

Tennis Wales LTD

Eligibility Criteria Regulations

Definitions

Adult competition means a competition in which players over the age of 18 are permitted to take part as well as players under the age of 18 but will have a specified minimum age limit in place.

Executive Panel means a panel consisting of Tennis Wales Ltd Board members who were not involved in making the original decision concerning the eligibility of a player to represent Wales.

Home Nations Event means an annual tennis competition in which Wales, England, Scotland, and Ireland compete in Junior Competitions, Adult Competitions and Senior Competitions.

Junior competition means a competition which is restricted to players of a certain age and younger. These age-groups are usually U8, U9, U10, U11, U12, U14, U16 and U18 with player eligibility being governed by the year of birth of the player.

Official International Competition means any international competition which is officially sanctioned to take place by an organisation, including any event at the Commonwealth Games, but excludes friendly matches or competitions organised by Tennis Wales Ltd on its own or in conjunction with other national associations.

Regulatory Committee means a panel consisting of Tennis Wales Ltd employees and Board members who will consider applications for special dispensations concerning the eligibility of any players who are unable to meet the requirements as laid out in the Regulations.

Senior competition means a competition which is restricted to players who are a certain age and over. These age-groups currently range from Over 30s to Over 90s with player eligibility being governed by the year of birth of the player.

Eligibility Criteria

- 1.** Any player who is in Good Standing with Tennis Wales Ltd in accordance with Appendix A shall be qualified to represent Wales if:
 - 1.1** he/she has not previously represented any other nation in an Official International Competition or Home Nations Event in the same category of competition (being either Junior Competition, Adult Competition or Senior Competition) that the player is seeking to represent Wales; and
 - 1.2** he/she is a citizen of the United Kingdom, and holds a qualifying passport issued by or on behalf of the United Kingdom; and
 - 1.3** he/she satisfies one or more of the following: -
 - 1.3.1** born in Wales; or
 - 1.3.2** has a parent born in Wales; or
 - 1.3.3** has resided in Wales for a period of at least three (3) years (36 months) immediately prior to the commencement of the event in which he/she seeks to represent Wales and which, for the avoidance of doubt, will mean his/her sole or main residence will be situated within Wales and will exclude residence at or in connection with an educational or training establishment.
- 2.** A player may apply to the Regulatory Committee for special dispensation on the basis that the full circumstances warrant an exception to the criteria in clause 1 of these Regulations being made. Each application for dispensation shall be considered on its own merits and will not create a precedent for any future applications. Decisions made by the Regulatory Committee are subject to the right of appeal directly to the Executive Board, whose decision shall be final and binding. Applications to the Regulatory Committee must be received in good time prior to the “final entries deadline” of the event in which he/she seeks to represent Wales.
- 3.** Players eligible to compete in a Junior Competitions shall be deemed eligible to represent Wales in Junior Competitions without having to fulfil the passport requirement in clause 1.2 of these Regulations if the other eligibility criteria set out are satisfied and the rules of the competition in which he/she seeks to represent Wales do not explicitly prohibit this.
- 4.** A player who has previously represented Wales in a Home Nations Event or Official International Competition shall continue to be eligible to represent Wales even if he/she is no longer qualified to do so under the terms of this regulation save that he/she must remain in good standing with Tennis Wales Ltd and has not represented another nation since.
- 5.** Tennis Wales Ltd has the right to ask a player to produce all and any evidence to illustrate that they comply with the eligibility criteria set out in these Regulations.
- 6.** In respect of applications to the Regulatory Committee for dispensation the Regulatory Committee will be entitled to ask a player to produce all and any evidence to support that application including but not limited to details of a player’s immigration status, residency, birthplace of the player, the players parents, and any special connection to Wales.
- 7.** Where there is a conflict between these criteria and those of a specific Home Nations Event or Official International Competition the rules of that competition shall prevail.

Appendix A

Definition of Good Standing of a Player

For the purposes of the Tennis Wales Limited's Eligibility Criteria Regulations as set out above, the term "Good Standing" in connection with a player shall be defined as follows:

One whom:

(a) Is not under a suspension imposed by his/her national association, or through the imposition of a suspension under a Code of Conduct accepted and approved by his/her national association, the LTA, or the ITF.

(b) Is accepted by his/her national association as being under its jurisdiction while competing in events for which his/her association has nominated him/her.

(c) Makes him/herself available for selection for Official International Competitions and accepts the jurisdiction of his/her national association while competing in events for which they have nominated him/her.

(d) Respects the spirit of fair play and non-violence at all times.

(e) Accepts the conditions of entry of the events he/she enters, including the conditions of any code of conduct adopted for those events.

