



Northern Ireland Information Forum

Thursday, 19th August 2010

Radisson Blu Hotel, Belfast

7:30 pm

Agenda

1. Governance
2. Eligibility To Play For Team Ireland
3. International Transfer Cards (ITCs)
4. What Is The IIHA Doing?
5. Questions & Answers

1. Governance

At the IIHA's EGM in 2009, the Executive Committee and Directors were tasked with incorporating the association into a new company limited by guarantee (not having a share capital). However, we were asked by the members to verify that the incorporation of the IIHA would not affect our membership with the International Ice Hockey Federation (IIHF) or the Olympic Council of Ireland (OCI).

Since the EGM and up to just before the IIHA's AGM in 2010, the Executive Committee and Directors have sought and received this clarification. However, a mistake was pointed out in our Memorandum & Articles of Association (M&A) by the IIHF. Our M&A claimed that our association was the "governing body for amateur ice hockey for the whole island of Ireland". We were informed that as Ice Hockey UK (IHUK) is a member of the IIHF and is the recognised governing body for the territory of Scotland, Wales, England and Northern Ireland (i.e. United Kingdom of Great Britain & Northern Ireland) and as such the IIHF cannot accept that the IIHA's constitution extends the authority of our association on the whole territory of the island of Ireland. **In fact, the membership requirements set out in the IIHF Statutes specifically state that a member national association must be the ice hockey association of a sovereign state.** As Northern Ireland is an integral part of the sovereign state of the United Kingdom of Great Britain & Northern Ireland there is no doubt about IHUK's authority over this territory with regards to ice hockey. After the OCI communicated directly with the IIHF, the OCI too acknowledged this mistake in our M&A and the changes that had to be made.

At the IIHA's 2010 AGM, after much discussion and on a show of hands, the members backed the association to be incorporated into a new company limited by guarantee (not having a share capital) with the necessary correction of what is stated in our M&A as follows:

From: The main objects for which the Association is established are: - to foster and encourage the sport of amateur ice hockey throughout Ireland and to serve as the governing body of amateur ice hockey in Ireland.

*To: The main objects for which the Association is established are: - to foster and encourage the sport of amateur ice hockey throughout Ireland and to serve as the governing body of amateur ice hockey in Ireland **(excluding Northern Ireland)**.*

[please note: "Ireland" means the whole island of Ireland]

The IIHA are not and have never been the governing body for ice hockey in Northern Ireland and IHUK has always been and currently is the governing body for Northern Ireland. Thus, this “change” that we had to make to the Articles of our Association in order to remain a member of the IIHF isn’t actually a change at all; it is in fact a true reflection of the reality of how things have always been, and how they will continue to be for the foreseeable future. It is the correction of a mistake merely in drafting of the M&A themselves, not a change in governance, plans, or territorial jurisdiction.

When the IIHA were initially asked to make this correction by the IIHF, concerns were raised that this could somehow affect the eligibility of players from Northern Ireland to: 1) play for the Irish National Teams and 2) play in the leagues governed by the IIHA. We raised these concerns with the IIHF and received confirmation from the IIHF that the correction to our M&A would have no bearing whatsoever on the two concerns that were raised. **It was confirmed to the IIHA that these issues are, in fact, governed by the IIHF Statutes & Bylaws and/or the appropriate IIHF Regulations which every member of the IIHF is obliged to abide by.**

It must be clarified again, that the eligibility of players to play for the Irish National Teams and to play in the leagues governed by the IIHA has nothing to do with the IIHA’s M&A. These issues are governed by the IIHF Statutes & Bylaws and/or the appropriate IIHF Regulations which the IIHA as a member of the IIHF is obliged to abide by.

2. Eligibility To Play For Team Ireland

Eligibility to play for the Irish National Team in any IIHF competition is regulated by IIHF Bylaw 205. Provided that a player meets the eligibility criteria as defined by IIHF Bylaw 205 then the player can play for Team Ireland. This eligibility criteria is to do with when a player has just one citizenship, has multiple citizenship, has changed his citizenship or has acquired or has surrendered another citizenship i.e. there are different scenarios depending on the individual player’s particular situation in relation to citizenship. This applies to all players who wish to play for Team Ireland including players from Northern Ireland.

