

Amendment to the Regulations

Introduction

To amend the Regulations to allow the curtailing of the 2019/2020 Season, and set out the consequences in the event of such curtailing, for the relevant Division(s).

Proposal

Add a new Regulation 9A as follows.

9A METHOD OF DETERMINING LEAGUE POSITIONS – 2019/2020 SEASON

Definitions

"**Adjusted Play-Off Promotion Total**" means, for each of the Championship Division, the League One Division and the League Two Division, 1 plus the difference between the Automatic Promotion Total and the number of Clubs promoted from that Division (without first participating in a Play-Off Competition) following the application of Regulation 9A.6.

"**Automatic Promotion Total**" means 2 for the Championship Division (as set out in Regulation 10.1.1(b)), 2 for the League One Division (as set out in Regulation 10.1.2(a)), and 3 for the League Two Division (as set out in Regulation 10.1.2(a)).

"**Disapplication Resolution**" means a resolution passed by a Division in accordance with Regulation 9A.9, amending Regulation 9A.6 to disapply the wording from "save that ..." to the end of Regulation 9A.6 for the purpose of that Division only.

"**Division Curtailment Resolution**" means a resolution passed by a Division agreeing to curtail the Normal Playing Season for that Division, passed in accordance with Regulation 9A.4.

"**Final Points Range**" means, for each Club, the range between:

$$IPT - ((0.57 * LMR)\% * IPT) \quad \text{and} \quad IPT + ((0.66 * LMR)\% \text{ of } * IPT)$$

Guidance

We have included a working example to add clarity

Club A has an IPT of 72.47 and has 9 matches remaining upon the passing of a Division Curtailment Resolution. Its Final Points Range will be:

$$\begin{aligned} 72.47 - ((0.57 * 9)\% * 72.47) & \quad \text{to} \quad 72.47 + ((0.66 * 9)\% * 72.47) \\ = 68.75 & \quad \text{to} \quad 76.77 \end{aligned}$$

"**IPT**" means a Club's initial points total calculated in accordance with the PPG Formula.

"**LM**" means the number of League Matches a Club has played at the point the Division Curtailment Resolution is passed.

"**LMR**" means LMS minus LM.

"LMS" means the number of League Matches originally scheduled to be played by each Club in the 2019/20 Normal Playing Season, being (a) 46 for Championship Clubs and League Two Clubs; and (b) 44 for League One Clubs.

"PPG Formula" means the method for calculating, in the event a Division Curtailment Resolution is passed, the points total of each Club in the Division concerned, calculated in accordance with the following formula, rounding the initial final points total (IPT) up to two decimal places:

$$\frac{PT.}{LM} * LMS = \text{Initial Points Total (IPT)}$$

Guidance

We have included a worked example to add clarity.

Club A is in League One, and has played 34 league matches and has a points total of 56 points (net of any deductions). Applying the PPG Formula, Club A's initial points total will be

$$\frac{56}{34} * 44 = 72.47$$

34

"PT" means a Club's points total, calculated as follows:

- a) the number of points gained in the 2019/2020 Season to date; less
- b) any points deducted or to be deducted in the 2019/2020 Season, for example as a result of any disciplinary action or otherwise pursuant to any Regulation.

9A.1 This Regulation 9A shall apply only to the 2019/2020 Season except where expressly set out in this Regulation 9A.

9A.2 The League shall be entitled to require all Clubs to fulfil all outstanding League Matches in the 2019/2020 Normal Playing Season, and no Club shall be relieved of its obligations to fulfil such matches unless the Clubs in the division in which the Club participates ("**Division**") have passed a Division Curtailment Resolution.

9A.3 The Board shall not be obliged to call a meeting of Clubs in a Division to consider a Divisional Curtailment Resolution unless it is proposed in writing by at least five Clubs that are members of that Division at that time (for the avoidance of doubt the Board may exercise its discretion to call such a meeting at any time). Any such meeting shall be called on not less than 2 clear days' notice. In the event that the Board gives notice, in accordance with this Regulation 9A.3, before the date this Regulation 9A is passed in accordance with Article 13A.4.5 the meeting shall be deemed to have been validly called.

