



**BOTSWANA FOOTBALL ASSOCIATION**

**2016/2017 SEASON**

**CLUB LICENSING AND  
COMPLIANCE MANUAL FOR THE  
BOTSWANA PREMIER LEAGUE AND  
NATIONAL FIRST DIVISION LEAGUE  
CLUBS**

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For the purposes of this manual;

“AB” refers to “Appeals Body”

“BFA” or “Association” refers to “Botswana Football Association”

“BPL” refers to “Botswana Premier League”

“CAF” refers to “Confederation of African Football”

“CAS” refers to “Court of Arbitration for Sport”

“CEO” refers to “Chief Executive Officer”

“DC” refers to “Disciplinary Committee”

“FA” refers to “Football Association”

“FIB” refers to “First Instance Body”

“LA” refers to “Licensing Administration”

“FIFA” refers to “International Federation of Football Associations”

“NDC” refers to “National Disciplinary Committee”

“NEC” or “Executive” refers to “Executive Committee”

“NFD” refers to “National First Division”

“RFA” refers to “Regional Football Association”

“SG” refers to “Secretary General”

“VAT” refers to “Value Added Tax”



**BOTSWANA FOOTBALL ASSOCIATION**

# **Section 1**

**DEFINITION OF THE CLUB**

**LICENSING AND**

**COMPLIANCE MANUAL**

**CONCEPT**

## 1.1. INTRODUCTION

In December 2007 the Federation of International Football Associations – FIFA issued circular No. 1128 – FIFA Club Licensing Regulations which was a resolution of the FIFA Executive Committee that had sat in Zurich in May 2007 to implement Club Licensing universally among the members of FIFA.

In April 2013, the Botswana Football Association (BFA) initiated the Club Licensing System and Compliance Manual. The new system was to be implemented with effect from the 2013/14 football season in Botswana. The new Club Licensing and Compliance Manual was endorsed by Clubs that were then competing in the Botswana Premier and the National First Division Leagues.

Requirements of a club license were approved by the BFA National Executive Committee (NEC) and the implementation of a Club Licensing System included in the BFA Constitution in 2013.

This 'Club Licensing and Compliance Manual' sets out requirements for clubs to be licensed to take part in the national leagues; i.e. the Botswana Premier League (BPL) and the National First Division (NFD). The Manual is divided into six main sections:

- I. The first section provides an introduction to the Club Licensing and Compliance Manual concept.
- II. The second section addresses the licensor, explaining its tasks, defining the license applicant, the licensing bodies as well as the core process to be applied.
- III. The third section is directed at the clubs and describes the process of the application for a club license.

IV. The fourth section is also directed at the clubs and describes the seven criteria that need to be met in order to be granted a license to play in domestic competition(s). The seven categories (criteria) described in the manual are as follows:

1. Legal criteria and Club Ownership criteria
2. Personnel and Administrative criteria
3. Technical Staff criteria
4. Sporting criteria
5. Infrastructure criteria
6. Financial criteria
7. Media criteria.

The criteria are divided into two different grades (“**A**” and “**B**”).

V. The fifth section sets to explain the registration protocol that clubs have to follow when registering their players and technical officials. This stage happens only when a club has been issued with a license.

VI. The sixth section sets out the monitoring process in relation to the abidance with the license and the conduct of clubs that have been issued with licenses to compete in the Botswana domestic competitions.

## **1.2. SCOPE OF APPLICATION**

These regulations apply whenever expressly referred to by specific regulations governing a club competition to be played under the auspices of the BFA. These regulations govern the rights, duties and responsibilities of all parties involved in the domestic club and league licensing system and define in particular:

- a) The minimum requirements to be fulfilled by the BFA in order to act as a licensor for its clubs, as well as the minimum procedures to be followed by the licensor in the assessment of the licensing criteria.
- b) The license applicant and the license to participate in the top division of domestic competition in Botswana.
- c) The minimum sporting, infrastructure, personnel and administrative, legal and financial criteria to be fulfilled by a club in order to be granted a domestic or championship club license.

### **1.3. OBJECTIVES**

Each chapter also includes the objectives and the benefits for the clubs. Clubs should carefully read through the objectives of each criterion. The BFA Club Licensing System has the following objectives:

1. To ensure that a club has adequate levels of management and organization;
2. To protect the integrity and smooth running of the domestic club competitions
3. To allow the development of benchmarking for clubs in financial, sporting, legal, personnel, administrative and infrastructure-related criteria throughout BFA;
4. To improve the economic and financial capability of the clubs; increasing their transparency and credibility;
5. To encourage clubs to operate on the basis of their own revenues;
6. To encourage responsible spending for the long-term benefit of football;
7. To protect the long-term viability and sustainability of domestic club football.

8. To introduce more discipline and rationality in club football finances;
9. To place the necessary importance on the protection of creditors by ensuring that clubs settle their liabilities with players, social/tax authorities and other clubs punctually;
10. To further promote and continuously improve the standard of all aspects of football in Botswana and to give continued priority to the training and care of young players in every club;
11. To adapt clubs sporting infrastructure to provide players, spectators and media representatives with suitable, well-equipped and safe facilities;

#### **1.4. LEGAL BASIS**

The Licensor has jurisdiction to govern the Licensing System by virtue of Article 62 of the BFA Constitution.

#### **1.5. PROCEDURE**

##### **1.5.1. Criteria Graduation Principle**

The criteria described in this Club Licensing Manual are graded into two separate categories:

(a) **“A”**- criteria – **“ESSENTIAL”**

If the license applicant does not fulfil any **A**-criteria, then it cannot be granted a license to enter the domestic club competitions.

(b) **“B”** – criteria – **“MUST”**

If the license applicant does not fulfil any **B**-criteria then it is sanctioned as specified by the licensor but

can still receive a license to enter domestic club competitions.

The BFA (licensor) is free to increase the minimum requirements or to upgrade the criteria established in this Manual (for the purposes of entering into domestic club competitions).

Sanctions for the non-fulfilment of criteria shall be determined by the BFA and communicated as appropriate. These sanctions may include but not be limited to a caution, a fine, the obligation to submit evidence or fulfil certain conditions by a certain deadline, etc.

