, page 48, line 22, leave out "respondent" and insert "respondent(s)"

#### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

- **288** Clause 58, page 48, line 23, at end insert
  - "(6) Neither a notification under subsection (1) nor any application under section 57 may be made if any specified competition organiser has received a notice under section 59(5)."

# Member's explanatory statement

This amendment prevents a competition organiser triggering the mediation/resolution process if a notice has been given under s.59(5) (triggering of the process by the IFR).

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 58 stand part of the Bill.

#### LORD MAUDE OF HORSHAM

# 288A Clause 59, page 48, line 34, at end insert –

"(c) has exhausted its other regulatory options, including the financial regulation of regulated clubs."

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 59, page 48, line 40, leave out "either of the" and insert "one or more of the relevant"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

290 Clause 59, page 49, line 3, leave out "two"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

**291** Clause 59, page 49, line 10, leave out "two"

# *Member's explanatory statement*

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 59, page 49, line 15, leave out "special" and insert "compelling"

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 59 stand part of the Bill.

#### **Before Clause 60**

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON LORD ADDINGTON BARONESS GREY-THOMPSON

293 Before Clause 60, insert the following new Clause –

# "Independent notification for resolution process to be triggered by the IFR

- (1) The IFR may decide that the resolution process should be triggered in relation to a qualifying football season if the IFR is satisfied that issues with a current distribution agreement or financial distribution order are identified in the latest state of the game report and at least one of the conditions in section 57 applies.
- (2) In deciding whether the resolution process should be triggered under section 57(1)(a), the IFR may have regard to the purposes for which the distributed revenue would be used.
- (3) In deciding whether the resolution process should be triggered in reliance on the condition in section 57(3), the IFR may have regard to whether the situation described in section 57(3) has arisen as a result of bad faith on the part of any specified competition organiser.
- (4) If the IFR decides that the resolution process should be triggered, the IFR must notify every relevant specified competition organiser and give reasons for its decision, and set out in the notice—
  - (a) the qualifying football season or seasons to which the resolution process relates, and
  - (b) the question or issues for resolution.
- (5) Where the IFR is deciding whether to exercise a function mentioned in section 57(1)(a), the IFR must notify the Chief Executive Officer.
- (6) No notification under subsection (4) may be made if the IFR has received a notification under section 57 and it remains under consideration."

## Member's explanatory statement

This amendment inserts a mechanism for the IFR to trigger the resolution process.

#### Clause 60

#### BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 60, page 49, line 18, after "59(5)" insert "or section (Independent notification for resolution process to be triggered by the IFR)(4)"

# Member's explanatory statement

This amendment is a consequential amendment relating to Amendment 293.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

**295** Clause 60, page 49, line 19, leave out "two"

#### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 60, page 49, line 26, leave out "special" and insert "compelling"

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

297 Clause 60, page 50, line 5, leave out "either" and insert "any"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 60 stand part of the Bill.

## Clause 61

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 61, page 50, line 14, leave out "the two" and insert "all relevant"

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 61, page 50, line 19, leave out "each of the two" and insert "all relevant"

#### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

## LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 61 stand part of the Bill.

#### Clause 62

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 62, page 51, line 5, leave out "both"

## Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

## LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 62, page 51, line 7, leave out "both final proposals are" and insert "more than one final proposal is"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS BRADY BARONESS EVANS OF BOWES PARK

Clause 62, page 51, line 8, leave out "must" and insert "may"

#### **BARONESS BRADY**

Clause 62, page 51, line 9, leave out from "with" to end of line 11 and insert "the proposal made by the specified competition organiser whose relevant revenue would be distributed under the proposal unless there are compelling reasons not to do so;"

## BARONESS BRADY BARONESS EVANS OF BOWES PARK

- Clause 62, page 51, line 11, at end insert, "or
  - (ii) which contains elements of each proposal where it considers that this will result in an order which is most consistent with the principles in subsection (2)."

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 62, page 51, line 13, leave out "the other is" and insert "all others are"

#### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 62, page 51, line 16, leave out "neither" and insert "no"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS BRADY LORD BIRT

Clause 62, page 51, line 21, leave out "should advance the IFR's objectives" and insert "be necessary to advance the IFR's objectives, consistent with the duties and regulatory principles as specified in sections 7, 8 and 9, and in particular those set out in section 7(2)"

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 62, page 51, line 23, leave out "either specified competition organiser" and insert "any regulated club"

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

- 309 Clause 62, page 51, line 28, at end insert
  - "(d) should seek to close the financial gaps between divisions,
  - (e) should provide adequate compensation for player development, ring-fenced for academy development and the welfare of former players,
  - (f) should incentivise clubs to be well run,
  - (g) should provide training for volunteers at grassroots clubs, and
  - (h) should address to the satisfaction of the IFR any issues identified by the relevant state of the game report."