(f) Agrees to undergo any medical control, including gender control and anti-doping tests, which may be required from time to time.

Explanatory Guidelines

These Explanatory Guidelines must be read in conjunction with the terms of the Tennis Wales Ltd Eligibility Criteria Regulations (“the Regulations”).

What is the Rationale/Philosophy of the Regulation?

The rationale/philosophy of the Regulations are to ensure that players selected to represent Wales have a genuine, close, credible, and established national link with Wales. Such a link is essential to maintain the unique characteristics and culture of elite international sporting competition between nations. The integrity of international matches between nations depends upon strict adherence to the eligibility criteria set out in the Regulations.

Who establishes the eligibility criteria in Tennis?

The relevant national associations and the ITF will continue to establish the criteria by which a Player’s eligibility to play for / or to represent the national team of a national association will be determined. Citizenship of a country and/or whether a Player holds a passport of a particular country are not, of themselves, determinative in identifying which national association a Player is eligible to represent. This will be determined solely in accordance with the ITF’s or the relevant national association’s eligibility criteria.

If a Player has dual eligibility, can they play for the National Team of more than one National Association in an Official International Competition or a Home Nations Event?

A player is only entitled to play tennis for the national team of one national association within each competition category of Junior, Adult or Senior. As an example, if a Player is deemed to have played for a national team in an Adult Competition, even if he/she is able to satisfy one or more of the eligibility criteria set out in the Regulation, he/she will not be able to play for any other national association in an Adult Competition.

A player who is deemed to have played for a national team of a national association in a Junior Competition only will not be able to play for the national team of another national association in a Junior Competition, but it may be possible for that player to play for the national team of another national association in either an Adult or Senior Competition or both if they satisfy one or more of the eligibility criteria in the Regulations.

Further it may also be possible for a player who has played for the national team of a national association in either a Junior or an Adult Competition or both to play for another national association in a Senior Competition if they satisfy one or more of the eligibility criteria as set out in the Regulations.

A player who has played for the national team of a national association in friendly matches only will be eligible to represent Wales subject to that player satisfying the eligibility criteria set out in the Regulations.

How will the eligibility criteria be assessed?

Ordinarily, the task of assessing whether a player satisfies any of the eligibility criteria set out in the Regulation is straightforward. However, because of professionalism, greater mobility, and societal family change this is not always the case. Difficult cases have arisen and may continue to emerge. The responses to the questions set out below are intended to provide further clarification as to how each eligibility criterion in the Regulation will be applied. The questions and answers should be regarded as guidelines only. They have been prepared based on operational experience to date. It is not possible to anticipate all scenarios that may arise and a degree of flexibility in the application of the Regulations will be maintained. Moving forward, if there is any uncertainty or the need for clarification in relation to the application of the Regulations in particular circumstances, then the

Regulatory Committee may be asked to make a ruling on a player's eligibility. In relation to any such adjudication, the Regulatory Committee will always have in mind the rationale behind the Regulations. The aim of the Regulatory Committee in each case where clarification may be required, is to establish whether, in all the circumstances, a player has, by reference to the eligibility criteria in the Regulations, been able to demonstrate a genuine, close, and credible national link with the country that the player wishes to represent.

When should any uncertainty over a Player's eligibility be clarified?

It is essential that eligibility issues are clarified before a player represents the national team of a national association. This is particularly important considering the one association only rule. Accordingly, if a national association has any doubt over a player's eligibility it must take all steps necessary to clarify the position before selecting the player to play for its national team. As such, a Player may be asked to provide supporting documentation, such as a birth certificate and/or passport.

What does 'born' mean?

This should be the most straightforward criterion to apply. A player's country of birth shall be the country within whose geographical borders he/she was born. However, difficult scenarios can arise even in relation to this criterion. For example, where a player was born on a geographical border or where a player was born in a military hospital. In such circumstances the matter should be referred to the Regulatory Committee for a ruling. The Regulatory Committee would need to establish the legal position together with other relevant facts and circumstances.

What does Parent mean?

The term "parent" in the Regulations is limited to either a blood parent or a parent that has formally adopted a player in accordance with the applicable legal requirements of the country concerned. Unless a player has been adopted in accordance with the formal, legal requirements of the country concerned, the application of this criterion will be based on a player's blood parent. When a player has been formally adopted in accordance with the applicable legal requirements of the country concerned, the birthplace of the player's blood parent will no longer be relevant for the purposes of establishing the player's eligibility pursuant to the Regulations. The relevant parent will be the parent that has formally and legally adopted the player. For the avoidance of any doubt, stepparents and fostering parents will not be considered to constitute a player's parent for the purposes of the Regulation.