The First Instance Body (FIB) reserves the right to refer any possible breach of BFA Rules or Regulations and/or Constitution to the appropriate body of the BFA for consideration.

### **1.5.2. Application of the System to Licence Applicants**

The Club Licensing System is implemented only for clubs affiliated to the BFA as defined by the BFA Constitution. The system applies only for those clubs who wish to participate in the BFA national leagues; i.e. the BPL and NFD League.

### **1.5.3. Principle of Spot-Checks by the BFA**

The BFA and/or its nominated bodies/agencies reserve, at any time, the right to conduct spot-checks with the applicant club in order to ensure that its license was correctly awarded at the time of the final and binding decision of the licensor. The non-observance of the minimum mandatory requirements, as defined in this

Manual may result in the withdrawal of any license awarded and/or sanctions determined by the NEC of the BFA according to the nature and the gravity of the offence. Such spot checks will apply to all requirements of this Manual, including, but not limited to, any and all documentary evidence or facts presented, any nominations of teams, resources or personnel, any safety inspection reports, any financial or legal submissions made or any findings as a result of a site/stadium inspection.



# Section 2

# LICENSOR

This chapter defines the licensor and the decision-making bodies.

## **2.1. Licensor**

2.1.1 The BFA is the licensor.

2.1.2 The licensor governs the licensing system, appoints the appropriate licensing bodies and controls the necessary processes and requirements.

2.1.3 The licensor guarantees the licensee confidentiality with regard to all non-public information given by the license applicant during the licensing process.

2.1.4 Notwithstanding this principle, the licensor is permitted to communicate and disclose information submitted by a license applicant to all relevant statutory bodies, panels and/or commissions of the BFA as it deems appropriate. A confidentiality agreement shall be concluded between the licensor and license applicant in this respect.

2.1.5 Anyone involved in the licensing process or appointed by the licensor must sign a confidentiality clause and an independence declaration.

## **2.2. Decision-Making Bodies**

The decision-making bodies shall be independent from each other.

2.2.1 The **First Instance Body (FIB)** shall be made of five (5) people appointed by the BFA on the recommendation

of the BPL, who shall also service it (FIB) on behalf of the BFA. The FIB:

- (a) decides on whether a license should be granted or refused to an applicant on the basis of the documents provided and in accordance with the provisions of this Manual at the deadlines set by the licensor as per the Core Process;
- (b) decides on the withdrawal of any license awarded;
- (c) has the authority to review licensing criteria and to recommend amendments to the BFA NEC.

2.2.2 The **Appeals Body (AB)** shall be made of five (5) people appointed by the BFA NEC and serviced by the BFA Club Licencing Manager. The AB:

- (a) decides on all appeals lodged by the license applicant in respect of FIB decisions to refuse the award of a license or withdrawal of a license;
- (b) will only review decisions made by the FIB and will not rehear the case or review fresh evidence.

### **2.3. Requirements of Members of the Decision Making Bodies**

2.3.1 The decision making bodies must have at least one qualified solicitor/barrister and a financial auditor/accountant holding a qualification recognized by the appropriate national professional body among their members.

2.3.2 The quorum of the decision making bodies shall be three (3) members. The Chairman has both a deliberate vote

and a further casting vote in the case of the decision making body being unable to reach a majority decision.

- 2.3.3 Members of the decision making bodies must not belong simultaneously to any structure or body which may compromise their integrity and cause them to not act impartially in the discharge of their duties.
- 2.3.4 Members are appointed and may be re-appointed for additional periods of two years.
- 2.3.5 All members of the decision making bodies must comply with confidentiality and independence rules regarding information received during the licensing procedure. The BFA shall set up the necessary confidentiality clauses and independence declarations in this respect.
- 2.3.6 In addition to the requirements set out above, the licensor may establish further conditions to be satisfied by members of the licensing bodies (academic, professional training, experience, etc.) to ensure that they perform their functions to high professional standards.
- 2.3.7 A member must in all cases automatically abstain if there is any doubt as to his/her independence towards the license applicant or if there is a conflict of interest.
- 2.3.8 The independence of a member may not be guaranteed if he/she or any member of his/her family (spouse, children, parents and siblings) is a:
  - (a) member,
  - (b) shareholder,
  - (c) business partner,
  - (d) sponsor or

(e) consultant, etc. of the license applicant. The foregoing list is illustrative but not exhaustive.

2.3.9 The licensor may establish further criteria regarding the independence of members.

## **2.4. Licensing Administration**

2.3.1 The BPL Competitions Department will service the FIB.

2.3.2 The BFA Competitions Department will service the AB.

2.3.3 The Licensing Administration (LA) at both levels will be responsible for:

- (a) Preparing, implementing and further developing the Club Licensing System;
- (b) Providing administrative support to the decision-making bodies;
- (c) Assisting, advising and monitoring the license applicants during the season;
- (d) Serving as the contact point for the relevant clubs;
- (e) All other tasks in respect of the management and administration of the clubs

2.3.4 The LA shall be equipped with suitably qualified staff and have the necessary resources available.

2.3.5 The LA will be led by the Club Licencing Manager. It will engage a number of experts with experience of, and responsibility for, specific types of criteria.

2.3.6 At least one staff member or an external financial adviser must have a financial background and a diploma in accountancy/auditing recognized by the appropriate national body (e.g. Botswana Institute of Accountants),

or must have several years' experience in the above matters (a "recognition of competence").

- 2.3.7 All persons involved in the licensing process must comply with confidentiality and independence rules regarding information received during the licensing procedure. The BFA shall set up the necessary confidentiality clauses and independence declarations in this respect.



# **Section 3**

## **LICENCE APPLICANT, LICENCE AND CORE PROCESS**

### 3.1 Introduction

This chapter defines the legal entity that can apply for a license and the license required to enter domestic club competitions in this case clubs that affiliate with the BFA and the national leagues; i.e. the BPL and the NFD. The legal entity applying for a license is called the **license applicant**. Once the license applicant has been granted with a license by the licensor it becomes a licensee. For the purpose of this chapter only the term license applicant is used.

