

### **3 Licensee**

#### **3.1 Definition of Licensees**

The Licensee is the legal entity that is recognised as a member of the Scottish FA:

- Only members of the Scottish FA can apply for and obtain a Licence;
- Members who are individuals cannot apply for or obtain a Licence;
- The status of a Licence Applicant/Licensee (professional, semi-professional or amateur) is not relevant to the issuance of a Licence;
- The legal form of a Licence Applicant/Licensee (according to national statutes and law) is not relevant to the issuance of the Licence;

In addition, the Licensee must be based legally in the territory of the Scottish FA and play its home matches only in that territory. (An exception to this rule is allowed in the case of Berwick Rangers FC.)

#### **3.2 Control of Activities**

The Licensee is responsible for the football activities including all financial aspects that are related to the participation in national and international football competitions as well as to the Club Licensing requirements.

The Licensee is the sole beneficial owner of all the players' contracts and is responsible for ensuring that:

- All players of the club are registered with the Scottish FA and, if non-amateur player status, have a written player's contract with the club (see Article 4 of the FIFA Regulations for the Status and Transfer of Players);
- The Licensor is provided with all necessary information and/or documents relevant to establishing that the Licensing obligations are fulfilled, as these obligations relate to the criteria set out in chapters five to nine of this manual. When assessing the fulfillment of the criteria, the Scottish FA will take into account the entity/entities involved in the football activities of the Licensee.

### 3.3 Legal Link between Licensee and Licensor

National Club Licensing was approved by the Scottish FA membership at the Scottish FA EGM in May 2002. All SPL and SFL clubs, as members of the Scottish FA, are subject to National Club Licensing and are bound by its requirements.

The Scottish FA's Articles of Association state -

Article 5;"All members shall be subject to and shall comply with the Articles and to any regulations or decisions promulgated by the Board or by a Standing Committee or by FIFA or UEFA".

Article 112;"Clubs in full or associate membership of the Association or in membership of an Affiliated Association or an Affiliated National Association, as the case may be, shall comply with the requirements of the National Club Licensing Procedures. Clubs failing to comply with the requirements of the National Club Licensing Procedures, as aforesaid, shall be liable to a fine, to a suspension, to an expulsion, to a combination of these penalties or such other penalty, sanction or condition as the Association considers appropriate in order to deal justly with the case in question".

Article 125;"For an infringement of any provision of the Articles, a recognised football body, club, official, player, referee or other person under the jurisdiction of the Association shall be liable to censure or to a fine or to a suspension or to an expulsion or to any other combination of these penalties or such other penalty, condition or sanction as the Association considers appropriate in order to deal justly with the case in question."