



IJB/MS

31 October 2019

**TO: SPFL CLUBS
SCOTTISH HIGHLAND FOOTBALL LEAGUE CLUBS
SCOTTISH LOWLAND FOOTBALL LEAGUE CLUBS**

Circulated by email only

Dear Colleagues

**The Scottish Professional Football League Limited (“the Company”)
The Scottish Professional Football League (“the SPFL”)
Membership of the League for Season 2020/2021**

Introduction

Following the commencement of each Season it has, for a number of years, been the practice of the SPFL (and of the SPL before that) to issue a letter in the same general form as this letter, adjusted in appropriate terms from Season to Season, setting out to member Clubs and clubs which might potentially become a member of the SPFL through promotion, the Membership Criteria of the SPFL and other related considerations for the next following Season.

The relevant Season to which this letter primarily relates is Season 2020/2021 although some of the information updates on matters which may require attention during Season 2019/2020.

Copies of the Articles of the Company and the Rules & Regulations of the SPFL are available on the SPFL website at <https://spfl.co.uk/pages/rules-and-regulations>. Capitalised words and phrases defined in the Articles and Rules have the same meanings in this letter.

There have been no substantive amendments to the Membership Criteria of the SPFL from Season 2019/20 to Season 2020/2021.

SPFL Membership Criteria

The SPFL Membership Criteria set out at Rule D4 and referred to in this letter, apply to membership of the SPFL in both of Seasons 2019/2020 and 2020/2021. Any changes in the SPFL Membership Criteria which may be later adopted during Season 2019/2020 will be notified to you.

Below is a summary of the principal provisions of the Rules as they relate to, Membership of the SPFL, Ground Registration, stadia requirements, pitch condition and protection, Artificial Pitch requirements and Financial Fair Play. Reference is also made to Guidance relating to Unacceptable Conduct and to the Rules of the Pyramid Play-Off Competition.

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Existing Waivers etc

Please note that all existing waivers, periods of grace and approvals previously given will, unless expressly stated otherwise, expire at the end of Season 2019/2020. All Clubs and the Candidate Club must therefore carefully consider whether they require approval(s)/waiver(s)/periods of grace etc. for Season 2020/2021 and make any required written applications to me for consideration by the SPFL Board on or prior to **31 March 2020**.

“Candidate Club”

The term Candidate Club is used to identify a club which is a member of the Scottish Highland Football League (SHFL) or the Scottish Lowland Football League (SLFL), which, on sporting merit, may become eligible to participate in the Pyramid Play-Off Competition at the end of a Season and, as the winner of that Competition, would, subject to compliance with SPFL Membership Criteria, become eligible for promotion to and participation in the SPFL for the next Season; for present purposes this is a reference to the Pyramid Play-Off Competition at the end of Season 2019/2020 and potential promotion to League Two for Season 2020/2021.

All Clubs in membership of the SHFL and SLFL are potentially the Candidate Club and each should carefully consider now what measures/steps each would require to take to meet the SPFL Membership Criteria and/or any approvals/waivers/period(s) of grace each would be required in order for it to be permitted to (i) participate in the Pyramid Play-Off Competition at the end of Season 2019/2020; and (ii) to be promoted to League Two of the SPFL, if successful as the winner of that Play-Off Competition for Season 2020/2021.

Since the Membership Criteria compliance date is **31 March prior to any Season** this requires all clubs in the SHFL and SLFL, which consider that they have any prospect of being the champion club of the relevant league, to ensure compliance with the SPFL Membership Criteria and/or the making of any required applications for approval/waiver/period(s) of grace not later than **31 March 2020**, i.e. some weeks in advance of knowing which club will be the champion club of each of the leagues.

SPFL Membership Criteria and SPFL Rules

The Membership Criteria of the SPFL and related Rules are to be found in Sections D and H of the SPFL Rules. Your attention is drawn, in particular, to Rules D1 to D8 (inclusive) and Rules H1 to H21 (inclusive). In addition, there are requirements in Section B which must be complied with as a condition of being permitted to play in the SPFL and in Section G in relation to fixtures. Section C of the Rules describes the structure and operation of the League.

Summary of SPFL Membership Criteria and Related Matters

For full details of the SPFL Membership Criteria, arrangements and requirements reference should be made to the Rules.