### 3.2 Licence Applicant

The BFA defines the license applicants according to its statutes and regulations and the following provisions in accordance with the national law. This may be ruled within the Licensing Manual and/or in the Articles of the BFA and/or in the applicable Competition Rules & Regulations. In addition, the FIFA and CAF statutes, as well as relevant regulations, must also be taken into account (e.g. FIFA Regulations for the Status and Transfer of Players).

- 3.2.1 The status of a football club (professional, semi-professional or amateur) is **not** relevant to the issuance of a license.
- 3.2.2 The legal (community, private or institutional) form of a football club is not relevant to the issuance of the license.
- 3.2.3 The license applicant may only be a football club, defined as being the legal entity fully responsible for the football team participating in domestic competitions and which is either:

- (a) Any legal company, limited liability company or private members club (Registration of Clubs order 1996) or an unincorporated association, which is a member of the BFA; provided such membership has lasted at least one year, or;
- (b) Any above mentioned entity, which has a contractual relationship to a registered member (hereafter, company) provided such membership has lasted at least one year.
- (c) Any above mentioned entity which has not been a member of the BFA for at least one year, provided that its membership is as a result of a transfer of membership from the entity which was previously a member, and such transfer of membership has been formally approved by the BFA NEC.

3.2.4 Only a registered member can apply for/receive a license. Individuals may not apply for/receive a license.

3.2.5 The license applicant is fully responsible for the participation in domestic and international football competitions as well as for the fulfilment of the Club Licensing criteria. The license applicant is, in particular, responsible for ensuring the following:

- (a) That the license applicant is fully responsible for the football team composed of registered players participating in domestic, national and international competitions;
- (b) That all players are registered with the BFA and if they are professional players, have a written labour contract with either the registered member (see

Article 2 and 5 of the FIFA Regulations for the Status and Transfer of Players);

- (c) That all the compensation paid to the players arising from contractual or legal obligations and all the revenues arising from gate receipts are accounted for in the books of the registered member;
- (d) That the licensor is provided with all necessary information and/or documents relevant to proving that the licensing obligations are fulfilled, as these obligations relate to the sporting, infrastructure, personnel and administrative, legal and financial criteria.
- (e) That the licensor is provided with information on the reporting entity/entities in respect of which sporting, infrastructure, personnel and administrative, legal and financial information are required to be provided. In turn, the licensor must assess whether, in respect of each license applicant, the selected reporting entity/entities is appropriate for club licensing purposes.

3.2.6 If the license applicant is a company, it must provide a written contract of assignment with a registered member that must be approved by the BFA NEC and/or its affiliated league and must include the following minimum content:

- (a) The company shall comply with the applicable statutes, regulations and decisions of the BFA, CAF, FIFA, and applicable leagues as amended from time to time. This system of rules shall constitute an integral part of the contract of assignment. This

company shall also comply with decisions made by the said football bodies.

- (b) The company must not further assign the rights to participate in the competition on a domestic or international level.
- (c) The right of this company to participate in the competition operations shall cease to apply if the assigning club's membership of the BFA ceases.
- (d) If the company is put into bankruptcy or enters into liquidation, the right to apply for a license for domestic competition shall revert to the registered member. For the sake of clarity, should the license already be granted to the company, then it cannot be transferred from the company to the registered member; only the right to apply for a license shall revert to the registered member.

3.2.7 In addition to the above-mentioned mandatory provisions, and in accordance with these guidelines, the license applicant should:

- (a) be based legally in the territory and authority of the BFA and play its home matches only in that territory. The BFA may define exceptions, subject to the approval of the international federations (CAF and FIFA);
- (b) have the right to use the name and the brands of the club and not change the name of the club for advertising/promotional purposes;
- (c) accept no clauses in contracts with television, sponsors or other commercial partners which could

restrict the club in its freedom of decision or affect its management.

### **3.3 Club Licence**

- 3.3.1 Licenses must be issued according to the provisions of this Manual.
- 3.3.2 The BFA (licensor) will issue an invitation to the football clubs concerned to apply for a license punctually and in writing. The club applying for a license (i.e. license applicant) must submit a written application to the BFA and should by the time of application for the Club License be a paid up affiliate of the Regional Football Association (RFA) where the Club is based and consequently submit proof of affiliation to the BFA's Secretary General's office. In this application, the club must, in particular, declare that it will fulfil the obligations of the licensing system and accept and respect the Core Process and its applicable deadlines.
- 3.3.3 Only clubs which fulfil the criteria set out in this Manual, at the deadlines defined by the BFA, may be granted a license to enter the domestic club competitions of the coming season.
- 3.3.4 A license expires without written notice:
  - (a) At the end of the season for which it was issued for,  
or
  - (b) On the dissolution of the division in question.

3.3.5 A license may be withdrawn if:

- (a) for any reason, a licensee becomes insolvent and enters into liquidation, as determined by the applicable national law (where a licensee becomes insolvent but enters administration, the BFA NEC will immediately review the case to determine if the license should be withdrawn);
- (b) any of the conditions for the issuing of a license are no longer satisfied; or
- (c) the licensee violates any of its obligations under this Manual.

3.3.6 As soon as a license withdrawal is envisaged, the licensor will inform all concerned parties.

3.3.7 If a club has its license withdrawn, a decision concerning the elimination of the club from the current domestic competition in question must be made by the BFA NEC.

3.3.8 A license cannot be transferred unless the new legal entity fully responsible for the football team participating in domestic competitions is in place as a result of a transfer of membership from the entity which was previously a member of the BFA, and such transfer of membership has been formally approved by the BFA NEC.

### **3.4 Admission to Domestic Club Competitions**

3.4.1 The license applicant must further fulfil all requirements according to the applicable competition rules and regulations to be admitted to such competition; which

include registration with their respective RFA, before registering with their respective league.

- 3.4.2 The admission process falls under the sole jurisdiction of the BFA and its competent bodies (NEC, Club Licensing Committee, Management Committee, etc.).
- 3.4.3 The competent bodies of the BFA make the final decision regarding the admission of a club to participate in any domestic club competition.
- 3.4.4 Such decisions are subject to Judiciary of the BFA and also the Court of Arbitration for Sport in Lausanne as ordinary court of arbitration.

