

A REVIEW OF THE NIGERIAN FOOTBALL ASSOCIATION ACT 2004: THE NEED FOR AN UPDATE

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Abstract

Football, also called association football or soccer, is a game in which two teams of 11 players, using any part of their bodies except their hands and arms, try to manoeuvre the ball into the opposing team's goal. Only the goalkeeper is permitted to handle the ball and may do so only within the penalty area surrounding the goal. The team that scores more goals wins. The Nigeria Football Act came into force on the 12 May 1992. After over three decades of application in Nigeria, the NFA Act 1992 has become obsolete thus necessitating the urgent need for its repeal and the enactment of a new legislation that will reflect current changes in football law in line with international best practices. The current NFA Act is replete with instance of government interference; does not provide for a national dispute resolution chamber and does not promote the commercialisation. This paper therefore, reviews the NFA Act 1999, highlighting areas of inadequacies and making a case for its repeal and the enactment of a new law on football in Nigeria in line with international best practices.

1. Introduction

Football, also called association football or soccer, is a game in which two teams of 11 players, using any part of their bodies except their hands and arms, try to manoeuvre the ball into the opposing team's goal post. Only the goalkeeper is permitted to handle the ball and may do so only within the penalty area surrounding the goal. The team that scores more goals is declared the winner. Football is the world's most popular ball game in numbers of participants and spectators. Simple in its principal rules and essential equipment, the sport can be played almost anywhere, from official football playing fields (pitches) to gymnasiums, streets, school playgrounds, parks, or beaches.¹

Today, football has become a big commercial enterprise not only in Europe but in the world at large. This growth is no surprise as football throughout the world has undergone significant commercialisation. The strong linkages between modern football and commercial enterprises are visible. However, controversies make the larger share of off-the field challenge faced in football. These challenges include modes of dispute resolution, non interference by state governments and national courts, corruption, match fixing, among others. As a result both local and international regulatory laws and bodies are constantly looking at innovative ways to strengthen regulations governing the sport both on and off the field.

The scope of Football law continues to expand with new developments globally. In the international arena Federation of International Football Association Statue (FIFA) serve as the basis for all National, Regional and Confederal legislations on football. FIFA Statutes have

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¹ Bernard, J. "Football" available at <https://www.britanica.com/sports>; (2021) ; Accessed on 6 June 2021

continuously being reviewed to reflect modern changes. Nigeria's membership of FIFA spans over five decades however the enactment of the Nigerian Football Association Act ²(NFA) was in 1992 since then, there has been no amendment.

The Nigerian Football Act³ came into force on the 12 May 1992. After over three decades of application in Nigeria, the NFA Act has become obsolete thus necessitating the urgent need for its repeal and the enactment of a new legislation that reflects current changes in football law in line with international best practices. This paper reviews the NFA Act 2004 and identifies areas of inadequacies thereby and making a case for its repeal and the enactment of a new law on football in Nigeria. The paper also reviews the proposed National Football Federation Bill and makes recommendations.

2. Nigerian Football Association Act 2004.

The Nigerian Football Association Act⁴ is divided into six parts and twenty-four sections.

2.1. Establishment of Nigerian Football Association Act

The Act established the Nigerian Football Association [NFA] as the regulatory agency for football in Nigeria. In the year 2008 without any amendment to the law that establishes it, the NFA changed its name to the Nigerian Football Federation (NFF) an action that is against legal procedure for amendment. This has been its name till date.

The NFA is a body corporate with perpetual succession and a common seal; and may sue or be sued in its corporate name. This particular provision negates the principles of the FIFA Statutes on the point that football issues or disputes should not be taken to regular courts⁵. Football is self-regulated thus; football disputes are not taken to regular courts. The fundamental principles of dispute resolution in football are captured in FIFA Statute⁶ as follows:

1. Recourse to ordinary courts of law is prohibited unless specifically provided for in the FIFA regulations. Recourse to ordinary courts of law for all types of provisional measures is also prohibited.
2. The Associations shall insert a clause in their statutes or regulations, stipulating that it is prohibited to take dispute in the association affecting leagues, members of league, clubs, members of club, players, officials and other associational officials to ordinary courts of law, unless the FIFA regulations or binding legal provisions specifically provide for a stipulated recourse to ordinary courts of law. Instead of recourse to ordinary courts of law, provisions shall be made for arbitration. Such disputes shall be taken to an independent and duly constituted arbitration tribunal recognised under the rules of the association or confederation or to Court of Arbitration for Sports [CAS].