#### Member's explanatory statement

This amendment ensures that any distribution deal must pass parameters set by the regulator, and that these parameters could include closing the growing financial gap between divisions, rewarding well-run clubs and providing adequate compensation for the development of players.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

- 310 Clause 62, page 51, line 28, at end insert
  - "(2A) When making a determination under this section, the committee of the Expert Panel must have regard for section 7(2)."

#### Member's explanatory statement

This amendment requires the committee of the Expert Panel to consider the impact on competitiveness and sporting outcomes in its decision on which final proposal to accept.

#### **BARONESS BRADY**

Clause 62, page 51, line 35, leave out "one year" and insert "three years"

#### **BARONESS BRADY**

Clause 62, page 51, line 35, leave out "final" and insert "first"

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 62, page 52, line 6, leave out "either" and insert "any"

# Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 62, page 52, line 14, leave out "special" and insert "compelling"

#### Member's explanatory statement

This amendment requires there to be compelling (rather than special) reasons for extending the deadline for making a distribution order.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

- 315 Clause 62, page 52, line 23, at end insert
  - "(8A) Where subsection (1)(c), (4)(b), or (5) applies, the committee must make an order requiring the relevant revenue to be distributed in accordance with a proposal of its own that is consistent with the principles in subsection (2) on or before the last day of the period of 28 days beginning with the final proposal deadline."

# Member's explanatory statement

This amendment gives the committee the power to make a distribution in accordance with its own proposal, rather than having to adopt one of the proposals presented to it.

## LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 62 stand part of the Bill.

#### Clause 63

#### **BARONESS BRADY**

- Clause 63, page 53, line 2, at end insert "but no sooner than the beginning of the first football season following the football season in which a distribution order is made, and provided that the distribution order coming into force does not adversely affect any club's ability to adhere to—
  - (a) mandatory licence conditions,
  - (b) threshold requirements, and
  - (c) obligations under rules of the relevant specified competition organiser or other applicable financial rules."

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 63, page 53, line 8, leave out "two"

#### Member's explanatory statement

This is one of a series of amendments which provide for there to be more than two relevant specified competition organisers.

# BARONESS TAYLOR OF BOLTON LORD BASSAM OF BRIGHTON

Clause 63, page 53, line 11, after "relates" insert "provided that the distribution agreement complies with section 62(1)(a) or (b) or section 62(4)(a), and the principles set out in section 62(2)"

# Member's explanatory statement

This amendment narrows the circumstances in which the IFR must revoke a distribution order where the competition organisers have agreed a distribution agreement to circumstances where that distribution order complies with section 62(1)(a) or (b) or section 62(4)(a), and the principles set out in section 62(2).

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 63 stand part of the Bill.

#### Clause 64

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

Clause 64, page 53, line 28, leave out subsection (3)

#### Member's explanatory statement

This amendment deletes the provision which permitted the competition organisers to agree how to distribute revenue, regardless of the IFR's powers of oversight/review.

#### **BARONESS TWYCROSS**

320 Clause 64, page 53, line 34, leave out "62(7)(b)" and insert "62(8)(b)"

#### Member's explanatory statement

This amendment corrects an erroneous cross-reference.

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

The above-named Lords give notice of their intention to oppose the Question that Clause 64 stand part of the Bill.

#### Clause 76

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 76, page 61, line 23, leave out "14 days" and insert "one month"

#### Clause 84

# BARONESS BRADY BARONESS EVANS OF BOWES PARK

322 Clause 84, page 68, line 15, at end insert –

"(ea) any decision made under sections 62 and 63;"

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

323 Clause 84, page 68, line 15, at end insert –

"(ea) the making of a distribution order requiring one competition organiser to distribute revenue to another competition organiser under section 62;"

#### Clause 85

# BARONESS BRADY BARONESS EVANS OF BOWES PARK

324 Clause 85, page 69, line 2, after "section" insert "62, 63 or"

# BARONESS BRADY BARONESS EVANS OF BOWES PARK

325 Clause 85, page 69, line 2, at end insert –

"(za) a decision under section 62 or 63,"

# BARONESS BRADY BARONESS EVANS OF BOWES PARK

326 Clause 85, page 69, line 8, after "section" insert "62, 63 or"

#### **After Clause 85**

# LORD MAUDE OF HORSHAM LORD JACKSON OF PETERBOROUGH LORD HAYWARD

327 After Clause 85, insert the following new Clause –

# "Review: cost of compliance

Within six months of the day on which this Act is passed, the Secretary of State must lay before Parliament a review of the financial impact on regulated clubs of complying with the provisions in this Act."