### **3.5 Core Process**

This section defines the assessment process (hereafter referred to as the Core Process) of the Club Licensing System.

3.5.1 In this Manual, the licensor defines the Core Process for the verification of the criteria described in this Manual (sporting criteria, infrastructure criteria, personnel and administrative criteria, legal criteria and financial criteria) and thus to control the issuance of a license to a License Applicant.

3.5.2 The Core Process is described below and is aimed at:

- (a) helping the licensor in establishing an appropriate and efficient licensing process according to its needs and organization;
- (b) agreeing on the main requirements that the licensor has to comply with to issue the license necessary for entering domestic club competitions;

- (c) ensuring that the decision-making bodies receive adequate support from the licensing administration of the licensor;
- (d) ensuring that license applicants understand and respect the process and deadlines that must be followed for them to be issued with a license.

3.5.3 The Club Licencing Manager must submit to the BFA Secretary General a list of licensed clubs by not later than 1<sup>st</sup> August every year.

3.5.4 The Core Process for the application up until the issuance/denial of a Club License shall be executed in the following steps:

(a) **Step 1: Production and Delivery of License Application Documents**

- i. The Club Licencing Manager produces Manual.
- ii. The Club Licencing Manager then provides clubs with the relevant documents needed to apply for a BFA Club License to participate in domestic competition **by 15<sup>th</sup> June every year**. These documents will include but not be limited to the BFA Club Licensing and Compliance Manual, its annexes, guidance notes and templates.

(b) **Step 2: Applicant Processes the Documents and Application for a Club License**

- i. The license applicant completes the documents (annexes, templates, etc.) and returns them to the Club Licencing Manager within the stipulated

deadlines. Supporting documents must be enclosed if required. Any required documents that shall be requested by the FIB the club should avail them without fail.

(c) **Step 3: Sorting of Received Applications**

- i. The Club Licencing Manager checks that the documents returned by the license applicant are complete for review and that they are returned within the stipulated deadlines.
- ii. If the documents are complete and sent within the stipulated deadlines the Club Licencing Manager sorts the information received, records it and forwards it to the appointed experts with responsibilities for that particular area for review (e.g. legal documents will be forwarded to the legal expert, financial information to the financial expert, etc.).
- iii. If the documents are incomplete, the Club Licencing Manager will inform the license applicant about the incomplete submission and request for missing information to be submitted within the stipulated deadlines.

(d) **Step 4: Scrutinising of Documents by Appointed Experts**

Appointed experts receive the license applicants' documents from the Club Licencing Manager, review the documents, check the fulfilment of the criteria and then submit reports back to the Club Licencing Manager.

(e) **Step 5: Processing of the Experts Reports and License Status**

- i. The Club Licencing Manager verifies that the reports of the experts are complete and reviews them and the opinion of the experts. A decision is taken by the Club Licencing Manager based upon the reports of the relevant experts on whether to proceed to next stage (recommendation to issue a club with a licence made to the BFA Secretary General with club documents as they stand.
- ii. The Club Licencing Manager refers documents back to the club if nominated staff/experts identify areas that require improvement, further information or clarification from applicant. The Applicant has the opportunity during the review period to submit updated information to clarify or confirm a position established by its original submissions.
- iii. **Exception Note:** *Clubs will be permitted to seek an extension to the submission deadlines in exceptional circumstances only (circumstances to be assessed and determined by the FIB) and provided such an extension request is lodged in writing to the licensor (via special delivery letter) at least 5 days in advance of the applicable deadline. Extension requests not lodged in this manner will not be considered. The duration of any extension request granted by the FIB will not exceed the last day of the applicable review period.*

- iv. After it has been issued a license, up until the end of the season to be licensed, the licensee must promptly notify the licensor in writing of any subsequent event that it is aware of which may have an adverse impact upon its ability to continue as a going-concern until the end of the season to be licensed.

### **3.6 Procedure of Decision Making**

3.6.1 The following procedural rules apply to the decision making process.

(a) Deadlines

- i. Deadlines are those as defined in the Core Process outlined in this Manual and must be respected.
- ii. The BFA may alter the deadlines during a cycle and communicate such changes, in a timely manner, to all those involved in the Club Licensing process.

(b) Equal Treatment

Fundamental procedural rights shall be guaranteed to any party, particularly the right to equal treatment and the right to a fair hearing. These shall include the right to speak, the right to consult the case file and the right to have a reasoned decision.

(c) Representation

Fundamental procedural rights shall be guaranteed to any party, particularly the right to equal treatment and the right to a fair hearing. These shall include the right to speak, the right to consult the case file and the right to have a reasoned decision.

(d) Right to be Heard

In accordance with (c) above, all clubs shall have the right to be heard. The identities of the parties representing the club shall be verified and they shall be instructed to tell the truth and shall be informed that they shall be sanctioned by the Appeals Body, or referred to the BFA NEC; should they present false information or represent a false or misleading position (whether positively or by omission).

(e) Time Limit to Appeal

i. The time limit to appeal is seven (7) days after the date of the meeting at which the decision appealed against was taken, unless for any reason it was not made known to the appellant at such meeting; in which case it must be within seven (7) days after the date on which the decision was intimated in writing to the club.

ii. Time limits are triggered when notified, as above, and shall begin on the day following notification. Saturdays, Sundays and public holidays shall be included in the calculation.

(f) Form of Appeal

- i. Appeals must be submitted in writing.
- ii. The statement of appeal must mention:
  - The decision appealed against
  - The grounds for the appeal
  - The pleadings (including applicable procedural complaints)

(g) Submission of Appeal

- i. An appeal must be hand delivered. Such appeals must be addressed to the Secretary General of the BFA, at the Lekidi Football Centre.
- ii. Appeals may only be lodged by:
  - The license applicant, who received the refusal of the FIB;
  - The licensee whose license was withdrawn by the FIB; or
  - The Club Licencing Manager of the BFA
- iii. The club should retain a copy of the Appeal as evidence of the submission having been made in accordance with (g)i. above.