IIHF Bylaw 205 states that only players meeting certain qualification requirements can participate in an IIHF competition and it outlines the different scenarios and the requirements that apply. Each of these can be found in the articles of IIHF Bylaw 205. However, in short they are as follows:

- When a player only holds one citizenship and has never held any other citizenship then he can only represent that country in an IIHF competition.
- When a player has represented a country in an IIHF competition and then later acquires another citizenship, he can still represent the old country provided he is still a citizen of that country.
- When a player has changed his citizenship or has acquired or has surrendered another citizenship and wants to participate in an IIHF competition for the first time and represent his new country then he must have an ITC approved and dated by the IIHF at least two years before the start of the competition in which he wishes to participate in and he must also prove that he has participated for at least two consecutive years in the national competitions of and resident in his/her new country.
- When a player has multiple citizenship and he has never represented any country in any IIHF competition then in order to play for the country of his choice he must prove that he has participated for at least two consecutive years in the national competitions of and resident in the country that he wishes to represent and if the country of his choice is one to which the player has transferred then he must have an ITC approved and dated by the IIHF at least two years prior to his proposed participation.

The above applies to all players who wish to represent Ireland or any other country in an IIHF competition. The IIHF have confirmed that by taking the Good Friday Agreement into account and applying to IIHF Bylaw 205 “the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose” means the following:

Examples:

1. A player born in Northern Ireland and claims only British Citizenship:

Eligible to play for Great Britain in an IIHF Championship

2. A player born in Northern Ireland and claims both British and Irish Citizenship:

The player must play with a club in Great Britain for 2 years to be eligible to represent Great Britain in an IIHF Championship

or

The player must transfer to and play with a club in Ireland for two 2 years to be eligible to represent Ireland in an IIHF Championship

3. A player born in Northern Ireland and claims only Irish Citizenship:

Eligible to play for Ireland in an IIHF Championship

3. International Transfer Cards (ITCs)

As a member of the IIHF, the IIHA are obliged to abide by the IIHF Statutes, Bylaws and Regulations. Bylaws 206 - 212 outline the IIHA's responsibilities to international transfers. Bylaw 206 also states that the regulations governing international player transfers are specified in the International Transfer Regulations. Links to each of the IIHF Statutes & Bylaws and the IIHF International Transfer Regulations can be found attached.

Bylaw 206 states "it is the responsibility of the IIHF to ensure that the good order of the sport internationally and, in relation to player movement, to safeguard the player and his position with regard to player eligibility for international competitions and to uphold discipline and maintain order between clubs and within the sport." This is the reason why ITCs are required to play in the leagues governed by the IIHA and the IIHF state in the International Transfer Regulations that "the goal of the program is to maintain the worldwide good order of the sport and to protect club teams and players alike."

Bylaw 206 further states "Players who wish to move from country, irrespective of whether or not they are registered with the member national association of that country, to the member national association of another country are required to have a valid IIHF international transfer card (ITC)." While Section I, Article 1.1 of the International Transfer Regulations states "Players - Men or women - who wish to move from one country to the member national association of another country to compete in a competition under the jurisdiction of the member national association which leads to a champion being named are required to apply for a transfer by means of the IIHF transfer card. Players under 18 years of age may be transferred by means of a letter of approval"

These statements explain why ITCs are required, who needs an ITC and also explains the situation with respect to players from Northern Ireland playing in the leagues governed by the IIHA. This means that any players from Northern Ireland who wish to play within the leagues governed by the IIHA are required to have a valid ITC. This comes back to the Section I, Articles 1.1 of the International Transfer Regulations which states "Players - Men or women - who wish to move from one country (United Kingdom of Great Britain & Northern Ireland) to the member national association (IIHA) of another country (Ireland)". As such, players from Northern Ireland would be moving from the United Kingdom (IHUK) to Ireland (IIHA) and would require an ITC. **The need for an ITC is nothing to do with citizenship or with where a player has or has not played ice hockey before and nor does it have anything to do with if you have played for a national team; it is to do with when a player moves from one country to the association of another country.**

There are costs (all prices are shown in Swiss Francs) associated with the processing of an ITC and they are as follows:

- 300 CHF - ITC itself and the IIHF's service fee (payable to IIHF)
- 500 CHF - old association service fee (payable to the old association)
- 500 CHF - new association service fee (payable to the new association)
- 100 CHF - service fee for a fax approval (payable to the IIHF)

If a player under the age of 18 has a Letter Of Approval (LOA) processed for his transfer then there are no fees associated with this. For more information on this procedure, please refer to Section I, Article 4 of the IIHF International Transfer Regulations.