9A.4 A Divisional Curtailment Resolution shall not be adopted unless approved by a simple majority of the votes cast by those Clubs then in membership of the relevant Division which are present at the meeting either in person or by proxy.

- 9A.5 Where a Division Curtailment Resolution is passed, the 2019/2020 Season shall be deemed to have ended for that Division and the final league positions in that Division for the 2019/2020 Season shall be determined in accordance with Regulation 9, provided that if at the deemed end of the 2019/2020 Season, the Clubs in the Division have not all played the same number of League Matches, each Club's final points total will be calculated using the PPG Formula. Where the PPG Formula results in two or more Clubs having scored the same number of points, their placings will then be determined by (in the following order) goal difference and goals scored, and if that does not resolve the issue, in accordance with the provisions of Regulations 9.3 to 9.7 inclusive. Where two or more Clubs are still tied after the foregoing procedures, their positions shall be determined by the toss of a coin.
- 9A.6 The final league positions determined in accordance with Regulation 9A.5 will be used to determine promotion, relegation, and qualification for a Play-Off Competition in accordance with Regulation 10, save that, and unless there has been a Disapplication Resolution passed for that Division:
- 9A.6.1 where a Club in a relegation position has a Final Points Range which overlaps with the Final Points Range of a Club not in a relegation position, it will not be relegated;
- 9A.6.2 where a Club has a Final Points Range which overlaps with the Final Points Range of a Club eligible to take part in a Play-Off Competition, it will also be entitled to take part in that Play-Off Competition; and
- 9A.6.3 where a Club in a position eligible for promotion (without participation in the Play-Off Competition) has a Final Points Range which overlaps with the Final Points Range of a Club eligible to take part in a Play-Off Competition, that Club will not be entitled to promotion (without participation in the Play-Off Competition) but will instead be entitled to take part in the Play-Off Competition.

Guidance

In The Championship, if a Division Curtailment Resolution was passed today in accordance with Regulation 9A.4, the clubs in positions 21, 22, 23 and 24 have the following Final Points Ranges:

<i>21</i>	<i>49.54</i>	<i>to</i>	<i>55.32</i>
<i>22</i>	<i>47.18</i>	<i>to</i>	<i>52.68</i>
<i>23</i>	<i>41.28</i>	<i>to</i>	<i>46.10</i>
<i>24</i>	<i>40.01</i>	<i>to</i>	<i>44.78</i>

The Clubs in positions 23 and 24 would be relegated but the Club in position 22 would not be due its Final Points Range overlapping with the Final Points Range of the Club in position 21.

In the League One Division, if a Division Curtailment Resolution was passed today in accordance with Regulation 9A.4, the clubs in 1 – 11 have the following Final Points Ranges:

<i>1</i>	<i>81.76</i>	<i>to</i>	<i>92.43</i>
<i>2</i>	<i>73.94</i>	<i>to</i>	<i>82.57</i>
<i>3</i>	<i>71.56</i>	<i>to</i>	<i>79.91</i>

4	71.56	to	79.91
5	71.56	to	79.91
6	70.37	to	78.58
7	68.82	to	75.92
8	72.00	to	81.39
9	65.90	to	74.49
10	60.66	to	66.91
11	60.83	to	67.92

The Club in position 1 would be promoted automatically. The Club in position 2 would not be promoted automatically due to its Final Points Range overlapping with the Final Points Range of the Club in position 3. The Club in position 2 would, therefore, be eligible for the Play-Off Competition. Similarly, the Clubs in positions 7, 8 and 9 would also be eligible for the Play-off Competition as their Final Points Range overlaps with the Final Points Range of the Club in position 6.