(h) Cost of Appeal

An appeal deposit fee of Five Thousand Pula (P5 000) must be submitted with the appeal and made payable to the BFA.

(i) Effects of an Appeal

An appeal submitted in compliance with (3.6.1 (g) and (h) above (as verified by the Chairperson of the Appeals Body) shall have a delaying effect on any direct or consequential effect of the original decision.

(j) Evidence

- i. Any evidence or facts, which are to be used by the appellant to support their case must be referred to in the appeal statement and, where appropriate, supporting documentation must be provided and lodged with the appeal.
- ii. Evidence, or facts, not presented in line with the Core Process and placed before the First Instance Body will not be considered by the Appeals Body when reaching their decision.

(k) Burden of Proof

The appellant has the burden of proof.

(l) Hearings/Deliberations

- i. Any evidence, facts, documents, contentions or allegations must be made in advance of an appeal hearing and must also be presented in the presence of both the appellant and the original decision making body.
- ii. After all parties are satisfied with their representations the Appeals Body shall

deliberate in private and, in general, immediately after the hearing.

(m) Decision

The Appeals Body shall issue the decision of a license refusal or license withdrawal in writing to all parties, and subsequent to this notification, to any third party it deems appropriate (including the media). The decision shall clearly state the following:

- i. The place and date it was issued
- ii. The names of the Appeal Body
- iii. The parties concerned
- iv. The pleadings of the parties
- v. The reasons for the decisions in fact and in law
- vi. The judgment (including where applicable the distribution of costs)

(n) Effects of the Decision

For the avoidance of doubt, the decision of the Appeals Body is final and binding on all parties (insofar as a final appeal to the Court of Arbitration for Sport may be lodged); no further appeal may be lodged under the BFA Club Licensing System.



## Section 4

# LICENCE CRITERIA

## 4.1 License Criteria

This section outlines the different criteria that will be considered in the process of applying for a license. The criteria described in this Manual are graded into two separate categories:

### a) “A”- criteria – “ESSENTIAL”

If the license applicant does not fulfil any **A**-criteria, then it cannot be granted a license to enter the domestic club competitions.

### b) “B” – criteria – “MUST”

If the license applicant does not fulfil any **B**-criteria then it is sanctioned as specified by the licenser but can still receive a license to enter domestic club competitions.

The following table sets to prescribe the categories that have to be met before a Club License can be issued.

**Table 1: License Regulations for Botswana Premier League Clubs**

<b>BOTSWANA PREMIER LEAGUE CLUB LICENSING CRITERIA</b>			
<b><u>Club Licensing Criteria</u></b>	<b><u>Regulation</u></b>	<b><u>Category</u></b>	<b><u>Action to be taken in event of non-compliance</u></b>
Application for a Club License	Each Club is supposed to submit a written application for a Club License at Lekidi Football Centre	<b>'A' Essential.</b> No License will be issued if the Applicant does not submit the Application Letter	No registration to be allowed in the event of non-compliance
Legal and Club Ownership Criteria	Each Club is supposed to declare abidance with statutes and regulations	<b>'A' Essential.</b> No License will be issued if the Applicant does not submit the Application Letter	No registration to be allowed in the event of non-compliance
Personnel and Administrative Criteria	Each Club is supposed to engage and contract a General Manager.	<b>'A' Essential.</b> No License will be issued if the Applicant does not submit details of their	No registration to be allowed in the event of non-compliance

			General Manager and his/her contract	
Technical Staff Criteria	Each Club is supposed to engage qualified Head Coach with a minimum of a 'B' licence for the first season. The coach should be working towards obtaining an 'A' licence in 2 years. Each club should also engage Technical Staff (Assistant Coach, Goalkeeper coach, Fitness Trainer) with a minimum 'C' licence, working towards obtaining a 'B' licence in 2 years.		<b>'B' Must.</b> A License may be issued if the Applicant does submit the contract of the Head Coach and the credentials of the Technical Staff. However there shall be penalties for failure to comply with minimum standards.	The Club may be allowed to register its players. However, the Technical Staff members who do not meet the set minimum standard shall not be registered.
Sporting Youth Criteria	Each Club is supposed to set-up and register a Youth Development Structure with at least one team in the Under 17 category.		<b>'A' Essential.</b> No License will be issued if the Applicant does not register a team in the U17 category.	No registration to be allowed in the event of non-compliance
Infrastructure Criteria	Each Club should register its facilities as prescribed in this Manual		<b>'A' Essential.</b> No License will be issued if the Applicant does not submit details of their Home Match Stadia and Operating Office (Physical Office)	No registration will be allowed if the Club does not submit compliant stadia (fenced external perimeter is a pre-requisite)
Finance Criteria	All Premier League Clubs should submit their financial information for the 2015/16.		<b>'B' Must.</b> As this is a new concept to most teams, for the 2016/17 season the criteria will be relaxed. However, in the subsequent seasons, this regulation will become an 'A' Category. License may be issued upon submission of financial statements.	Registration will be allowed.
Media Criteria	Each Club should issue a minimum of one press release per month and hold one press conference per month as per the prescription of this Manual.		<b>'B' Must.</b> During the season clubs shall be monitored with regards to compliance. A license will be issued but penal charges will be imposed on those teams that will not comply with the Media Criteria directive.	Registration will be allowed. However strict adherence measures shall be imposed.