² Cap. N110 Laws of the Federation of Nigeria 2004

³ *ibid*

⁴ Cap N110 Laws of the Federation of Nigeria 2004

⁵ Art. 59 Federation of International Football Association Statute 2018 Edition

⁶ Art. 59.2 *ibid*

FIFA Statute provides for non recourse to ordinary courts of law but instead that member associations should create their own internal dispute resolution chamber for football disputes.

2.2 Objectives of the NFA.

The objectives of NFA as provided under the Act are to:⁷

- a. Encourage the development of all forms of amateur and professional football in accordance with the statutes and laws of the Federation of the sports of football, and any other international football body to which the association is affiliated.
- b. Encourage the affiliation of Nigerian football clubs with recognized international football bodies, to improve the standard of the performance of Nigerians in world soccer.
- c. Enhance the status and impartiality of football referees in Nigeria.
- d. Find ways and means of ensuring the security and safety of soccer fans generally and the participants themselves, in particular.
- e. Provide source of funding the game of football in Nigeria.
- f. Encourage the participation of Nigerian youths in the game of football.

The Nigerian Football Association Act⁹ has to a large extent achieved its purpose. At the time it was enacted the clamour was to encourage the development of all forms of amateur and professional football and encourage international affiliations amongst others. Today, football is widely played in Nigeria and Nigeria is part of Federation of International Football Association, Confederation of African Football and West African Football Union but the game has not developed into a viable commercial venture because of limitations in the law because football is viewed as only entertainment and not business.

2.3 Establishment and Functions of the Board.

The NFA Act establishes a Governing Board for the NFA. The Board consists of the following members, that is; The Armed forces of the Federation; the Police Force; The Nigerian Inter-Collegiate Sports Association, the Nigerian Schools Sports Federation, the Nigerian Referees Association, The Nigerian Football Coaches Association, The Nigerian Association of Physical and Health Education and Recreation; and four Nigerians to be appointed on merit by the Minister, one person to represent the Ministry; eight other persons to represent the amateur and professional football clubs to be selected from the zones, which may from time to time be established by the ministry, provided that no re-zoning shall take effect, until after three years of the first zoning and the Secretary General of the Association.⁸ It is noteworthy that the Act never made provision for the position of legal adviser as part of the Board members. This is a cause for concern especially in view of the fact that provisions are made for military and police personnel to be part of the Board. A legal adviser is one knowledgeable in law and who would provide the needed legal guidance for the effective functioning of the Board.

⁷ Section 2, Nigerian Football Association Act, Cap N110, Laws of the Federation of Nigeria, 2004 ⁹ Cap N110 LFN 2004.

⁸ Section 3 *ibid*

In addition, the Act provides that the members of the board shall elect one of their numbers to be chairman of the Board and the election to the office of the chairman shall be held in such manner as the members may by bye-laws prescribe. The chairman shall hold office for a period of three years from the date of his election and shall be eligible for re-election for the same period, but no chairman shall serve for more than two consecutive periods in office.⁹ The tenure of office of a member of the board shall be for a period of three years and for re-appointment for such further period of three years as the body appointing him may determine or where he represents a zone and his appointment is on a yearly basis, until after the annual election in his zone.¹⁰ A member of the Board, including the Chairman may be removed from office by the Board, by adopting the methods set out in any Bye-laws which it may adopt, pursuant to this Act, on the ground of ill health, misconduct, in the interest of the Association or of the public that the member or the chairman should be removed from office¹¹. The functions of the board shall be to:¹²

