



Scottish Rugby

CLEARANCE TO PLAY IN ANOTHER UNION

FOREWORD

The benefits of participation in sport are widely recognised, not just in terms of health but in building confidence, teamwork and friendships. Scottish Rugby's Values of **Leadership, Engagement, Achievement, Enjoyment and Respect** apply across all areas of our sport, from mini rugby through to our international teams.

World Rugby requires that each player is registered in the Union within which they participate, and that any movement of players between Unions is undertaken in a controlled and regulated manner. This process ensures that the universality of rugby disciplinary sanctions is protected and that the player contracting process is respected. Scottish Rugby supports these objectives.

In view of this Scottish Rugby has adopted the attached Policy and the associated Regulation (SDR 4.2 : Clearance to Play in another Union) on the International Clearance of players. All those within the jurisdiction of Scottish Rugby are obliged to comply with both the Policy and the Regulation.

To support our Policy and Regulation, we will provide advice and guidance to players, clubs and to the volunteers who are the heartbeat of our game. We will also monitor best practice in this area and will, where necessary and appropriate, update our Policy and Regulation accordingly.

MARK DODSON

Chief Executive
Scottish Rugby

September 2020

CONTENTS

2	Foreword
4	Policy Statement
5	Scottish Rugby Core Values
6	Roles and Responsibilities
7	Definitions
8	SDR 4.2: Clearance to Play in another Union
11	Contact Us
11	Raising a Concern
11	Amendment of the Regulation

POLICY STATEMENT

Scottish Rugby considers that:

- The regulation of the cross-border movement of players is necessary to protect the integrity of the game;
- The co-ordinated regulation of player movement between Unions (International Clearance) assists:
 - in maintaining the universality of sporting sanctions enshrined in World Rugby's disciplinary rules;
 - in preventing breach of a contract by Contract Players when moving between Unions; and
 - local and international strategies aimed at the growth and development of the game.
- Failure to adequately regulate the International Clearance of players may bring the sport into disrepute.

Scottish Rugby has therefore adopted a Regulation (SDR 4.2 : Clearance to Play in another Union) with a view to protecting the integrity of the game and assisting in its game development strategies.

All those under the jurisdiction of Scottish Rugby must comply with SDR 4.2 : Clearance to Play in another Union.

Key principles:

- **Every participant in the game has a responsibility to comply with World Rugby Regulations.**

- **Scottish Rugby, and all those governed by Scottish Rugby, shall follow best practice in relation to International Clearance.**

- **Scottish Rugby has adopted a Policy and a Regulation (*SDR 4.2: Clearance to Play in another Union*) in relation to the regulation of those players seeking to change Union, and the sanctioning of those who might breach this Regulation. This Regulation conforms to World Rugby's Regulation 4 (*Player Status, Player Contracts and Player Movement*).**

- **Scottish Rugby believes that best practice is represented by SDR 4.2 and World Rugby Regulation 4.**

- **A player proposing to change Union may not be registered (and is not eligible to participate in Scottish Rugby competitions) until they have completed the International Clearance process.**

- **All players, coaches and other team management members must follow the terms of SDR 4.2 and World Rugby Regulation 4, together with any further guidance published by Scottish Rugby in relation to international clearance.**

SCOTTISH RUGBY CORE VALUES

Scottish Rugby is the Governing Body of the sport of Rugby Union in Scotland and promotes these core values from our National Teams through to grassroots rugby.

Our core values are:

LEADERSHIP

ENGAGEMENT

ACHIEVEMENT

ENJOYMENT

RESPECT

ROLES AND RESPONSIBILITIES

To ensure an environment in which all participants can enjoy their rugby, everyone involved in the game must work together. It is **EVERYONE'S** responsibility to contribute to fair competition and to the wellbeing of players and others involved in the game.

SCOTTISH RUGBY WILL:

- Develop and publish a regulation in relation to the international clearance of players, SDR 4.2 : Clearance to Play in another Union, and will ensure that the Regulation and any associated guidance is regularly reviewed and updated.
- Require that member clubs comply with the Regulation as part of the Club Minimum Operating Standards.
- Provide education materials, advice and assistance in relation to the Regulation to players and their clubs.
- Manage and respond to international clearance requests, queries and concerns in an efficient and fair manner.
- Take disciplinary action against those who breach the Regulation.