1. Rule C3: the 42 Clubs eligible to participate in the SPFL in any Season shall be the 42 leading football clubs in Scotland. The same 42 Clubs will, subject to the result of the Pyramid Play-Off Competition at the end of Season 2019/2020 and the provisions of the Rules summarised below, be the members of the SPFL in Season 2020/2021.

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2. At the end of Season 2019/2020 there is provision for a Pyramid Play-Off Competition in terms of Rule C33 in which the Club occupying the 42nd position in the SPFL will, subject to at least one of the SHFL and SLFL champion clubs meeting the SPFL Membership Criteria and having regard to SPFL Board decisions on approvals, waivers and/or period(s) of grace, be required to take part. The currently applying Regulations for the operation of the Pyramid Play-Off Competition are, for convenience, printed at Annex 9 of the SPFL Rules and Regulations document.
3. Rule D3: if a Club, in the opinion of the SPFL Board, fails or would fail to fully comply with the SPFL Membership Criteria if it participates or were to participate in the SPFL in any Season and no relevant approval, waiver and/or period of grace is granted by the SPFL Board, then that Club is liable to such sanction or action as may be decided on by the SPFL Board, except that any expulsion from the SPFL will require the approval of the Company in General Meeting.
4. Rule D4: the Membership Criteria of the League are:-
 - membership of the Scottish FA;
 - Registration of a Club's and Candidate Club's Home Ground with the SPFL in accordance with Rule H13;
 - a Club and Candidate Club when participating in the SPFL must either own its Registered Ground, whether by itself or through a holding or subsidiary company, or have such rights of occupation or tenure in its Registered Ground as may be approved by the SPFL Board;
 - Clubs' and Candidate Club's Registered Grounds for a Season must, by not later than 31 March immediately preceding the relevant Season:
 - (i) for Clubs in the Premiership and Championship comply with the stadia criteria at the Scottish FA Bronze Standard; and
 - (ii) for Clubs in Leagues One and Two and the Candidate Club, comply with the stadia criteria at the Scottish FA Entry Level Standard; or, in both cases,
 - (iii) have granted to the Club a relevant approval, waiver or period(s) of grace;
 - Premiership and Championship Clubs must have in place adequate pitch protection as required by Rule H10. Note this Rule also applies to League One and League Two Clubs but is not a SPFL Membership Criteria for those Clubs;
 - Rules H18 (floodlighting) and H19 (pitch dimensions) must be complied with;

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- all Clubs are required to take such steps as the SPFL Board considers necessary to implement the development of youth football in Scotland in accordance with the requirements, philosophy and recommendations of the Company;
- Clubs and the Candidate Club intending to make use of a synthetic or artificial playing surface for SPFL Matches must comply with the procedures and obtain the appropriate approvals, including from the SPFL Board, as set out in Rule H4;
- all Clubs and the Candidate Club must comply and have complied with the Financial Disclosure Requirements. The Financial Disclosure Requirements are set out at Appendix 3 to the Rules. The date by which the required material for Financial Disclosure must be provided for Season 2019/2020 is **31 March 2020**; and
- all Clubs and the Candidate Club must have sent to and had received by the Secretary, a fully completed and signed declaration and certificate confirming compliance with No Overdue Payables as at 31 January 2020 in a form specified by the Board and in accordance with Rule E31.7. The date by which the required declaration and certificate must be provided for Season 2019/2020 is **31 March 2020**.

Approvals, Waivers and Periods of Grace

Any application for a waiver, relaxation or period(s) of grace from compliance with any part of the SPFL Membership Criteria or for an extension of the period, within which a ground may be registered with the SPFL in relation to Season 2020/2021, must be made in writing to me, by not later than **31 March 2020**. This time limit is specified in Rule D5.

Rule D6: The SPFL Board may, in its absolute discretion, waive, relax or grant a period of grace in respect of any Club or the Candidate Club's requirement to comply with any part of the SPFL Membership Criteria and/or the time limit for applications for approval, waiver, relaxation or period(s) of grace etc. and/or for registration of a ground with the SPFL.

Verification of Compliance with SPFL Membership Criteria

The SPFL Board is given wide ranging powers of investigation and verification in Rule D7 in order to ensure that there is compliance with the SPFL Membership Criteria by Clubs and by the Candidate Club.