- a. Organise league and other matches for professional and amateur clubs in cooperation with the respective bodies recognized by the Association;
- b. Organise the participation of Nigerian clubs in international competitions, subject to the prior approval of the Minister;
- c. Provide, in co-operation with other bodies, adequate training for its employee and various personnel, who may be involved in the administration and organisation of league matches and its activities, with a view to improving the standard of football administration and officiating;
- d. Determine such areas of legal activities to be commercialised in order to earn income for the league, the professional players, professional clubs and the Association;
- e. Organise and regulate the activities of the Nigerian Referees Association and the Nigerian Coaches Association;
- f. Grant annual license to persons seeking to be members of the Nigerian Referees Association and the Nigerian Coaches Association;
- g. Recommend for the approval of the minister, the international bodies to which the Association may from time to time , associate;
- h. Set up or recognize such subsidiary bodies to assist the Board in the performance of its functions under the Act;
- i. Set up standing and ad hoc committees as the Board may consider necessary to enable the Board perform its functions under this Act; and
- j. Carryout such other functions as the Minister and the Board may consider necessary to facilitate the implementation of the provisions of this Act.

The Nigerian Football Association Council which shall consist of all the members of the Board appointed under section 3 of the Act, the Chairman of each state football Association, including the Federal Capital Territory, Abuja and the accredited representatives of the Association's subsidiary bodies¹³. The functions of the council shall be to:¹⁴

⁹ Section 4 *ibid*

¹⁰ Section 5(1) NFA Act 2004

¹¹ Section 5(2) *ibid*

¹² Section 6 *ibid*

¹³ Section 7 *ibid*

- a. Approve the bye-laws of the Association;
- b. Advise the Board on matters affecting the Association; and
- c. Perform such other functions and the Board may, from time to time, assign to it.

Subject to the provisions of this Act, the Association shall be constituted into the following four divisions that is¹⁵ the Professional Football Division; The Competitions Division (National and International); The Technical Division; and The Finance and Administrative Division. On the transfer of Nigerian players to foreign clubs, the Act provides that as from the commencement of this Act, no transfer of a Nigerian amateur or professional football player to a club shall be valid, unless the transfer is under a written contract providing, amongst others, for:¹⁶

- a. The unconditional release by that club of the Nigerian player; if requested by the Association for the purpose of representing Nigeria in a football competition organized by
 - i. The Federation of International Football Association; or
 - ii. The Confederation of African Football;
- b. The payment by that club of such fees as may be prescribed by the Association.

Copies of contracts entered into in pursuance of the provisions of section 10,¹⁷ shall be endorsed by the Secretary-General of the Association and deposited with the Association within fourteen days of the signing of the contract by the player¹⁸. There shall be a Security Committee in each state of the Federation and the Federal Capital Territory, Abuja, for the purpose of ensuring effective security at all football matches played in any particular state of the Federal Capital Territory, for such period or occasions as may be determined from time to time.¹⁹ The appointment of a Secretary-General of the Association shall be by the Minister, who shall be the Chief Executive and accounting officer of the Association and shall be responsible for its day-to-day administration.²² Service in the Association shall be pensionable under the Pensions Act.²⁰ The Board shall establish and maintain a fund from which shall be defrayed, with the general or specific approval of the Minister, all expenditure incurred by the Board.²¹ The Board shall cause to be prepared not later than 30 September in each year an estimate of expenditure necessary to carry out the programmes approved by the Board for the next succeeding year and they shall submit to the minister the estimate of expenditure and that of its income during the next succeeding year.²²

2.4 Power of the Minister.

The Act empowers the Association to make regulations for giving full effect to the provisions of the Act, but subject to the Approval of the Minister.²³ These sections negate the principle of

¹⁴ Section 8 *ibid*

¹⁵ Section 9 *ibid*

¹⁶ Section 10 *ibid*

¹⁷ NFA Act

¹⁸ *ibid*

¹⁹ Section 12 NFA Act

²⁰ Section 16; *ibid*

²¹ Section 17; NFA Act

²² Section 18; *ibid*

²³ Section 21; *ibid*

independence of member associations and non-interference from third parties as captured in FIFA Statutes.²⁴ This has been one of the major controversies that surrounds Nigerian football and has led to numerous sanctions by FIFA. By the provisions of Article 19(1) of the FIFA Statutes, each member association shall manage its affairs independently and without undue influence from third parties. A member association's bodies shall be either elected or appointed in that association. A member association's statutes shall provide for a democratic procedure that guarantees the complete independence of the election or appointment.²⁵