MEMBER CLUBS WILL:

- Ensure that their players, coaches, officers and other club officials are aware of Scottish Rugby's Regulation SDR 4.2 : Clearance to Play in another Union.
- Ensure that all of their club's players and club officials comply with the terms of the Regulation and any associated guidance.
- Report any suspected breaches of the Regulation.

PLAYERS, COACHES AND TEAM OFFICIALS WILL:

- Abide by the terms of Scottish Rugby's SDR 4.2 : Clearance to Play in another Union and any associated guidance. In particular:
 - Players joining a Scottish club from another Union shall ensure that they are properly cleared out of that Union and cleared into Scottish Rugby prior to playing any game in Scotland; and
 - Players leaving a Scottish club to play in another Union shall ensure that they are properly cleared out of Scottish Rugby and into that other Union prior to playing any game in that Union.
- Ensure that the game is played in accordance with Scottish Rugby's Core Values.
- Take responsibility for their own welfare and that of other players.

DEFINITIONS

CLUB

Means any club, team or other body (as the context may require) which participates in a Scottish Rugby National Competition.

DISCIPLINE MANAGER

Means the person, having appropriate knowledge and expertise, who is appointed by Scottish Rugby to act on its behalf in this capacity in matters arising under this Regulation.

DISCIPLINARY RULES

Means the Scottish Rugby Disciplinary Rules, as issued from time to time by Scottish Rugby.

DUAL REGISTRATION

Means registration with two Unions in accordance with World Rugby Regulation 4.5.8 and 4.5.9, as applicable only to full time students and members of the armed services.

INCOMING PLAYER

Means a player currently registered with a Union other than Scottish Rugby, or who is not registered with any Union but who ordinarily lives outwith Scotland, and who wishes to become registered to play rugby in Scotland.

INTERNATIONAL CLEARANCE

Means the formal process under World Rugby Regulation 4 and Scottish Domestic Regulation 4.2 (Clearance to Play in another Union) whereby a Player is granted permission by both Unions to change the Union within which they are registered to play.

MISCONDUCT

Shall have the meaning ascribed to it in Scottish Rugby Disciplinary Rules.

NATIONAL COMPETITION

Means those Scottish Rugby league and knock-out competitions designated by the Board from time to time and listed as such in National Competition Rules.

OUTGOING PLAYER

Means a player currently registered with Scottish Rugby, or who is not registered with any Union but who ordinarily lives in Scotland, who wishes to become registered to play rugby in a Union other than Scotland.

PLAYER

Means any person who is named by a Club to participate in a Match.

SCOTTISH RUGBY

Means Scottish Rugby Union Limited.

WORLD RUGBY

The international governing body for the sport of Rugby Union.

WORLD RUGBY REGULATIONS

Means the World Rugby Regulations Relating to the Game, as issued from time to time by World Rugby.

SCOTTISH DOMESTIC REGULATION 4.2: CLEARANCE TO PLAY IN ANOTHER UNION

1. POSITION STATEMENT

- 1.1 Scottish Rugby considers that:
 - 1.1.1 every participant in the game has a responsibility to ensure fair competition;
 - 1.1.2 control over the international movement of Players is necessary to protect the integrity of the game, its values and its Regulations; and
 - 1.1.3 failure to adequately regulate the movement of Players between Unions could bring the sport into disrepute.

2. OBJECTIVES

- 2.1 Scottish Rugby wishes to prevent inappropriate practices by those participating in rugby and has therefore developed this Regulation (SDR 4.2 : Clearance to Play in another Union) with a view to:
 - 2.1.1 Facilitating the movement of Players between Unions; and
 - 2.1.2 protecting and promoting the image of the game of rugby football.
- 2.2 These objectives shall be effected through:
 - 2.2.1 facilitating the movement of Players between Unions on a structured and timeous basis;
 - 2.2.2 providing effective deterrents to those in breach of Scottish Rugby and World Rugby Regulations; and
 - 2.2.3 protecting and promoting the image and interests of the game, its clubs, teams, sponsors and other stakeholders.

3. WORLD RUGBY REGULATION 4

- 3.1 Scottish Rugby acknowledges that it is obliged to comply with those Regulations Relating to the Game issued from time to time by World Rugby
- 3.2 Scottish Rugby recognises that World Rugby has issued a Regulation in respect of the movement of Players between Unions (World Rugby Regulation 4). Scottish Rugby has adopted World Rugby Regulation 4 to the fullest possible extent as Scottish Rugby's own domestic regulation in relation to the international movement of Players.
- 3.3 This, Scottish Domestic Regulation 4.2, should therefore be read in conjunction with World Rugby Regulation 4 and supplements the provisions of that document.