**Table 2: License Regulations for National First Division League Clubs**

<b>BOTSWANA FIRST DIVISION LEAGUE CLUB LICENSING CRITERIA</b>			
<b><u>Club Licensing Criteria</u></b>	<b><u>Regulation</u></b>	<b><u>Category</u></b>	<b><u>Action to be taken in event of non-compliance</u></b>
Application for a Club License	Each Club is supposed to submit a written application for a Club License at Lekidi Football Centre.	<b>'A' Essential.</b> No License will be issued if the Applicant does not submit the Application Letter.	No registration to be allowed in the event of non-compliance
Legal and Club Ownership Criteria	Each Club is supposed to declare abidance with Statutes and regulations	<b>'A' Essential.</b> No License will be issued if the Applicant does not submit the Application Letter.	No registration to be allowed in the event of non-compliance
Personnel and Administrative Criteria	Each Club is supposed to engage and contract an Administration Officer.	<b>'B' Must.</b> As this is a new concept to most teams, for the 2016/17 season the criteria will be relaxed. However, in the subsequent seasons, this will become an 'A' Category.	Registration to be allowed.
Technical Staff Criteria	Each Club is supposed to engage qualified Head Coach with a minimum of a 'C' licence for the first season. The coach should be working towards obtaining a 'B' licence in 2 years. Each club should also engage Technical Staff (Assistant Coach, Goalkeeper coach, Fitness Trainer) with a minimum 'C' licence, working towards obtaining a 'B' licence in 2 years.	<b>'B' Must.</b> A License may be issued if the Applicant does submit the contract of the Head Coach and the credentials of the Technical Staff. However there shall be penalties for failure to comply with minimum standards.	The Club may be allowed to register its players. However, the Technical Staff members who do not meet the set minimum standard shall not be registered.
Sporting Youth Criteria	Each Club is supposed to set-up and register a Youth Development Structure with at least one team in the Under 17.	<b>'B' Must.</b> As this is a new concept to most teams, for the 2016/17 season the criteria will be relaxed. However, in the subsequent seasons, this will become an 'A' Category.	Registration will be allowed.
Infrastructure Criteria	Each Club should register its facilities as prescribed in this	<b>'A' Essential.</b> No License will be issued if the	No registration will be allowed if the Club

		Manual.	Applicant does not submit details of their Home Match Stadia	does not submit compliant stadia (fenced external perimeter is a pre-requisite)
	Finance Criteria	All First Division League Clubs should submit their financial information for the 2015/16.	<b>'B' Must.</b> As this is a new concept to most teams, for the 2016/17 season the criteria will be relaxed. However, in the subsequent seasons, this regulation will become an <b>'A'</b> Category. License may be issued upon submission of financial statements.	Registration will be allowed.
	Media Criteria	Each Club should issue a minimum of one press release per month as per the prescription of this Manual	<b>'B' Must.</b> During the season clubs shall be monitored with regards to compliance. A license will be issued but penal charges will be imposed on those teams that will not comply with the Media Criteria directive.	Registration will be allowed. However strict adherence measures shall be imposed.

## 4.2 Criteria for the Awarding of a Club License

### (a) Legal and Club Ownership Criteria

This criterion defines the minimum legal criteria for license applicants. Many of these requirements are satisfied by written declarations or can be found in the club statutes, articles of organization, insurance policy statement, etc. A consideration in terms of the Legal Criteria shall be such that each club that is to compete in either the BPL or the NFD shall submit a legally valid declaration confirming the following:

- Abidance with Relevant Statutes and Regulations
  - It recognizes as legally binding the constitution, rules and regulations and decisions of the respective league and most importantly those of the BFA;
  - It recognizes the judicial bodies of the respective leagues (if in place) and those of the BFA and that of Court of Arbitration for Sport (CAS) in Lausanne;
  - It recognizes the prohibition of recourse to ordinary courts of law as laid down in the Constitution of the BFA and the FIFA Statutes;
  - That at national level (within the jurisdiction of the BFA), it will play in competitions that are recognized and endorsed by the BFA (i.e. national championships and cup competitions);
  - It undertakes to abide by and to observe the provisions and conditions of BFA's Club Licensing regulations;
  - It authorizes the BFA to examine documents and seek information and, in the event of any appeal procedure, to seek information from any relevant public authority (i.e. banks, insurance companies and not limited to these) or private body regarding the operations of the club.
  
- Statutes and Constitutions
  - The license applicant (club) must submit a certified copy of valid statutes and/or constitution.

### **4.3 Club Ownership (Legal) Criteria**

The license applicant must submit a legally valid declaration outlining the ownership structure and control mechanism of the club and confirming that no natural or legal person involved in the management, administration and/or sporting performance of the club, either directly or indirectly:

- a) holds shares in any other club participating in the same league or competition: or
- b) holds voting rights of any other club participating in the same league or competition: or
- c) is a member of any other club participating in the same league or competition.

***License applicants shall not be awarded with licenses if this criterion is not fulfilled. The licensor shall have the right to reject submissions if in their opinion such submissions are not in line with the promotion of stability and continuity of football.***

### **4.4 Personnel and Administrative Criteria**

- a) Football today is highly commercial and success on and off the pitch is becoming increasingly linked with the acquisition of highly qualified personnel. Successful clubs are the ones that have been able to identify new and different sources of revenue and are not solely dependent on traditional income from gate receipts, sponsors, etc. Clubs should find their own strategy, according to their strengths, demands and marketing opportunities. They must do their utmost to achieve their sporting and commercial objectives, and this can only be achieved with the introduction of qualified and competent personnel to manage football affairs.

b) The objectives of the Personnel and Administrative Criteria are that:

- i. License applicants are managed in a professional way;
- ii. License applicants have available well-educated, qualified, proactive and skilled specialists with a certain know-how and experience.

c) Engagement of a General Manager:

- i. The license applicant must have appointed a General Manager who is responsible for running the daily business of the club within the framework of policies set by the Board/Committee.
- ii. The rights and duties of the General Manager must be detailed in a job description. The license applicant may incorporate the duties of the General Manager into the role of Secretary, Chief Executive, Managing Director or any other similar title.
- iii. The appropriate body of the license applicant (Board/Committee) must have made the appointment.

***A BPL License applicant shall not be awarded a license if this criterion is not fulfilled. As for the NFD license applicants, this criterion will be relaxed for the 2016/17 season and shall come into full force as of the 2017/18 football season.***

#### **4.5 Technical Staff Criteria**

Qualified coaches are the basis for a successful sporting outcome. The BFA conducts coaching courses for different levels throughout the year from which a corresponding certificate is awarded upon successful completion of the course.

a) Head Coach of First Team Squad

- i. The license applicant must have appointed and contracted a Head Coach being responsible for football matters of the first team squad. The appropriate body of the license applicant (Board/Committee) must have made the appointment.
- ii. For the 2016/2017 football season, a coach in the BPL must, as a minimum, hold a 'B' licence and working towards an 'A' licence in two years. A coach in the NFD must, as a minimum, hold a 'C' licence and working towards a 'B' licence in two years. The BFA shall review the minimum standards on an annual basis.
- iii. For the avoidance of doubt the BFA considers the Head Coach to be the person responsible for first team selection, tactics and management. Where joint Head Coach/Managers are appointed, both persons must satisfy the above and must be registered with the BFA Coaches Association.

b) Assistant Coaches of First Team Squad

Assistant Coaches in the BPL and the NFD must have at least CAF 'C' Coaching License for the 2016/2017 season, working towards a 'B' licence in two years.