The grouse with the provisions of the FIFA Statutes on non-interference with football relates to the manner in which Nigerian football/sports industry is structured. Currently in Nigeria we have two divergent laws that regulate football in Nigeria; the NFA Act and NFF Statutes. These two legal frameworks are basically conflicting. While the NFF statutes align with the FIFA and CAF statutes, the NFA Act is completely opposite. This conflict existing in the area of the laws that regulate football has made the development of the jurisprudence on football law difficult in Nigeria. Thus, there is a need to harmonise the laws that regulate football in Nigeria and bring it at par with international standard.

Secondly, the structure of the football (sports) industry in Nigeria will continue to hamper the principle of non-interference in football in the country. The Federal Ministry of Youths Development (Ministry of Sport) is the agency of government responsible for matters relating to sports development. Beyond the policy formulation and developmental functions, the ministry of sport has a mandate to “drive the activities of Elite Athletes and all the 40 recognised National Sports Federation in Nigeria (NFA inclusive) in order to ensure successful participation in their respective National, Continental and International programmes.” For this purpose, the listed functions of the Federations and Elite Athletes Department of the Ministry include “managing and coordinating the National Sports Federations activities” and “coordination of elections into the Boards of Federations.”²⁶

FIFA requires its national member associations to manage their affairs independently and without influence from third parties, including national government. This is aimed at protecting the game from outside influences, particularly political interference. The ministry of sports in Nigeria, however, takes a somewhat intrusive position in sports, particularly at Elite level and in the operation of National Sports Federations.³⁰ This apparently flows from its assertion that even though International Federations confer on National Sports Federations roles and responsibilities relating to participation in events and competitions, they did not envisage the situation in most African countries including Nigeria where most if not all of these roles and responsibilities are undertaken by the National Government.²⁷ Indeed, the government of Nigeria shoulders the bulk

²⁴ Art. 19 FIFA Statutes 2022

²⁵ Art.19.2. FIFA Statute

²⁶ Omuojine, K.C “Tackling Government Interference in Sport: The River Hoopers Nigerian Basketball case”, (2022); available at <https://www.lawinsport.com>item>; accessed on 2/08/22³⁰ Ibid.

²⁷ Omuojine, K.C “Tackling Government Interference in Sport: The River Hoopers Nigerian Basketball case”, (2022); available at <https://www.lawinsport.com>item>; accessed on 2/08/22

of the funding responsibilities of the country's National Sports Federation²⁸ thus, it is normal that they would interfere.

In addition, the NSFs in Nigeria are not registered as corporate entities and therefore do not possess legal personality.²⁹ In practical terms, they operate as appendages to the ministry of sport, which is difficult to reconcile with the principle of autonomy prescribed by International Federations.³⁰ An example of this is the Code of Governance for NSFs laid down by the Ministry of Sport, which stipulates that the Secretary-General and Treasurer of each NSF shall be appointed by the Ministry and gives the minister of sport the power to dissolve or suspend the board of an NSF and appoint a caretaker committee in its place.³¹

On the 9 September, 2022, the Federal Government declared the League Management Company, operator of the Nigerian Professional Football League illegal and directed the Nigeria Football Federation to withdraw the operational license given to the company and set up an interim management committee to run the league.³² The permanent secretary, ministry of youth and sports development in his statement said;

In view of the several unpleasant incidents regarding the management of the football league, specifically, the declaration of the national football league as an illegal; body by the Court; the status of the league management company, the NFL's successor-in-title being outside the purview of the statutes of the NFF; the federal government is constrained to withdraw its recognition of the LMC as the operator of the Nigerian professional football league, with immediate effect. This decision has become necessary because of the obvious aberration (which is a variance with our football statutes or the laws of the land) whereby a private company is gifted the mandate to manage or run the league indefinitely, without the full involvement of an leadership by the clubs and devoid of any process to monitor the progress and development of the game. Sequel to the above, and in order to rescue our domestic football from total collapse, the board of the LMC and the LMC as a body would no longer be recognized by the federal government as operator of the Nigerian Professional Football League...