# LORD RANGER OF NORTHWOOD LORD HAYWARD

328 After Clause 85, insert the following new Clause –

## "Report: operation of the Premier League

Within six months of the establishment of the IFR, the Secretary of State must publish a report on the effect of this Act on the operation of the Premier League and lay it before Parliament."

#### Clause 91

# LORD PARKINSON OF WHITLEY BAY LORD MARKHAM

329 Clause 91, page 73, line 39, at end insert — "(ia) section 2(3A);"

## **BARONESS TWYCROSS**

330 Clause 91, page 74, line 1, leave out "56(2)(a)(ii)" and insert "56(2)(b)"

#### Member's explanatory statement

This amendment corrects an erroneous cross-reference.

#### Clause 92

# LORD BASSAM OF BRIGHTON BARONESS TAYLOR OF BOLTON

- Clause 92, page 74, line 24, at end insert "or give rise to the perception that the person's functions have been prejudicially affected, including (but not limited to) a situation in which a person is—
  - (a) employed by or engaged as a consultant by any specified competition organiser or any group undertaking of a specified competition organiser,
  - (b) connected in any capacity with an organisation which has, in the last year, received at least half of its income from a specified competition organiser,
  - (c) connected with a group undertaking of an organisation within the scope of paragraph (b),
  - (d) connected in any capacity with an organisation which has, in the last year, received at least half of its income from any of the organisations listed in paragraphs (b) or (c), or
  - (e) connected (as defined in section 252 of the Companies Act 2006) with an individual within the scope of paragraphs (a), (b), (c) or (d) of this definition;"

#### Member's explanatory statement

This amendment expands the nature of a conflict of interest to include an interest which could give rise to the perception that a person's functions have been prejudicially affected. The amendment also inserts some non-exhaustive examples of a conflict of interest.

## LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 92, page 75, line 15, leave out paragraph (a)

#### Member's explanatory statement

This amendment removes the ability of the Secretary of State to amend the definition of a football season.

#### Schedule 12

# BARONESS BRADY BARONESS EVANS OF BOWES PARK

Schedule 12, page 124, line 22, after "section" insert "62, 63 or"

# BARONESS BRADY BARONESS EVANS OF BOWES PARK

Schedule 12, page 124, line 24, after "section" insert "62, 63 or"

# BARONESS BRADY BARONESS EVANS OF BOWES PARK

- Schedule 12, page 125, line 3, at end insert
  - "(c) a decision under section 62 or 63 of the 2024 Act."

#### Clause 99

#### LORD MARKHAM

Clause 99, page 77, line 33, after "to" insert "subsections (1A), (1B) and"

#### LORD MARKHAM

- Clause 99, page 77, line 34, at end insert
  - "(1A) This section comes into force on the day on which this Act is passed.
    - (1B) The other sections of this Act do not come into force until the Secretary of State has consulted UEFA on the provisions and impacts of this Act, and has confirmed to Parliament that he or she has done so."

#### LORD MARKHAM

Clause 99, page 77, line 35, leave out "This section and" and insert "Subject to subsection (1B),"

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

Clause 99, page 78, line 1, at end insert –

"(ba) section 16(2);"

# LORD MARKHAM LORD PARKINSON OF WHITLEY BAY

- 340 Clause 99, page 78, line 13, at end insert
  - "(2A) The Secretary of State may only make regulations for Part 3 to come into effect at the end of a relevant football season."

#### Member's explanatory statement

This amendment ensures the operating licensing regime does not come into effect during a football season.

#### After Clause 99

# LORD GOODMAN OF WYCOMBE LORD HAYWARD

# 341 After Clause 99, insert the following new Clause –

#### "Duration and review

- (1) This Act expires at the end of the period of five years beginning with the day on which section 5 comes into force ("the initial period"), subject to the provisions of this section and section (*Renewal and dissolution provisions*).
- (2) The Secretary of State must establish an independent review panel ("the Panel") no later than 15 months before the end of the initial period.
- (3) The Panel must—
  - (a) carry out a review of -
    - (i) the effectiveness of this Act,
    - (ii) whether the IFR has remained within its statutory purposes, and
    - (iii) whether the objectives of the Act could be achieved through less interventionist means,
  - (b) prepare a report of the review, and
  - (c) lay a copy of the report before Parliament, no later than 12 months before the end of the initial period.
- (4) The Panel must consist of
  - (a) at least one person with expertise in competition law,
  - (b) at least one person with expertise in regulatory policy,
  - (c) at least one person with expertise in football administration, and
  - (d) at least one person with expertise in business regulation.
- (5) Where there is a change in the person holding the office of Secretary of State after the establishment of the Panel but before the report is laid before Parliament
  - (a) the new Secretary of State may by written notice dissolve the existing Panel,
  - (b) where the Panel is dissolved under paragraph (a), the new Secretary of State must
    - (i) establish a new Panel within 28 days,
    - (ii) ensure the new Panel meets the requirements of subsection (4), and
    - (iii) extend the period for the laying of the report by up to three months if necessary to allow the new Panel to complete its work,
  - (c) the new Panel may
    - (i) consider any work undertaken by the previous Panel,
    - (ii) adopt any findings of the previous Panel that it considers appropriate, or
    - (iii) conduct an entirely new review.

