

STATUTES OF MFA ARBITRATION TRIBUNAL

A. Joint Dispositions

Section 1

1. In order to resolve football-related disputes through arbitration and mediation, the Mauritius Football Association Arbitration Tribunal (MFA AT) is hereby set-up following a decision of the National Managing Committee of the Mauritius Football Association on 22 January 2018.
2. The Mauritius Football Association (MFA) has created the MFA AT, which shall deal with all internal disputes (National & Regional), between the MFA, its Members including the Regional Football Associations, Players, Officials and Match & Players agents that do not fall under the Jurisdiction of its Judicial Bodies (Disciplinary, Ethics and Appeal Committees).
3. The seat of MFA AT is at Football House, Trianon, Mauritius.

Section 2

1. The purpose of the MFA AT is to facilitate the resolution of football-related disputes through arbitration or mediation and to safeguard the independence of MFA AT and the rights of the parties.
 - i. The MFA AT provides for the arbitral resolution of football-related disputes through arbitration.
 - ii. The MFA AT also provides for the resolution of football-related disputes through mediation. The mediation procedure is governed by the MFA Mediation Rules.
2. MFA AT comprises of an Ordinary Arbitration Division and an Appeals Arbitration Division.
3. MFA AT has the responsibility of resolving disputes arising in the context of football by arbitration and/or mediation pursuant to the Procedural Rules.
4. For such purpose, MFA AT provides the necessary infrastructure and oversees the efficient conduct of the proceedings.
 - i. to resolve the disputes referred to them through ordinary arbitration;
 - ii. to resolve through the appeals arbitration procedure disputes concerning the decisions of Mauritius Football Association, Regional Football Association or other football-related bodies, insofar as the statutes or regulations of the said football-related bodies or a specific agreement so provide;
 - iii. to resolve the disputes that are referred to them through mediation.
5. MFA AT shall not, however, hear appeals on violations of the Laws of the Game, suspensions of up to one year or one full football season or up to 6 matches and those issues which is being dealt by the MFA Judicial Bodies (Disciplinary Committee, Ethic Committee and Appeal Committee).
6. The MFA General Secretariat, through its General Secretary is responsible for the administration and for the financing of MFA AT.

Section 3

1. The MFA AT is composed of a Chairman and Vice-Chairman and one arbitrator, nominated by the National Managing Committee of the MFA for a minimum cycle period of 4 years renewable. Such nominations shall take place during the last year of each four-year cycle.
2. Two substitute arbitrators are also nominated by the National Managing Committee.



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3. The MFA National Managing Committee shall appoint the Chairman and Vice-Chairman of the MFA AT with appropriate legal training, recognized competence with regard to sports law and/or arbitration, a good knowledge of sport in general and a good command of English and French languages. The MFA National Managing Committee may identify the arbitrators with a specific expertise to deal with certain types of disputes.

Section 4

1. Upon their appointment, the members of MFA AT sign a declaration undertaking to exercise their function personally capacity, with total objectivity and independence, in conformity with this Code. They are, in particular, bound by the confidentiality obligation provided.
2. Members of the MFA AT may not act as counsel to any party in proceedings before the MFA AT.
3. If a member of the MFA AT resigns, dies or is prevented from carrying out her/his functions for any other reason, she/he is replaced, for the remaining period of her/his mandate, in conformity with the terms applicable to her/his appointment.

B. Attributions of the MFA Secretariat

Section 5

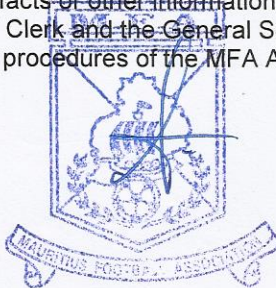
1. It exercises the following functions:
 - a) It is responsible for the daily administration of the MFA AT. For such purpose, inter alia;
 - (i) it receives and manages the funds allocated to its operations;
 - (ii) It supervises the activities of the MFA AT;
 - b) It may create a legal aid fund to facilitate access to MFA AT arbitration for individuals without sufficient financial means and may create MFA AT legal aid guidelines for the operation of the fund;
 - c) It may take any other action which it deems necessary to protect the rights of the parties and to promote the settlement of football-related disputes through arbitration and mediation.
2. The MFA General Secretary shall acts or may delegate any other person to act as AT Clerk with the MFA AT.
3. The MFA General Secretary shall act as registry of the MFA AT and shall register all application and receive an application fee of Rs 10,000.00 (Ten Thousand rupees) and MFA AT fee of Rs 2,500 (Two thousand Five Hundred) in relation to the application and the MFA shall issue an official receipt of payment accordingly before transmitting the application to the MFA AT Chairman for consideration. All fees are non-refundable.
4. All applications shall be made onto the prescribed Application form (Regulations No.AT1), accompanied by the Statement of Case duly prepared by an Attorney or a Lawyer and applicable fees
5. Applications shall be strictly submitted at the MFA Office, Football House, Trianon, within MFA office hours from 10a.m. to 3p.m.on Week-days only.