4. APPLICATION

- 4.1 This Regulation shall apply to all persons and all bodies subject to the authority of Scottish Rugby. Those Players and other participants in the game under the jurisdiction of Scottish Rugby must observe and comply with this Regulation.
- 4.2 Scottish Domestic Regulation 4.2 and World Rugby Regulation 4 may be amended from time to time. It is each participant's responsibility to ensure they are aware of the most current version and to comply with them.
- 4.3 Violations of this Regulation shall be dealt with in accordance with clause 6 (Sanctions) below.

5. INTERNATIONAL CLEARANCE

Incoming Players

- 5.1 Incoming Players who intend to participate in adult competitions organised, recognised or sanctioned by Scottish Rugby require to be appropriately Cleared to play rugby in Scotland. A player shall be deemed to be Cleared if:
 - 5.1.1 they are a Player who has played all of their rugby to date for Scottish clubs/schools; or
 - 5.1.2 they are a player with a current International Clearance to play in Scotland issued in accordance with WR Regulation 4 and certified on behalf of Scottish Rugby; or
 - 5.1.3 they are a player with a current certificate of Dual Registration issued in accordance with WR Regulation 4, one party to which is Scottish Rugby.
- 5.2 Incoming Players who are still in primary or secondary education are not required to seek International Clearance.

- 5.3 Incoming Players in tertiary education, or who are members of the armed services, may seek Dual Registration to play in the territories of both their Home Union and Scottish Rugby.
- 5.4 Players playing for a Scottish Rugby representative team or as part of an Incoming Tour authorised by Scottish Rugby are not required to seek International Clearance.
- 5.5 Scottish Rugby shall be entitled to make enquiries of Incoming Players, and their proposed Scottish Club, as to the Player's legal entitlement to play and/or receive benefits for playing in the United Kingdom, and may defer or refuse approval of the International Clearance request on this basis. It shall be a specific breach of this Regulation for a Player to play, or a club or team to field or play a Player whilst not legally entitled to do so due to the provision of payments or other benefits.
- 5.6 Incoming Players shall on request provide Scottish Rugby with details of their previous disciplinary record. Scottish Rugby reserves the right to validate such information with the Player's former Union(s). Scottish Rugby may consider on a case by case basis whether to grant International Clearance to any Incoming Player under current disciplinary suspension. In such circumstance Scottish Rugby may either:
 - 5.6.1 grant approval subject to the Player serving the remainder of his disciplinary sanction in Scotland;
 - 5.6.2 defer approval until completion of the disciplinary sanction imposed by the other Union;
 - 5.6.3 grant approval subject to such additional conditions as may be deemed appropriate by the Union's Disciplinary Manager; or
 - 5.6.4 refuse to grant International Clearance.
- 5.7 Where Clearance is either refused or where any additional conditions are imposed, the Incoming Player shall have a right of Appeal to the Union's independent Disciplinary Committee. Such Appeal shall require to be made in writing within seven days of any notification of refusal or the imposition of additional conditions being issued on behalf of Scottish Rugby.
- 5.8 International Clearance to play rugby in Scotland does not of itself constitute approval or registration to participate in any National Competition organised by or on behalf of Scottish Rugby. Permission to participate in any competition shall be governed by the relevant National Competition Rules.

Outgoing Players

- 5.9 Outgoing Players who intend to participate in any competition organised, recognised or sanctioned by a Union other than Scottish Rugby shall require to be appropriately Cleared out of Scotland prior to participating in that other Union.
- 5.10 Outgoing Players in tertiary education, or who are members of the armed services, may seek Dual Registration to play in the territories of both Scottish Rugby and a secondary Union.
- 5.11 Players playing for a Scottish Rugby representative team or as part of an Outgoing Tour authorised by Scottish Rugby are not required to seek International Clearance
- 5.12 Application for International Clearance shall be made using the Application for Clearance to Play within another National Union form (or, in the case of full-time students and members of the armed services seeking Dual Registration, the Dual Registration form) provided by Scottish Rugby. The onus shall be on the player to ensure that the form is completed and submitted to Scottish Rugby on a timeous basis.
- 5.13 Scottish Rugby shall be under no obligation to process any Clearance application until both the Player and his current club have both confirmed that there are no unresolved contractual matters between the parties. Scottish Rugby reserves the right to seek clarification from the Player and/or his current club with respect to any such matters. Applicants are reminded of the provisions of WR Regulation 4.5.2 with regard to the required form of such player agreements.
- 5.14 Scottish Rugby will not provide International Clearance in respect of any Player subject to an unspent disciplinary sanction in excess of five weeks. Where any unspent sanction is five weeks or less Scottish Rugby may grant Clearance provided the Player and his new Union agree that the unspent sanction will be served in the new Union.
- 5.15 Scottish Rugby reserves the right to notify the Player's new Union of their history of disciplinary sanction. Where Scottish Rugby intends to notify another Union of any disciplinary sanction, other than a current unspent sanction of 5 weeks or less, the Player shall be notified in advance and afforded an opportunity to Appeal against such course of action. Such Appeal shall be in writing and shall require to be made within seven days of the notification of Scottish Rugby's intention to provide information to another Union being issued.