- (6) The new Secretary of State may only exercise the power under subsection (5) once in relation to the review required by subsection (3).
- (7) The report under subsection (3) must include
  - (a) an assessment of whether the IFR has—
    - (i) achieved its objectives under section 6,
    - (ii) remained within the scope of its original purposes as set out in section 1,
    - (iii) avoided expanding its regulatory reach beyond its core functions,
    - (iv) maintained proportionate intervention in the football industry,
  - (b) an assessment of
    - (i) the regulatory burden imposed by the Act,
    - (ii) the costs of compliance for regulated entities,
    - (iii) whether the objectives could be achieved through less intrusive means,
  - (c) an analysis of any instance where the IFR has—
    - (i) exceeded its statutory powers,
    - (ii) created additional regulatory requirements beyond those explicitly authorised by the Act,
    - (iii) expanded its interpretation of its objectives beyond their original scope,
  - (d) a specific assessment of whether market conditions still justify statutory regulation, and
  - (e) a recommendation as to whether the Act should be
    - (i) allowed to expire,
    - (ii) renewed for a further period with specific restrictions, or
    - (iii) renewed without modification."

# LORD GOODMAN OF WYCOMBE LORD HAYWARD

# 342 After Clause 99, insert the following new Clause –

#### "Renewal and dissolution provisions

- (1) The Secretary of State may by regulations made by statutory instrument provide that this Act continues in force beyond the initial period only if
  - (a) the report of the Panel under section (*Duration and review*) demonstrates that—
    - (i) the IFR has not materially exceeded its original statutory purposes,
    - (ii) statutory regulation remains necessary and proportionate,
    - (iii) the objectives cannot be achieved through less interventionist means, and
  - (b) the Secretary of State is satisfied that appropriate safeguards are in place to prevent future expansion of the IFR's powers beyond those necessary for its core functions.

- (2) Any extension of the Act's provisions under subsection (1)
  - (a) may not exceed a period of five years,
  - (b) must include specific limitations on the IFR's ability to expand its regulatory scope, and
  - (c) must require annual reporting to Parliament on measures taken to prevent unnecessary expansion of powers.
- (3) A statutory instrument containing regulations under subsection (1) may not be made unless
  - (a) a draft of the instrument has been laid before and approved by a resolution of each House of Parliament, and
  - (b) the Secretary of State has published a response to each recommendation made by the Panel.
- (4) Where the Secretary of State, instead of extending the Act's provisions under subsection (1), initiates a dissolution process—
  - (a) the Secretary of State must lay before Parliament a statement of intent to dissolve the IFR;
  - (b) the statement must include
    - (i) reasons for the proposed dissolution;
    - (ii) an outline of proposed alternative arrangements for football regulation;
    - (iii) a timeline for dissolution not exceeding 12 months;
  - (c) a motion on the statement must be moved in both Houses of Parliament;
  - (d) if both Houses approve the statement by resolution, the Secretary of State must establish a dissolution committee within 28 days.
- (5) The dissolution committee must
  - (a) consist of persons independent from the IFR,
  - (b) complete the wind-down within the specified timeline, and
  - (c) report quarterly to Parliament on the progress of dissolution.
- (6) During any dissolution process
  - (a) the IFR must not—
    - (i) commence any new regulatory initiatives,
    - (ii) impose any new financial penalties exceeding £10,000, or
    - (iii) make any material changes to existing licenses,
  - (b) any ongoing enforcement actions must be reviewed by the dissolution committee to determine whether they should continue, and
  - (c) the dissolution committee may suspend any IFR action it considers non-essential to the immediate stability of football.
- (7) This section does not affect
  - (a) any liability incurred before the Act expires,
  - (b) the previous operation of the Act, or
  - (c) the continuation of any legal proceedings or enforcement action which began before the Act expires.

(8) The Secretary of State must by regulations make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the expiry of any provision of this Act."

# Football Governance Bill [HL]

# SIXTH MARSHALLED LIST OF AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

17 December 2024

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