***The BPL and NFD License applicants may not be awarded licenses if this criterion is not fulfilled. Coaches who fail to meet the minimum standards as prescribed herein shall not be issued with licenses to sit in the Technical Areas. Spot checks shall be made to monitor offending clubs and these may include inspecting teams during training sessions.***

c) Physiotherapist/Sports Therapist

- i. The license applicant must have appointed at least one physiotherapist/sports-therapist responsible for medical treatment and massages for the first team squad. The appropriate body of the license applicant (Board/Committee) must have made the appointment.
- ii. For the award of licenses for season 2016/17 onwards, any physiotherapist or sports therapist nominated must be in possession of a health practitioner's certificate and should be cleared to practice by the BFA Medical Committee.
- iii. The physiotherapist/sports-therapist must be recognized, registered and certified by the appropriate national health authorities and must also provide a copy of their medical insurance coverage.

**4.6 Sporting (Youth Development) Criteria**

- a) The objectives of the sporting criteria are that:
  - i. License applicants invest in quality-driven development programmes;
  - ii. License applicants affiliate themselves with development teams that will cater towards developing young Botswana football talent that will participate in recognized competitions;
  - iii. License applicants support football education and encourage non-football education for their players;
  - iv. License applicants embrace the core values of good relations within their club structures and adhere to principles that encourage and welcome diversity and equality.

- b) The sporting criteria have been implemented to guide football clubs towards achieving a higher quality all round performance; both on and off the field. A well-structured and effective development programme means that clubs can produce football talents for their first squad every year. In-house development of players makes it easier for future integration into the first team as the player would already have been accustomed to teammates' techniques and tactics and will be familiar with club philosophy and policies.
  
- c) The license applicant must have a development programme approved by the licensor. This criterion will come into effect for the award of licenses for season 2016/17 onwards. As a minimum the following must be satisfied by the clubs:
  - i. A development team in the Under 17 category. This requirement will be extended to the NFD for the 2017/2018 season;
  
  - ii. Confirmation that players affiliated with the club are registered with the BFA and is an affiliate of one of the Seventeen (17) Regional Football Associations.
  
  - iii. A written development programme approved by the licensor. This programme must include at a minimum the following:
    - o Objectives and the philosophy of the development programme;
    - o Personnel (technical and medical, etc.) and required minimum qualifications;
    - o Infrastructure available for the development sector (training and match facilities);

- Football education programme for the different age groups (playing skills, technical, tactical and physical);
  - Education programme on the “Laws of the game”;
  - Education programme on anti-doping;
  - Review and feedback process to evaluate the results and the achievements of the set objectives;
- d) The above are minimum requirements only. License applicants are required to detail all development activities/teams and provide confirmations for same.

#### **4.7 Infrastructure Criteria**

It is appreciated that nowadays people only follow events that are attractive, entertaining, and are worth spending a certain amount of money on. A match between two football teams is no longer enough to bring people into a football stadium to watch a live match. Therefore, each club, together with the stadium owner and the local community, should try to provide a stadium that is attractive to visit, safe and secure, and is easily accessible.

The License applicant must have a stadium available to host club competitions.

Alternative 1: the license applicant (club) legally owns the stadium:

Alternative 2: The license applicant (club) may provide a written contract with the owner of a stadium or with owners of different stadia it will use within the territory of the BFA. This contract guarantees the use of the stadium for home matches in the coming season for which the club qualifies in sporting terms.

A certain stadium criteria shall be communicated to the clubs pertaining to the minimum stadium standards for each sporting season at the end of the preceding sporting season.

Additionally, the club should also have physical offices where its affairs can be managed from.

***BPL and NFD License applicants shall not be awarded with Licenses if this criterion is not fulfilled.***

#### **4.8 Media Criteria**

During the season, clubs shall be required to provide information to their stakeholders, in this case their supporters, sponsors and other consumers of such information that the club may want to disperse to. In this regard, clubs will be required to issue at least one press release per month with a copy of such press release being submitted to the office of the Communications and Information Officer at the BFA. Furthermore, clubs will be required to hold one mandatory press conference every month. In these press conferences, the Head Coach and the General Manager are expected to provide updates of the clubs' activities. A copy of a video of such a press conference is to be submitted to the office of the BFA's Communication and Information Officer.

***Clubs that have been issued with licences and they do not comply with this requirement shall be liable to disciplinary action and, if found guilty, may be fined a minimum of One Thousand Pula for the first offence and a further Two Thousand Pula for each subsequent offence. Consistent infringement of this criterion may lead to heavier fines being imposed on such a club at the discretion of the First Instance Body.***

## **4.9 Financial Criteria**

The financial criteria to be met for participation in the 2016/17, are set out in this section. This means that financial information in respect of the financial year ending in May 2016 or earlier will form part of the information to be assessed by licensors for clubs to obtain a license for the 2016/17.

The financial criteria relates to:

- a. Historic information about the club's financial performance and position;
- b. Financial information about the club's future prospects; and
- c. Subsequent information after the licensing decision has been made.

### **OBJECTIVES**

The financial criteria aim principally to:

- a. Improve the economic and financial capability of the club;
- b. Increase the club's transparency and credibility;
- c. Place the necessary importance on the protection of creditors;
- d. Safeguard the continuity of competitions for one season; and
- e. Monitor financial fair play in club competitions.

### **BENEFITS**

Implementation of the financial criteria will help deliver both short and long term improvements for clubs, the licensors and for the football family in general.

