



## Open Letter to Ministers

Dear Baroness Twycross,

### **Football Governance Bill (HL)**

We write to you about the **Football Governance Bill** which you are currently introducing in the House of Lords. We believe this is an important item of legislation and feel sure that it will be widely welcomed.

However, we believe that, as drafted, some of its provisions contain an error which may lead to confusion and encourage litigation. It concerns the terminology and intentions behind the words '*fan engagement*' and '*fan consultation*'

The concept of '*fan engagement*' has been around for some time and various initiatives – including the [Fan Engagement Index](#) - have made progress in encouraging better practice for some time. In contrast, the concept of '*consultation*' is a far more demanding standard, enforceable by law and supported by a vast jurisprudence of about 300 High Court cases since the well-known 'Gunning Principles' were first formulated almost 40 years ago.

In short, *engagement* is the less-rigorous concept, capable of flexible implementation. *Consultation* is the more demanding process, enforceable by law.

The Bill, as currently drafted, requires all football clubs (via the proposed system of regulation) to be required to undertake '*consultation*', and those above the 'threshold' to be further required to undertake '*engagement*'. We think it should be the other way around. All clubs should be required to demonstrate '*fan engagement*', and the better resourced and those who otherwise qualify to be beyond the 'threshold' should be subject to the more demanding requirements of '*consultation*'.

Making this change would not affect other aspects of the proposed regulation. But it would remove from smaller clubs or those facing a range of contradictory voices among their fans, the anxiety that they could face legal challenges over the details of their consultations.

We realise that the Committee stage of the Bill will need to consider many important aspects including the difficult areas of financial regulation.

However, for many supporters, one of the big attractions of the legislation is ensuring that clubs become more responsive to their interests. These provisions will therefore surely feature in the Committee stage of its passage. We therefore ask Ministers to work with us to adjust the consultative aspects of the Bill and make it more effective.

Overall, we wish you well with the Bill and are happy to attend meetings with officials and others where we can explain our views in more detail.

Rhion H Jones LL.B. The Consultation GuRU  
Kevin Rye. Think Fan Engagement.  
3 November 2024