

FOOTBALL GOVERNANCE BILL [HL]

EXPLANATORY NOTES ON COMMONS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Commons Amendments to the Football Governance Bill [HL] as brought from the House of Commons on 9 July 2025 (HL Bill 121).
- 2 These Explanatory Notes have been prepared by the Department for Culture, Media, and Sport in order to assist the reader of the Bill and the Commons amendments, and to help inform debate on the Commons amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Commons amendments themselves, refer to Bill 213, the Bill as first printed for the Commons.
- 4 These Explanatory Notes need to be read in conjunction with the Commons amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Commons amendments.
- 5 Commons Amendments 1 to 62 were tabled in the name of the Minister.

Commentary on Commons amendments

Commons Amendments to Clause 53: Duty to pay a levy

Commons Amendments 1 to 7

- 6 Commons Amendment 5 would remove the definition of “leviable functions” so that the Independent Football Regulator (“the IFR”) may charge a levy for all of its functions under the Act. Commons Amendments, 1, 2, 3, 4, 6 and 7 are consequential to Commons Amendment 5 and would remove references to the now defunct “leviable functions”.
- 7 The intention is that the levy would therefore be the primary source of funding for the IFR

Commons Amendments to Clause 54: Section 53 consultation and publication

Commons Amendments 8 and 9

- 8 Commons Amendment 8 and 9 are consequential to Commons Amendment 5 and would remove references to the now defunct “leviable functions”.

Commons Amendments to Part 6: Distribution of Revenue

Commons Amendments 11 to 35

- 9 Commons Amendments 11–35 clarify how the “questions for resolution”, the issues in dispute between the leagues which set the scope for the distributions process, are set. They address how the questions are chosen and how they will apply as the process progresses. These amendments would make the stages of the procedure for setting the questions for resolution more transparent.
- 10 Commons amendments 12–18 would amend clauses 57 and 58 to make clear how the applying specified competition organiser will submit questions as part of their application to the IFR.
- 11 Commons amendments 19–32 would amend clause 59. The amended clause 59 would require the IFR to decide whether to trigger the Part 6 resolution process specifically in relation to one or more of the questions submitted (or a modified version of one or more of the questions). The IFR would be required to explain how, in making that decision, it had taken account of any representations from the other competition organiser.
- 12 If the questions set out by the IFR differed from the questions in the application (i.e. if the IFR modified the questions or chose not to take forward every submitted question), the amendments would require the IFR to set out the extent of those differences and give reasons for them.
- 13 The amendments would also clarify that the tests the IFR must apply when deciding whether to trigger the Part 6 resolution process (for example, the requirement that the IFR has reasonable grounds to suspect that its ability to advance at least one of its objectives would be jeopardised if the resolution process were not triggered) relate to the specific question or questions for resolution.

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- 14 Commons Amendment 26 adds a consultation with the FA to the process. If the IFR were minded to trigger the Part 6 resolution process, it would first be required to consult the FA on the questions for resolution.
- 15 Commons amendments 33–35 would amend clause 60 to clarify that the aim of the mediation stage is to resolve the specific questions for resolution set out by the IFR under clause 59.

