

Transfer of football membership of a club at Steps 3 and 4 of the National League System
(eg on incorporation)

League Rule 2.9.1

A request will be considered in accordance with League Rule 2.9.1 which is reproduced below
(Terms as defined in League Rules):

Transfer of Membership – Transfer as a Going Concern

2.9.1 In the event that any Club which resolves to transfer its membership of the Competition from one legal entity to a different legal entity, other than in the circumstances shown at 2.9.2 below, the Board will use the following minimum criteria in deciding whether to approve that transfer:

- (a) The shareholders or members of the Club have voted to agree to the transfer of the Club's membership to the new entity.*
- (b) All Football Creditors in the Club must be paid in full or transferred in full (with each creditor's consent) to the new entity, and evidenced as such.*
- (c) All other creditors in the Club must be paid in full or Secured or transferred in full (with each creditor's consent) to the new entity and evidenced as such.*
- (d) The proposed new entity has provided financial forecasts to the FA and the Competition showing its ability to fund the Club for the next twelve (12) months or to the end of the Playing Season following transfer (whichever is the longer) and that evidence of funding sources has been provided.*
- (e) The FA must have given approval for the transfer to take place.*

Transfer of Membership – Transfer from Insolvency Rule 2.9.2 n/a.....

Note: the consent of The FA required by Rule 2.9.1 (e) shall be provided by FA Membership Committee under its terms of reference.

Information requirements

In order to meet the requirements of Rule 2.9.1 the following will be required:

- (i) Signed and dated minutes of the meeting of the members of the Club that agreed to the proposal;
- (ii) Request and undertaking from New Co ("the new company") to transfer the football memberships to New Co to be signed and returned (see attached);
- (iii) Copy of the latest annual accounts of the Club;
- (iv) Copy of the Rules/constitution of the Club;
- (v) Articles of Association of Newco to meet the requirements of FA Rule I 2 of The FA (see attached);
- (vi) Evidence that the requirements of League Rule 2.9.1 (b) and (c) are met;
- (vii) Owners & Directors Test Declarations for each Director;
- (viii) Budget of Newco to the end of the season following the season of application and evidence of any funding required;
- (ix) Evidence of security of tenure of Newco for the use of its home ground to the end of the season following the season of application (eg a copy of a lease/licence);
- (x) Any purchase agreement(s) or other legal agreements entered into between the Old Co and Newco in relation to the proposal;
- (xi) Written agreement of the Club's League and County FA;
- (xii) Any other requirements set by The FA, the Club's League or County FA.