How is the residence criterion satisfied?

The Regulation requires a player to complete (36) thirty-six consecutive months of residence immediately preceding the event. Residence is defined as "the place or location in which the player has his/her primary and permanent home" and resident shall be construed accordingly. In essence, the Regulations constitute a sporting naturalisation procedure, based on a geographical/presence test. As in any naturalisation process, several factors will influence the determination of what constitutes a player's permanent and primary home. Such factors include, but are not limited to, the actual time spent in a country and the purpose of any absences during the qualification period. By being resident in a country for a period of 36 consecutive months immediately preceding the time of playing for a national association, a player is deemed to acquire a credible, close, and established national link with a country/national association that entitles him/her to participate in sporting competitions for that national association. Based on the overriding rationale of the Regulations, in cases where a player's eligibility is uncertain, the Regulatory Committee will consider that player's eligibility by reference to the particular facts and circumstances of his/her case to establish if the residency test, in the context of the overall rationale of the Regulations, has been satisfied. The principles set out in responses to the questions below will act as guidelines to the Regulatory Committee when it is asked to consider any cases pursuant to this criterion.

Whose burden of proof?

In all cases where a player is seeking to establish eligibility by reference to the residency criterion in the Regulation the burden of proof is on the Player to prove their eligibility. Under the Regulations, the player must be able to demonstrate that, during the relevant period, the country in which he/she claims he/she has been resident, was genuinely the country that the player treated as his/her home and is clearly the country in which the player has his/her primary and permanent home. If a player has moved from one country to another and is seeking to establish residence in that new country, then he/she must also be able to demonstrate that he/she is clearly no longer resident in the country in which he/she lived previously and that he/she no longer treats that country as his/her home. For the avoidance of any doubt, a player cannot nominate a country as his/her home without demonstrating that he/she has satisfied the geographical commitment/presence test enshrined in the Regulations. The geographical commitment/presence test will be vigorously upheld and applied to avoid abuse of the residency criterion. For example, a player that acquired/leased property in a country and who nominated that property as his/her permanent and primary home (even though he/she may only be present at that property and in that country on a short term/temporary basis) would not satisfy the Residency test.

Will short breaks interrupt a period of Residence?

Short breaks in residence, for example, for holidays, attending family/friends in other countries who may be ill etc, are unlikely to change the place/location of a player's primary and permanent home and are, therefore, unlikely to interrupt a player's period of residence. By way of a guideline, however, as a minimum requirement, it is likely that, save in exceptional circumstances, at least 10 months actual physical presence of the player in the country concerned throughout any qualifying year of the residency period, will be required to demonstrate that the country is the place where the player has his/her primary and permanent home.

Does the 36-month period of Residence have to immediately precede playing for the national association?

Save in exceptional circumstances, the 36 months residence will be expected to have been completed consecutively and be achieved immediately before the player represents a national association. This is designed to create a contemporary national link with the country of the national association concerned. This factor will be particularly significant if a player has moved to make a "new" country his/her residence having been resident in another country previously. In essence, in such circumstances, the player, as well as demonstrating his/her commitment to a new country, must also be (and seen to be) relinquishing his/her ties with the country in which he/she lived previously. For the avoidance of any doubt, seeking to rely on short periods of residence as a child in a particular country, combined with a short period of residence in that same country prior to playing for a national association, is likely to create a link that would be too tenuous to satisfy the underlying intentions of establishing a contemporary, permanent, national link with a national association. However, each case will be assessed on its overall merits to establish if a player is able to demonstrate a genuine, close, credible, and established national link by reference to the amount of time the player can demonstrate that he/she has treated the "new" country as his/her home and other relevant factors.

What is the position of students?

As far as students are concerned, particularly those that are not financially independent, being resident, as a full-time student, in another country, is likely to be considered as a series of temporary absences from the parental home. It is anticipated that in most cases involving students the parental home is likely to continue to constitute the student's permanent and primary home. Accordingly, attendance at college/university in such circumstances is unlikely to break a player's consecutive period of residence. However, as in all matters of eligibility, the overriding concern of the Regulatory Committee in assessing any such case will be to ensure that there remains a close, credible, and established link with the country in which the player claims to have retained his/her

primary and permanent home. There could be circumstances in which a student living in another country may be deemed to have interrupted his/her residency period.

Who is responsible for compliance with the eligibility criteria?

Tennis Wales Ltd is responsible for ensuring compliance with all Regulations. Accordingly, Tennis Wales Ltd will ensure that all players it selects are properly eligible within the provisions of the Regulations and, in the event of any uncertainty, to ensure that the position is clarified before the player is selected.