Financial Fair Play

For the first time in Scottish domestic football, a system of Financial Fair Play was introduced for all Clubs in 2017. Rule E31.7 and other Rules were adopted at the SPFL AGM on 24 July 2017 with the effect that, as at **31 March in each year**, Clubs and the Candidate Club are under an obligation to certify that they have no Overdue Payables as regards other football clubs, football authorities (primarily SPFL and Scottish FA), overdue payments to players and coaching staff (primarily remuneration and pension obligations) and no overdue sums in relation to employment taxes. In addition, Clubs are also obliged by no later than **31 March of the same year**, to declare and certify that they were in compliance with National Minimum Wage requirements as at 31 January of that year. This declaration and certification now form part of the Membership Criteria of the SPFL.

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Please note that SPFL Rule E17 was amended at the SPFL AGM on 22 July 2019 to make explicit that any failure by a Club to meet pensions obligations and/or to deliver on employment contract benefits in kind is a Remuneration Default in terms of Rule E17.

Winter Pitch Protection

Rule H10: each Club in membership of the SPFL must ensure that there is an efficient and effective system of winter pitch protection at its Registered Ground and that the system is efficiently and effectively operated. Clubs are required to fully utilise those systems where there is a reasonable possibility of a pitch otherwise being frozen or covered in snow or ice such that a SPFL Match may be compromised.

Registration of Grounds

Rule H13: all Clubs and the Candidate Club must have registered or be deemed to have registered their Home ground for SPFL Matches for Season 2020/2021, in writing, with me, by not later than **1 June 2020**. If a Club's Home Ground is already registered with the SPFL for Season 2019/2020 that registration will be deemed continued for Season 2020/2021 (Rule H16) providing there has been no relevant change in circumstances.

Other Stadia Requirements

Clubs and the Candidate Club are reminded of the continuing requirements of:-

- Rule H11: Each Club is under an obligation to ensure that the pitch at its Registered Ground or other ground at which it is authorised by the SPFL Board to play its Home Matches is smooth and in good condition and repair and that it has an efficient and effective drainage system so that it does not become unplayable due to flooding;
- Rule H12: The SPFL Board is entitled to direct a Club to take such steps as the SPFL Board considers necessary in order that the pitch at its Registered Ground or other ground where it is authorised to play its Home Matches is put into and maintained in good condition and repair;
- Rule H18: Registered Grounds or other grounds authorised for the playing of Home Matches are required to have floodlights which give minimum lux and other values based on the Division in which the Club plays: Scottish FA Silver Standard (Premiership and Championship Clubs) and Bronze Standard (League One and League Two Clubs); and
- Rule H19: there are minimum and maximum recommended pitch dimensions specified, based on the Division in which a Club is entitled to participate.

A failure to comply with these requirements is a breach of the Rules and would result in the relevant Club being liable to a range of possible sanctions.

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Stadium Tenure and Occupation Arrangements

Rule D4.3.2: if a Club or Candidate Club wishes, in relation to Season 2020/2021, to have, as its Registered Ground, one which it does not own or which is not owned by a subsidiary or holding company of the Club or Candidate Club concerned, then any application for approval of a basis of tenure or occupancy other than such ownership must be made to me for consideration by the SPFL Board by not later than **31 March 2020**.

In considering an application for approval of such an arrangement covering Season 2020/2021, which includes but is not limited to “ground sharing”, the SPFL Board is likely to regard the following as relevant:-