Section 6

1. The MFA Secretariat shall publish the composition of the MFA AT as well as all subsequent modifications thereof.

Section 7

1. MFA AT members are bound by the duty of confidentiality, which is provided for in the Code and in particular shall not disclose to any third party any facts or other information relating to proceedings conducted before MFA AT and same is applied for the AT Clerk and the General Secretary of the MFA and any of his employees who will be in relation to the procedures of the MFA AT.



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2. The MFA National Managing Committee may remove any member from the list of MFA AT members, temporarily or permanently, if she/he violates any rule of this Code or if her/his action affects the reputation of MFA AT after receipt of the findings from a fact finding committee set-up by the National Managing Committee.

C. Organisation of the MFA AT

Section 8

1. The MFA AT is composed of two divisions, the Ordinary Arbitration Division and the Appeals Arbitration Division.
2. **The Ordinary Arbitration Division** constitutes Panels, whose responsibility is to resolve disputes submitted to the ordinary procedure, and performs, through the intermediary of its President or her/his deputy, all other functions in relation to the efficient running of the proceedings pursuant to the Procedural Rules.
3. **The Appeals Arbitration Division** constitutes Panels, whose responsibility is to resolve disputes concerning the decisions of Mauritius Football Association, Regional Football Associations or other -related bodies insofar as the statutes or regulations of the said Football-related bodies or a specific agreement so provide. It performs, through the intermediary of its President or her/his deputy, all other functions in relation to the efficient running of the proceedings pursuant to the Procedural Rules.
4. Arbitration proceedings submitted to MFA AT are assigned by the MFA Secretariat through its Secretary General who acts as Officer to the appropriate MFA AT. Such assignment shall not be contested by the parties nor be raised by them as a cause of irregularity. In the event of a change of circumstances during the proceedings, the MFA AT Office, after consultation with the Panel, may assign the arbitration to another Division. Such re-assignment shall not affect the constitution of the Panel nor the validity of any proceedings, decisions or orders prior to such re-assignment.
5. The MFA mediation system operates pursuant to the MFA AT Mediation Rules.

Section 9

1. The Chairman of either Division may be challenged if circumstances exist that give rise to legitimate doubts with regard to her/his independence vis-à-vis one of the parties to an arbitration assigned to her/his Division. She/he shall pre-emptively disqualify herself/himself if, in arbitration proceedings assigned to her/his Division, one of the parties is a football-related body to which she/he belongs, or if a member of the law firm to which she/he belongs is acting as arbitrator or counsel.
2. MFA AT shall determine the procedure with respect to any challenge. The challenged President shall not participate in such determination.
3. If the Chairman of a Division is challenged, the functions relating to the efficient running of the proceedings conferred upon her/him by the Procedural Rules shall be performed by her/his deputy, if the deputy is also challenged. No disqualified person shall receive any information concerning the activities of MFA AT regarding the arbitration proceedings giving rise to her/his disqualification.
4. After an investigation has been carried out, by a fact finding committee set up by the Managing Committee, has found that the allegation of violations of rules or misconduct have been established against the member.

Section 10

1. The MFA AT includes an Office composed of the Secretary General and his when required, and an AT Clerk. Assistant The Assistant General Secretary may represent the Secretary General
2. The Office performs the functions assigned to it by this Code.



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D. Miscellaneous Provisions

Section 11

1. These Statutes are supplemented by the Procedural Rules adopted by MFA AT.

Section 12

1. The English text and the French text are authentic. In the event of any divergence, the English text shall prevail.

Section 13

1. Upon request of MFA AT, the MFA National Managing Committee may identify in an adhoc manner additional arbitrators with a specific expertise to deal with certain types of disputes.

Section 14 - Jurisdiction

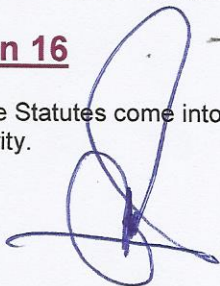
1. The AT shall have no jurisdiction to hear matters involving
 - (a) right of ownership
 - (b) Pecuniary damages arising out of the conduct of officials of the MFA, Regional Football Associations and other persons.
2. The time limit to enter an action before either the ordinary procedure or the appeal procedure is 21 days within the date of occurrence of the act or the date the decision appealed against.
3. An objection of the Jurisdiction of the Tribunal, shall be dealt with by the Tribunal itself.
4. The award of the MFA AT shall be binding on the parties.

Section 15

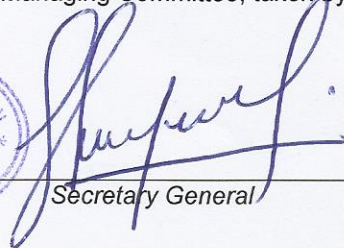
1. These Statutes may be amended by decision of the MFA National Managing Committee. The MFA AT Members may propose and recommend amendment (s) to the MFA National Managing Committee. The proposal for amendment shall be proposed to the MFA National Managing Committee. Any Amendment to these Statutes requires 2/3 of the members of the MFA National Managing Committee eligible to vote.

Section 16

1. These Statutes come into force by the decision of MFA National Managing Committee, taken by a two-thirds majority.



President



Secretary General

Date: 18 / 05 / 2018