6. SANCTIONS

- 6.1 The participation by an Incoming Player in any competition organised, recognised or sanctioned by Scottish Rugby prior to final International Clearance being obtained, or the encouragement of others to do so, shall constitute an act of Misconduct under the Scottish Rugby Disciplinary Rules. Such Misconduct proceeding shall be separate and in addition to any process conducted in respect of the National Competition Rules.
- 6.2 The Discipline Manager (or his nominee) shall investigate potential breaches of the Regulation and, where they determine that there is a case to answer, may either:
 - 6.2.1 refer the matter to a Scottish Rugby Discipline Committee; or
 - 6.2.2 request that World Rugby appoint a Disciplinary Committee to consider the matter.
- 6.3 Additional Offences - Notwithstanding anything else in this Regulation, a failure by a player or other person to comply with any requirement or sanction noted in this Regulation shall be deemed to constitute a separate and additional act of Misconduct for the purposes of this Regulation.
- 6.4 Appeals – The duration and terms of any period of ineligibility and of any other sanction imposed in consequence of this Regulation, may be appealed in accordance with the Appeal provisions of the Disciplinary Rules.

7. CONFIDENTIALITY AND PERMITTED DISCLOSURES

- 7.1 Information in relation to potential regulatory breaches must not be disclosed to any person unless expressly authorised under this Regulation. For the avoidance of doubt disclosure to Scottish Rugby is expressly permitted under this Regulation.
- 7.2 Scottish Rugby has agreed to co-operate with World Rugby and other relevant authorities in order to combat breaches of this Regulation and World Rugby Regulation 4. This may include the sharing of intelligence and information in relation to specific cases. Nothing in this Regulation shall prevent or preclude Scottish Rugby or any individual or person from sharing information as to potential breaches with World Rugby or other any appropriate authority.
- 7.3 World Rugby Regulations impose obligations on Scottish Rugby to disclose certain information to third parties, including, without limitation, World Rugby itself. The Discipline Manager (or his nominee) may also require to disclose such information to others for the orderly management of the Regulation and of the game in Scotland. As a condition of their participation, each player and other person agrees to the collection, processing and disclosure of such information (including sensitive personal information) as may be required to properly implement this Regulation.
- 7.4 Should a player or other person disclose details of any potential act of Misconduct, or where such information becomes known in the public domain other than through the actions of Scottish Rugby, Scottish Rugby shall be free to comment thereon.
- 7.5 On completion of Misconduct proceedings by the Disciplinary Committee, Scottish Rugby may disclose details of the Misconduct and of any sanction applied by the Disciplinary Committee.
- 7.6 Nothing in this Regulation shall prevent Scottish Rugby from disclosing statistical information in relation to international clearances.

CONTACT US

Advice and further information with regard to SDR 4.2 : Clearance to Play in another Union may be requested from:

GRAHAM IRELAND

Head of Regulation

BT Murrayfield Stadium

Roseburn Street

Edinburgh EH12 5PJ

T: 0131 346 5004

E: graham.Ireland@sru.org.uk

RICHARD MCGHEE

Discipline Manager

BT Murrayfield Stadium

Roseburn Street

Edinburgh EH12 5PJ

T: 0131 346 5029

E: richard.mcghee@sru.org.uk

RAISING A CONCERN

Where a concern arises in the relation to a potential breach of SDR 4.2, or where there is concern that best practice is not being followed, the matter may be referred in confidence to Scottish Rugby Union's Discipline Manager.

POLICY AMENDMENT PROCESS

Changes to SDR 4.2 shall be approved by the Scottish Rugby Board.



SCOTTISH RUGBY

BT Murrayfield Edinburgh EH12 5PJ | 0131 346 5000 | scottishrugby.org