9A.7 Where a Division Curtailment Resolution has been passed:

9A.7.1 the Board shall determine the structure of a Play-Off Competition; and

9A.7.2 where the application of Regulation 9A.6 has resulted in fewer Clubs being promoted (without first participating in a Play-Off Competition) than the Automatic Promotion Total, the number of teams that will be promoted by way of the Play-Off Competition will be the Adjusted Play-Off Promotion Total.

Guidance

The Board will be guided by the following principles as regards the structure of a Play-Off Competition:

- *Any Club which does not wish to participate in that Play-Off Competition is deemed to have withdrawn from the Play-Off Competition upon notifying the League of that position, and it will then no longer be eligible for promotion via that Play-Off Competition.*
- *Where exactly four Clubs are eligible and willing to participate in a Play-Off Competition, the rules of that Play-Off Competition will follow, to the extent permissible, the Guidance to Regulations 10.1.1 or 10.1.2 (as appropriate).*
- *In all other scenarios, the rules of the Play-Off Competition should be as faithful as possible to the letter and spirit of the original arrangements agreed by Clubs and reflected in the Regulations; the need for a clear, effective and efficient solution, the impact of which and the justifications for which are straightforward and easy for all stakeholders to understand; a desire to honour and fulfil, to the extent practicable, the legitimate expectations of the relevant Clubs; and the need to maintain the integrity of the League competition, and its credibility among its stakeholders, in particular its fans, by ensuring to the greatest extent possible that, in accordance with their expectations, the outcome of the competition is determined by sporting merit, and not be factors unrelated to sporting merit.*

Where the application of Regulation 9A.6 has resulted in one (or more) fewer Clubs being automatically promoted, the number of Clubs to be promoted via the Play-Off Competition will be adjusted

accordingly. For example, if 2 Clubs would otherwise have been eligible for automatic promotion, but after application of Regulation 9A.6, only 1 of those Clubs is automatically promoted (and the other Club is instead eligible for the Play-Off Competition), then 2 Clubs will be promoted via the Play-Off Competition (so that the overall number of Clubs promoted from that Division is the same as would otherwise have been the case).

9A.8 If the Board determines that it is necessary to cancel a Division's 2019/2020 Play-Off Competition, the Board shall determine which one of the Clubs that would have participated in that Play-Off Competition shall be promoted to the next highest Division (or, in the case of the Championship Division, to the Premier League).

Guidance

In making the first determination (cancellation), the Board will take into account all relevant considerations, including in particular expert advice on the risks to the health and safety of all those who would be participating in or otherwise impacted by the staging of the Play-Off Competition. In making the second determination (promotion), the Board will be guided by the following principles:

- a desire to remain as faithful as possible to the letter and spirit of the original arrangements agreed by Clubs and reflected in the Regulations;*
- the need for a clear, effective and efficient solution, the impact of which and the justifications for which are straightforward and easy for all stakeholders to understand;*
- a desire to honour and fulfil, to the extent practicable, the legitimate expectations of the relevant Clubs; and*
- most importantly, the need to maintain the integrity of the League competition, and its credibility among its stakeholders, in particular its fans, by ensuring to the greatest extent possible that, in accordance with their expectations, the outcome of the competition is determined by sporting merit, and not by factors unrelated to sporting merit.*

9A.9 The Clubs in a Division are entitled to pass a Disapplication Resolution for their Division. A meeting of Clubs in a Division to consider a Disapplication Resolution is deemed called by the Board when it calls a meeting to consider a Division Curtailment Resolution for that Division (and is subject to the same notice provisions as that Division Curtailment Resolution). A Disapplication Resolution will be adopted if approved by a simple majority of the votes cast by Clubs then in membership of that Division which are present at the meeting either in person or by proxy. A Disapplication Resolution will be deemed passed at the same time as the Division Curtailment Resolution.

Guidance

Clubs in a Division retain the right to disapply the margin for error calculations and instead opt to apply straight PPG for their Division if those Clubs determine that appropriate at the time. The passing of a Disapplication Resolution for a Division will have no impact on any other Division (e.g. a Disapplication Resolution passed by League Two Clubs would only disapply the margin for error approach for League Two and would not impact the position for League One).