- a. any such arrangement would require to be for at least the whole of Season 2020/2021 and be constituted in the form of a legally binding agreement with the owner, or such other appropriate party who shall have a right of occupation of the ground in question;
- b. any such legally binding agreement must be clearly expressed in writing and be in formal legal terms;
- c. the term (duration) of any such agreement must be at least for the whole of Season 2020/2021;
- d. such an agreement must contain provisions, satisfactory to the SPFL Board, that the Club in question will be able to fulfil each and all of its Home fixtures in the SPFL, Scottish Cup, League Cup and Challenge Cup (if eligible to participate) and make adequate provision for any European competition in which that Club may be involved in the Season, including whether the agreement contains provisions satisfactory to the Board concerning the consequences of failure on the part of a party to the agreement to comply with its obligations in terms of the agreement;
- e. the terms of such an agreement are such as will satisfy the Board that the Club in question will be able to fulfil each and all of its relevant obligations as regards facilities, including for the recording, transmission and broadcasting of Homes matches, as set out in the Rules and Regulations and such other football organisations in whose competitions the Club in question will take part during the Season;
- f. whether the Board is satisfied that there will be compliance with Rule H11 (Pitch Condition);
- g. that the relevant ground shall satisfy each and all of the requirements of the Rules, or alternatively, that the Club shall have obtained such waiver, relaxation or period of grace from the Board that may be required;
- h. whether a like application has been made by the same Club for a previous Season; and
- i. any conditions and compliance with such conditions and/or any guidance given in respect of or in relation to a previous like application by the same Club and/or in respect of the same ground.

The above is not intended to be an exhaustive list. Other factors may also be relevant.

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The SPFL Board is unlikely to be satisfied that a legally binding agreement referred to in paragraph (a) above, will be sufficient to secure an assurance of occupation for the whole of the relevant Season if the agreement permits the “landlord” to terminate the Club’s right of occupation during the Season in the event that the Club in question breaches its obligations in terms of the agreement. This would include, for example, a right for the landlord to terminate the Club’s right of occupation during the course of a Season if the Club concerned failed to meet its financial (including rent) and/or other obligations under a lease with the landlord.

All Clubs and clubs in membership of the SHFL and SLFL should consider the basis on which they occupy their Home Ground and consider whether they require to make an application for approval by the SPFL Board for Season 2020/2021, on or prior to **31 March 2020**, in terms of Rule D4.3.2.

Synthetic and Artificial Pitches

Rule H4 contains a prohibition on Official Matches being played on a synthetic or artificial playing surface unless certain conditions are met.

In order to be used in an Official Match a synthetic or artificial playing surface must be designed and constructed to the relevant FIFA standard (currently ‘FIFA Quality Programme for Football Turf’¹) and it must be demonstrated to the SPFL Board that the pitch in question meets and continues to meet the relevant FIFA quality and performance criteria. The previous relevant standard was ‘FIFA 2 star’ but that has now been substituted, with effect from 26 October 2015, with ‘FIFA Quality Pro’.

Per SPFL Rule H4.2 it is the highest FIFA standard which is applied to synthetic or artificial playing surfaces used in SPFL Matches; accordingly absent any waiver, approval or period of grace all artificial and synthetic surfaces used in SPFL Matches must be played on surfaces which have a current FIFA Quality Pro certification and for Clubs entitled to participate in the Premiership which have an artificial surface at the ground at which they play their Home League Matches, any and all Premiership/Championship Play-Off Matches and League Cup Matches, the artificial pitch must perform in accordance with the relevant *in situ* field performance standards in all such Matches.

Recognising the practical and financial difficulties for Clubs which would result were every pitch in use for Official Matches be required to be upgraded immediately to FIFA Quality Pro the Board of the SPFL on 1 September 2016 resolved to grant a general waiver for all Clubs and any Candidate Clubs to the effect that for all artificial and synthetic surfaces used in SPFL Matches which were installed before 26 October 2015 that the performance criteria and testing methods for *in situ* testing would be that which applies to FIFA 2 star artificial and synthetic surfaces and which were published by FIFA in 2012; in effect the same testing criteria and methodology applied for the previous 5 years and with which the Clubs are familiar. However, for all artificial and synthetic surfaces used in SPFL Matches which were installed on or after 26 October 2015 the relevant performance criteria and testing methods for *in situ* testing is that which applies to FIFA Quality Pro artificial and synthetic surfaces and which were published by FIFA in 2015¹.

¹ https://football-technology.fifa.com/media/1026/fifa_quality_programme_for_football_turf.pdf

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There will continue to be a system of spot checks operated by the League, monitoring compliance with the requisite *in situ* performance criteria for Premiership Clubs during Season 2019/20 and, unless altered by the Board, during Season 2020/21.