This action by the Federal Government is another example of interference in football which FIFA Statutes frowns at. It shows explicitly that the legal framework of football in Nigeria needs to be addressed and until this is done, the issue of government interference will continue to linger. The Federal Government is still a major stakeholder in the game of football. If football must become profitable in Nigeria, Government must reduce its participation to that of a regulator, allow for commercialisation of football. Nigeria was suspended from international football in 2014 because of government interference. FIFA sent a letter to the NFF expressing its concern after the NFF was served with court proceedings preventing its president from running

²⁸ *ibid*

²⁹ *ibid*

³⁰ *ibid*

³¹ *ibid*

³² Home sports FG declare LMC illegal accessed on 10th September 2022 available at <https://leadership.ng>just-infeder...>

the country's soccer affairs. FIFA said the court order compelled the Nigerian minister of sports to appoint a senior member of the civil service to manage the NFF until the matter was heard in court. Nigeria was banned by FIFA until the court case was withdrawn³³. The need for this extant football law to be repealed is largely because it does not align with current international standards on football and Nigeria is yet to reap the dividends of the game.

2.5 Dispute Resolution under the Act.

The NFA Act does not in any section provide how football disputes are to be resolved. It does not in any section provide for the establishment of National Dispute Resolution Chamber for football disputes. The implication is that football disputes are taken to ordinary courts. This is against the principles of international football Statute that Nigeria is signatory to. Football is hinged on the principle of self-regulation, thus members of the international community are obliged to comply with its principles as contained in FIFA Statute. Without a competent means of internal dispute resolution, more and more cases would have to be referred to the courts and the tendency of court rulings to have abrupt and profound impact on sporting rules portends a relegation of the concept of self-regulation that sports governing bodies thrive on.

The absence of the NDRC in Nigeria has resulted in many football disputes either going unresolved or being referred to the ordinary courts of law.³⁴ In the case of *Jallav NFA*,³⁵ a Federal High Court sitting in Abuja ordered the NFF to temporary stop its upcoming election that was scheduled to take place on September 30, 2022. In the case of *Nnaji v. NFA & Anor.*,³⁶ the Court of Appeal held that the CAF Statute is a foreign statute and thus must be domesticated before its application. This decision implies that even FIFA Statutes are not applicable in Nigeria until domesticated.

The National Soccer Dispute Resolution Chamber is a specialised court that is to adjudicate over all football disputes. The absence of this Dispute Chamber has affected the development of the legal jurisprudence on football. There are only very few lawyers conversant with football disputes; lack of law reports on football law and Nigerian textbooks on football law, and lack of judges with expertise in this area.

In addition, the current NFA Act does not promote the commercialisation of football because at the time it was enacted, making money from the game was not its objective. Currently, football is no longer a mere pastime but has become a big commercial enterprise in other climes and Nigeria needs to begin to see it in that light. Incorporation of football companies should be encouraged; investors should be encouraged to invest in Nigerian football while NFA should remain a regulatory body in the football market just like the Securities and Exchange Commissions.

³³ <https://www.reuters.com>article>...> Accessed on 16/04/2023

³⁴ See the cases of *Nnaji v. NFA & Anor.*(2010)LPELR-4629(CA); *Sam Jaja v. NFF & Ors.* Suit no. FHC/ABJ/CS/179/10; *Akpotor Power & 8 Ors. v Warri Wolves FC & 4 Ors.* Suit no. NICN/EN/29/2012; *Osiwalbuya v. Delta State Football Association*, suit no. NIC/EN/32/2011; *Harrisson Jalla & 3 Ors. v. NFA & 2 Ors.* Suit no. FHC/ABJ/CS/1376/2022; *Harrisson Jalla & Ors. v. F.R.N., Amaju Pinnic & Ors.* suit no. FHC/ABJ/CR/93/2019.