Commons Amendments 36 and 38

- 16 Commons Amendment 36 and consequential Commons Amendment 38, (alongside later Commons Amendments 50 and 52) would substitute existing Clause 61 and correct references to Clause 62 in other parts of the Bill.
- 17 Commons Amendment 36, Subsection 1 clarifies that Commons Amendment 36 would apply when mediation has concluded and questions for resolution remain outstanding.
- 18 Commons Amendment 36 Subsection 2 would require the IFR, as soon as reasonably practicable after mediation concludes, to issue a notice to the two specified competition organisers.
- 19 Commons Amendment 36, Subsection 3 would outline what this notice must cover. It must restate; the question or questions for resolution, specify the qualifying football season or seasons to which the question(s) relate, and set out the relevant state of the game findings. It must also invite the two specified competition organisers to submit proposals as to how the question or questions should be resolved and require these proposals to be accompanied by supporting evidence. It also requires the IFR to use the notice to set a deadline by which proposals must be submitted.
- 20 Commons Amendment 36, Subsection 4 would clarify that questions for resolution may only be set out in a notice under subsection (2) if they remain unresolved when the mediation comes to an end.
- 21 Commons Amendment 36, Subsection 5 would require that, where a notice under Subsection (2) sets out a question for resolution that relates to relegation revenue (within the meaning given by section (Distribution orders)(9)), the notice issued must require specified competition organisers to explain in their proposal how the proposal will promote the financial sustainability of relegated clubs.
- 22 Commons Amendment 36, Subsection 6 would outline what must occur for Subsection 7 to apply. If, on or before the deadline specified in the notice, a specified competition organiser submits to the IFR a proposal which does not qualify under the notice, the IFR can utilise subsection 7 to issue an extension.
- 23 If the qualifications of Subsection 6 are met, Subsection 7 would allow the IFR to issue a second notice specifying a later day on or before which proposals are to be submitted. This extension cannot be more than seven days after the deadline specified in the original notice.
- 24 Commons Amendment 36, Subsection 8 would require the IFR, as soon as reasonably practicable after the initial proposal deadline (or earlier if both specified competition organisers have already submitted proposals) to issue another notice under subsection (9) to the two specified competition organisers.
- 25 Commons Amendment 36, Subsection 9, details a secondary notice. It would require the notice; state which of the two specified competition organisers (if any) has submitted a qualifying proposal before the deadline and invite them to confirm or modify their proposals

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- and submit their confirmed or modified proposals to the IFR and other specified competition organiser. It must outline the deadline to which these modified proposals must be submitted.
- 26 Commons Amendment 36, Subsection 10 would allow the IFR in the notice under subsection (2) or (9) to also specify the form and manner in which proposals and supporting evidence must be submitted.
- 27 Commons Amendment 36, Subsection 11 would provide statutory definitions for “the initial proposal deadline” and “qualifying proposal”. It also specifies that modifications to a proposal are considered “permitted” unless they result in the proposal no longer being a qualifying proposal.

Commons Amendments 10, 37, 39, 40, 58 and 62

- 28 Commons Amendment 37 and consequential Commons Amendments, 10, 39, 40, 58 and 62 would substitute the existing clause 62 with a new clause and correct references to clause 62 in other parts of the Bill.
- 29 Commons Amendment 37, Subsection 1 would clarify that Commons Amendment 37 applies where the IFR has given a notice under Commons Amendment 36, Subsection 9.
- 30 Commons Amendment 37, Subsection 2 would require that the IFR give the two specified competition organisers a notice of the distribution order they propose to make, detailed further in Commons Amendment 37, Subsection 4, within 60 days of the Notice outlined in Commons Amendment 36, Subsection 9.
- 31 Commons Amendment 37, Subsection 3, would allow the IFR to extend the period in subsection 2 by 14 days if it considers it appropriate to do so.
- 32 Commons Amendment 37, Subsection 4 would detail what the notice must cover. It requires the notice to give reasons for the proposed distribution order, to explain how the proposed order applies the principles mentioned in subsection 8, and to explain how the proposed order addresses the findings of the state of the game report set out under Commons Amendment 36, Subsection 3. The notice must also invite representations about the proposed distribution order from the two specified competition organisers, and specify the deadline and means by which they may be made. It also requires the IFR to have regard for these representations.
- 33 Commons Amendment 37, Subsection 5 would ensure that the period outlined for submitting representations under subsection 4 is not less than 14 days long from the day the notice is given.
- 34 Commons Amendment 37, Subsection 6 would require the IFR to make their final distribution order as soon as reasonably practicable after the end of the period outlined for submitting representations under subsection 4.
- 35 Commons Amendment 37, Subsection 7 would outline what the IFR must consider when making their distribution order. It requires the IFR to apply the principles mentioned in subsection 8, and to have regard to proposals submitted under Commons Amendment 36, Subsection 9. It also draws specific attention to section 7 of the Bill, highlighting the IFR’s general duty to exercise its functions in a way that advances one or more of its objectives.
- 36 Commons Amendment 37, Subsection 8 would outline the principles by which a distribution order should be made. It requires the distribution order not to place an undue burden on the commercial interests of either specified competition organiser, and the distribution order

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should not result in a lower amount of relegation revenue being distributed to a club during the transition period or "relevant period" defined in subsection 9.