9A.10 Where a Divisional Curtailment Resolution has been passed for a Division(s), the following Regulations shall be subject to Regulation 9A.6 for that Division(s): Regulation 7.7, Regulation 10.1.1(b), Regulation 10.1.2(a), and Regulation 10.1.2(b). Regulation 10.1.1(d) and Regulation 10.2.1(d) shall be deemed to reflect the structure of the promotion and Play-Off Competition,

such that the amount stated to be payable by a Club is payable irrespective of whether that Club was promoted automatically or through a Play-Off Competition. Further, the Guidance to Regulations 10.1.1 and 10.1.2 (and paragraph 2 of the Play-Off Regulations) does not apply and the Play-Off Competition shall be determined in accordance with Regulation 9A.7.

9A.11 Notwithstanding Regulation 5.4, where a Divisional Curtailment Resolution has been passed, Regulation 5.2 does not apply to the 2020/2021 Season for that Division.

9A.12 For the 2020/2021 Season only, Regulation 7.7 shall be amended as follows: "*At the end of each the Season the Clubs occupying the lowest ~~bottom two~~ places of League Two to bring the number of Clubs in League Two to 24 after taking into account promotions, and relegations from League One, shall, in accordance with the Articles of Association and these Regulations, cease to be members of The League and join the National League, save as otherwise provided in Regulations 10, 11 and 12.*"

9A.13 For the 2020/2021 Season only, Regulation 10.1.2(b) shall be amended as follows: "*At the end of each Season, the three Clubs in The Championship finishing lowest and the four Clubs in League One finishing lowest shall be relegated to play in the lower Division in the following Season, save that for the 2020/2021 Season only, if this would result in the Division having more than 24 Clubs after taking into account promotions, and relegations from the Division above, the Club(s) finishing in the next position(s) above those Clubs will also be relegated to bring the number of Clubs in that Division to 24. The relegated Clubs shall ~~be relegated to~~ play in the next lower Division in the following Season.*"

Guidance

Relegations from The Championship and League One in the 2020/21 Season will adjust the number of Clubs in each League to 24. Where, for example, 25 Clubs participated in League One in the 2020/21 Season (and there have been no instances of Clubs ceasing to be members pursuant to Regulation 12 (Cessation of Membership), the bottom 5 Clubs would be relegated from League One at the end of the 2020/21 Season.

9A.14 Where a Divisional Curtailment Resolution has been passed for League Two, Regulation 10.1.3(a) shall be amended as follows: "*At the end of each Season the Champion club of The National League ~~and The National League Runner Up (be that determined on the basis of League position alone or by way of play off competition)~~ shall be eligible to apply for promotion to The League...".*

9A.15 Any claim by a Club challenging in any way or otherwise seeking any relief in respect of:

9A.13.1 the adoption of this Regulation 9A shall be deemed an "Other Dispute"; and/or

9A.13.2 any decision made pursuant to this Regulation 9A shall be deemed a "Board Dispute",
and

for the purpose of Regulation 95 and shall be determined via arbitration in accordance with Section 9 of these Regulations, subject to the following modifications:

(a) the time limit for service of the Notice of Arbitration is within seven days of the adoption or decision in question. Any claim not filed by this deadline is time-barred and may not be brought in any forum;

- (b) Regulations 98.2 and 98.3 shall not apply. Instead, the three members of the League Arbitration Panel that hears the claim will be appointed by Sports Resolutions;
- (c) the claim will be heard and determined by the League Arbitration Panel on an expedited basis; and
- (d) the Club must in its Notice of Arbitration identify any other Club that is directly affected by the claim, and in its response the League should also identify any other Club that it considers is directly affected, to enable the League Arbitration Panel to consider making any other Club(s) interested parties in accordance with Regulation 96 (Standing). Even where no Clubs are so named by the Club and/or the League, the League Arbitration Panel may also make such an order on application by any other Club.