These costs are not transfer fees but are service fees which the IIHF and each association can charge for the cost associated with carrying out certain research (administration work) designed to protect both the player and the clubs involved. The IIHF service fee of 300 CHF will be charged in each individual case; however, the old and new association service fees may or may not be charged by the respective association. The IIHA to date have not charged this service fee for any player either when it has been the new association or it has been the old association. It has been agreed for several years now that neither the IIHA nor IHUK would charge the administration fees associated with ITCs for players going from IHUK to the IIHA or vice versa. The service fee for a fax approval is only payable to the IIHF if part of the process has been carried out by fax. **Thus, for Northern Ireland players the only fee that will be payable is the 300 CHF for the ITC itself and the IIHF's service fee.**

Players from Northern Ireland have always been required to have a valid ITC to play in the leagues governed by the IIHA. Nothing within the IIHF Statutes, Bylaws and/or relevant Regulations has changed to affect this nor has anything within the IIHA's own governance changed to affect this. To date, the IIHA have simply not adhered to these rules. The IIHF have brought this non-compliance to our attention and it is our responsibility to rectify the situation.

In summary, up until now we have not complied fully with the rules and going forward we must comply with the rules or suffer the consequences which are as follows (Section III. Article 1.4 of the International Transfer Regulations):

When a player plays without a valid transfer card the following will apply:

- *The IIHF General Secretary shall sanction the new Member National Association of the player with a fine of CHF5'000. – and request the Member National Association to advise the club that the player has to stop playing until provided with an ITC.*
- *Should the player continue to play without an ITC, the matter will be submitted to the IIHF Disciplinary Committee. The following sanctions shall be applied by the IIHF Disciplinary Committee:*
 - *Member National Association: Fine of minimum CHF 5'000.- and up to CHF150'000.- (maximum) per game the player played without ITC since the IIHF General Secretary's intervention.*
 - *Club: Ban on international transfers (during international transfer period) of minimum 3 months and up to 24 months (maximum).*
 - *Player: Suspension from IIHF Competitions for minimum 1 year and up to 3 years (maximum).*

In exceptional circumstances the IIHF Disciplinary Committee may abstain from putting forward any sanctions against either party.

4. What Is The IIHA Doing?

Since the current administration of the IIHA came into power on 1st November 2010 and particularly over the last six months, we have tried and have actually clarified what has and what currently applies now in relation to players from Northern Ireland playing within the leagues governed by and to play for the Irish National Teams. At the outset, there was quite a bit of confusion as many of those involved in the past stated that there were a variety of agreements or deals that existed which governed these topics. The IIHA have now clarified all of this with the IIHF. This has taken the better part of the past nine months and the above which we now present you with is what has and still currently applies.

Since we have been able to clarify what has and currently does apply, we have been able to submit proposals to the IIHF which would allow a player from Northern Ireland the ability to choose to play for either Ireland or Great Britain without having to wait any period. The same proposals would also allow a player from Northern Ireland to play in the leagues run by either the IIHA or IHUK without needing an ITC or at the very least without having to pay the fees associated with the ITC. The IIHA started the process to have our proposals formulated and considered by the IIHF back as early as March. As of late May, the IIHA have submitted these proposals to the IIHF for their consideration and we await a decision on them. Since then, in June the IIHA have attended a meeting with the IIHF to discuss all of this and to clarify what has and currently does apply. Effectively, we are looking for an exception to be made by the IIHF with regard to both of these topics. It is important to understand that in order for such an exception to be made, there is a cumbersome process involved. At present, we await a decision on our proposals to be made and until that time, then what we have outlined above is what currently applies.

Beyond that and in the situation that the IIHF say no to our proposals then the IIHA's plan, pending your input today, is to put a working group together and to re-evaluate our approach with a view to re-submitting a formal Northern Ireland Proposal to the IIHF Semi-Annual Congress in September 2010. In the event that this is not successful then the IIHA would need to further re-evaluate with a view to taking our case to the Court of Arbitration for Sport. However, this will require much more detail and it will also involve legal costs. Nevertheless, these are short term solutions and in the absence of any success with any of these options then the long term solution would be to have an IIHF Bylaw which is exclusive only to Northern Ireland in its application voted on, approved and adopted at the 2012 IIHF General Congress.