- 37 Commons Amendment 37, Subsection 9, would define "relegation revenue" and "relevant period" for the purposes of subsection 8.
- 38 Commons Amendment 37, Subsection 10 would specify how a distribution order will apply. It allows the IFR to use the order to impose obligations on specified competition organisers as it considers appropriate for the purposes of securing compliance with the requirements set out in the order. It also allows a distribution order to allow an existing agreement that applies to the same qualifying football season or seasons to which the order relates to still have effect, subject to specific provisions outlined in the order.
- 39 Commons Amendment 37, Subsection 11 would require the IFR to give the two specified competition organisers a notice at the same time as making a distribution order. This notice must include a copy of the order, the reasons for the order, information on how the order applies the principles in subsection 8, information on how the order addresses the state of the game findings set out under Commons Amendment 36, Subsection 3 and information about possible consequences of non-compliance with the order.
- 40 Commons Amendment 37, Subsection 12 would require the IFR to publish the distribution order or a summary of the order as soon as reasonably practicable after making the order.

Commons Amendments to Clause 83: Internal Reviews

Commons Amendments 41 to 43

- 41 Commons Amendments 41–43 would increase the deadline within which internal reviews must be carried out from 14 days to 28 days. The possibility for a further 14-day extension in special cases remains unchanged.

Commons Amendments to Clause 94: Pre-commencement consultation

Commons Amendments 44 to 48

- 42 The State of the Game clause currently requires the IFR to carry out a specific form of consultation by "inviting suggestions" on the State of the Game Report.
- 43 Commons Amendments 44–48 to clause 94 would ensure that this specific form of consultation can also be covered under 'pre-commencement consultation'.

Commons Amendments to Clause 101: Short title

Commons Amendment 49

- 44 Commons Amendment 49 would remove the privilege amendment inserted in the House of Lords. Parliamentary procedure requires a privilege amendment to be included when a Bill starts in the Lords and has financial implications. It is then removed in the Commons.

Commons Amendments to Schedule 2: The Independent Football Regulator

Commons Amendments 50 to 52

- 45 Commons Amendments 50 to 52 would provide that the Board may only delegate the functions of deciding whether the resolution process should be triggered under clause 59 or making a distribution order under Commons Amendment 36 to a committee of the Board.

Commons Amendments to Schedule 5: Mandatory licence conditions

Commons Amendment 53

- 46 Commons Amendment 53 would clarify that the IFR can re-specify mandatory licence conditions for individual clubs after attaching them.

Commons Amendments to Schedule 8: Investigatory powers

Commons Amendment 54

- 47 Commons Amendment 54 would change the procedural requirement determining the period within which the IFR can retain information under a warrant from 3 months to 'so long as is necessary in all the circumstances'.

Commons Amendments to Schedule 10: Reviews

Commons Amendments 55

- 48 Commons Amendment 55 would add the decision to trigger the backstop process outlined in Part 6 to the list of reviewable decisions alongside the decision not to trigger the backstop process.

Commons Amendments 56 to 61

- 49 Commons Amendments 56–61 would make the Board of the IFR the applicable reviewer for a decision to trigger the resolution process rather than a committee of the Expert Panel, consistent with amendments to Part 6.

Commons Amendments to Schedule 11: Index of defined terms

Commons Amendment 62

- 50 Commons Amendment 62 would align the defined term with where it is used in the Bill following changes.

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