- For the clubs, compliance with the financial criteria should help to:
  - a. Improve standards and quality of financial management and planning activities;
  - b. Enable better management and decision-making;

- c. Enhance the club's financial and business credibility with stakeholders;
  - d. Improve financial stability; and
  - e. Enhance revenue generating ability and cost management.
- For the licensors, the financial criteria should help to:
    - a. Improve their understanding of the financial position and prospects of their member clubs;
    - b. Encourage clubs to settle liabilities to creditors on a timely basis;
    - c. Enhance their ability to be proactive in assisting clubs with financial issues; and
    - d. Provide a starting point for club benchmarking, at a national level, for those clubs who want to develop this aspect.
  - For the football family in general, the financial criteria will help to:
    - a. Safeguard the continuity and integrity of competitions;
    - b. Increase the transparency and credibility of the club's financial operations and of football in general;
    - c. Improve confidence in the financial viability of the football industry;
    - d. Create a more attractive market for the game's commercial partners and investors; and
    - e. Provide the basis for fair competition, because competition is not just about the teams on the pitch, but off it as well.

## REPORTING FINANCIAL INFORMATION

Clubs must provide the licensor with the overall legal group structure (e.g. presented in a chart), duly approved by management. This must include information on any subsidiary, any associated entity and any controlling entity up to the ultimate parent company and ultimate controlling party. Any associated company or subsidiary of such parent company must also be disclosed. The legal group

structure must clearly identify the entity which is the member of the BFA and also mention the following for any subsidiary of the license applicant:

- a. Name of legal entity;
- b. Type of legal entity;
- c. Information on main activity and any football activity;
- d. Percentage of ownership interest (and, if different, percentage of voting power held);
- e. Share capital;
- f. Total assets;
- g. Total revenues;
- h. Total equity.

***For the 2016/2017 season, BPL clubs may not be awarded with licenses if this criterion is not fulfilled. NFD clubs shall be affected by this criterion from the 2017/18 season.***



## Section 5

# REGISTRATION

## **5.1 REGISTRATION PERIODS**

There shall be two registration periods each season. The first registration period shall start on 1<sup>st</sup> June every year and shall have two phases: the license application period and the technical registration period. The first registration period shall end on the 31<sup>st</sup> August every year. The second registration period shall be from the 01<sup>st</sup> January to 31<sup>st</sup> January every year.

## **5.2 LICENSE APPLICATION AND TECHNICAL REGISTRATION PERIOD – 1<sup>ST</sup> TO 14<sup>TH</sup> JUNE EVERY YEAR**

The License Application period shall start on 1<sup>st</sup> June every year. This period is intended for the clubs to apply for their licenses to play in their respective divisions for the upcoming season. It is in this period that the clubs will submit the various documents and forms as well as declarations required for them to be issued with a license for the upcoming year.

Upon satisfying the set criterion, clubs will then be given a unique registration disc for them to be able to commence with the Technical Registration; the window of which shall close on 30<sup>th</sup> June every year.

## **5.3 1<sup>ST</sup> REGISTRATION PERIOD – 1<sup>ST</sup> JULY TO 31<sup>ST</sup> AUGUST EVERY YEAR**

The 1<sup>st</sup> Registration period shall start on 1<sup>st</sup> June every year. This period is intended for the clubs to register their players and officials that will be used during the year. The registration will be done through the unique registration disc that would have been distributed to the teams at the end of the License Application period upon successful application for a license.

## **5.4 2<sup>nd</sup> REGISTRATION PERIOD – 01<sup>st</sup> JANUARY TO 31<sup>st</sup> JANUARY EVERY YEAR**

The 2<sup>nd</sup> Registration period shall start on 1<sup>st</sup> January and end on 31<sup>st</sup> January every year. This period is intended for the teams to transfer and register new players that will be used during the year. The registration will be done through the unique registration disc that will have been distributed to the teams at the start of the 1<sup>st</sup> Registration Period.

## **5.5 DOCUMENTS NEEDED FOR REGISTRATION OF PLAYERS AND TECHNICAL OFFICIALS**

To register a player or technical official, the following documents are needed to be filled in and signed by the player/official and the club:

- 5.5.1 Player/Official – Club Registration consent form;
- 5.5.2 Player/Official - application for Player/Official License form;
- 5.5.3 Certified Copy of Player/Official's passport **OR** Birth Certificate **OR** Identity Card (Originals may be requested as and when necessary and these should be made available);
- 5.5.4 Old Player's license;
- 5.5.5 Official's trade certificates (e.g. coaching certificates, physio diplomas, etc.) In the case of the head coach and his assistants, proof that they are members of the BFA Coaches Association;
- 5.5.6 Transfer clearance letter in the case of a player who is transferring from one club to another. The letter should be on the releasing club's original letterhead;
- 5.5.7 In the case of players who last played in foreign countries prior to their intended registration, an international clearance certificate will be needed;
- 5.5.8 Contracts, if any.



## Section 6

# MONITORING AND SANCTIONS TO BE IMPOSED ON NON- COMPLIANCE

## **6.1 MONITORING**

The BFA shall ensure that monitoring of all the BPL and NFD league clubs is done in a transparent manner. Adequate time shall be given to clubs as to when they will be visited by the BFA officials to conduct spot checks and other forms of monitoring with regards to abidance and compliance with the BFA Club Licensing provisions. It shall be an offence for any club to withhold information when required to release or avail such information. Offending clubs will be setting themselves up for disciplinary action to be taken against them by the BFA under the provisions of the Club Licensing and Compliance Regulations.

## **6.2 SANCTIONS**

Sanctions that may be imposed on guilty clubs shall either be:

- 6.2.1 A minimum fine of One Thousand Pula (P1 000) for the first offence and Two Thousand Pula (P2 000) for repeat offenders;
- 6.2.2 Points deductions based on the gravity of the offence and, in the worst case scenario,
- 6.2.3 Withdrawal of the Club License.

The BFA Club Licensing and Compliance Manual come into operation on the 1<sup>st</sup> June 2016.

Signed on this \_\_\_\_ of \_\_\_\_\_ 2016.

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**BFA President**

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**BFA Secretary General**