In addition to meeting the relevant FIFA criteria, the Board must approve the use of any synthetic or artificial playing surface proposed to be used in an Official Match. Any such application for approval for Season 2020/21 must be submitted to me by not later than **31 March 2020**. Such Board approval, when given, has continuing effect and does not require to be renewed annually unless and until the Board becomes concerned that a particular synthetic or artificial playing surface proposed to be used in SPFL Matches may no longer be compliant with the relevant FIFA standard, in which case further procedures may be applied and/or the approval be required to be issued by the SPFL. You should check the terms of the notification of the current approval issued to your Club for information on the specifics of that approval in the event that you intend to continue using a synthetic or artificial playing surface in SPFL Matches in Season 2020/2021.

Appeals

Clubs and clubs in the SHFL and SLFL have a right to appeal to the Scottish FA Appeals Judicial Panel against decisions of the Board of the SPFL in relation to compliance with SPFL Membership Criteria and related decisions. Time limits apply to such appeals. For details of appeals procedures, time limits and requirements see the Scottish FA Judicial Panel Protocol.

Unacceptable Conduct

The SPFL Rules, along with Scottish FA Article 28, relating to Unacceptable Conduct were previously amended with additional provisions inserted placing emphasis on Clubs investigating incidents of Unacceptable Conduct amongst their own supporters at Official Matches and imposing proportionate disciplinary sanctions on such supporters found to have acted in this way.

Rule H37 provides for Guidance for Clubs on Unacceptable Conduct. The Guidance, as updated by the SPFL in January 2017, is reproduced at Annex 7 of the SPFL Rules & Regulations. Compliance with the Guidance is a relevant matter (Rule H38) to be considered in any complaint brought against a Club in terms of Rules H33 and/or H34. Clubs are strongly advised to carefully consider the Guidance and to take steps to implement its terms.

Key Dates Summary

31 March 2020 – the date by which the Financial Disclosure Requirements (Appendix 3 of the SPFL Rules) must be complied with by Clubs and Candidate Club.

31 March 2020 – the date on which the ground which a Club or Candidate Club intends to Register as its Home Ground for Season 2020/2021 is required to meet the SPFL Membership Criteria relating to stadia in Rule D4.4.

31 March 2020 – the last date for the making to the SPFL of an application for approval of a basis of tenure or occupation, other than ownership, in relation to a Clubs' and the Candidate Club's prospective Registered Ground for Season 2020/2021.

31 March 2020 - the last date for making an application to the SPFL for a waiver, relaxation or period of grace by Clubs and the Candidate Club in relation to all or any part of the Membership Criteria for Season 2020/2021.

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31 March 2020 – the last date for the making to the SPFL of an application by Clubs and the Candidate Club for approval of the use of a specified synthetic or artificial playing surface and pitch in League Matches and Play-Off Match for Season 2020/2021.

31 March 2020 – the date by which Clubs and the Candidate Club are obliged to declare and certify that as at 31 January 2020 they had no overdue payables etc. and that they were in compliance with the NMW.

1 June 2020 – the last date for registration or deemed registration with the SPFL of Clubs' and the Candidate Club's Home Ground for Season 2020/2021.

All of the above applications and registration must be made/notified to me in writing not later than the relevant specified date.

Pyramid Play-Off Competition

Provision is made in Rule C33 for a Pyramid Play-Off Competition to take place at the end of each Season between the Club in 42nd place in the SPFL and the winner of a Play-Off Match (over two legs) between the champion clubs of the SHFL and of the SLFL.

The current Rules of the Pyramid Play-Off Competition, agreed by the Scottish FA, SPFL, SHFL and SLFL, are reproduced for convenience at Annex 9 of the SPFL Rules & Regulations document, available as above.

In order to be entitled to participate in Pyramid Play-Off Competition Matches each of the SHFL and SLFL champion clubs must each first have either complied with the SPFL Membership Criteria or have secured from the Board of the SPFL any necessary approval, waiver and/or period of grace. If a SHFL and/or SLFL champion club fails to so comply and/or secure, then it/they are prohibited from participating in the Pyramid Play-Off Competition.

Conclusion

Please contact me if you have any difficulties or queries regarding any aspect of the above.

A copy of this letter will be placed on the SPFL website at <https://spfl.co.uk/pages/rules-and-regulations>.

Yours sincerely



Iain Blair
Company Secretary and Director of Operations
The Scottish Professional Football League Limited

cc SPFL Board Members
Ian Maxwell, Chief Executive, Scottish FA
Secretaries of SHFL and SLFL