³⁵ *Suit no. FHC/ABJ/CS/1376/2022*,

³⁶ *(2010)LPELR-4629(CA)*,

Further, football has advanced to the use of Video Assistant Referee. FIFA guidelines enjoin member nations to imbibe technology in football. This is absent in the current NFA Act. If Nigeria must begin to enjoy the dividends of football like other countries it must not only amend its laws to reflect International best practices but must implement such laws.

3. The NFA Act and the Football Federation Statute 2010.

In 2010, Nigeria Football Federation Statute came into existence with its objectives and mode of football administration different from the Nigeria Football Association Act. The Statute is divided into nine parts with 93 Articles. The Nigerian Football Federation (NFF) is a private organisation formed for an unlimited period, with headquarters in Abuja, FCT. The NFF is a member of Federation of International Football Association (FIFA), Confederation of African Football (CAF) and West African Football Union (WAFU).³⁷ The objectives of NFF as contained in the statutes are⁴⁰:

- a. To improve the game of football constantly and promote, regulate and control it throughout the territory of Nigeria in the light of fair play and its unifying, educational, cultural and humanitarian values, particularly through youth and development programmes;
- b. To develop, promote, control and regulate the sport of association football in all its form throughout the territory of Nigeria;
- c. To draw up regulations and provisions and ensure their enforcement;
- d. To protect the joint interests of its members
- e. To respect and prevent any infringement of the statutes, regulations, directives and decisions of FIFA, CAF, WAFU and NFF as well as the Laws of the Game and to ensure that these are also respected by its members.
- f. To prevent all methods or practices which might jeopardize the integrity of matches or competitions or give rise to abuse of Association Football;
- g. To control and supervise all friendly football matches of all forms played throughout the territory of Nigeria;
- h. To manage international sporting relations connected with Association Football in all its forms;
- i. To encourage the sport at a national level, and in a spirit of fair play;
- j. To host competitions at international and other levels;
- k. To accept, train, classify and control football coaches and referees in the territory of Nigeria;
- l. To organize competitions in association football in all its forms at a national level, by defining precisely, as required, the areas of authority conceded to the various leagues of which it is composed.

The NFF is drafted in the form and substance of the FIFA statutes but in a country specific format. So its content is basically as contained in the FIFA statutes. It promotes friendly relations and is neutral in matters of politics and religion.³⁸ It is submitted that the first point of conflict

³⁷ Article 1, Nigerian Football Federation Statutes 2010⁴⁰ Article 2 *ibid*

³⁸ Art. 4 NFF Statutes 2010

between the NFA Act and the NFF statute is that the NFA is an Act of the National Assembly thus, making it the main legal instrument for the regulation of football in Nigeria, while the NFF statute is made without reference to any law neither is it an enactment by the National Assembly thereby has no basis for application in Nigerian football. Secondly, while the NFA is a body corporate with perpetual succession and a common seal and may be sue or sued in its corporate name, the NFF is described as a private organisation formed for an unlimited period. This implies that they are two different bodies since they have different structures of formation. In addition, the objectives of NFA and NFF as contained in the Act and statute are different. While their organisation and structures are also different. The provisions of the NFA Act and NFF statutes are completely different and one wonders if it is the same body that is being referred to.

In addition, most of the provisions of international football that are absent in the NFA Act are present in the NFF Statute. Thus looking at the two laws it appears that they refer to different football bodies. Therefore, there is need to re-examine the provisions of the NFA Act and NFF Statute and bring them in alignment. Having observed all the challenges and inconsistencies with the NFA Act, in 2019 the Nigerian senate passed the National Football Federation Bill which awaits the president's assent. The Bill is "An Act to Repeal the Nigerian Football Association Act (NFA), Cap. N110 LFN, 2004 and enact the Nigerian Football Federation and other matters connected therewith 2017" sponsored by Senator Obinna Ogba.

4. The Nigerian Football Federation Bill 2019.

The Bill is divided into VIII parts and 47 sections. The Bill establishes the Nigerian Football Federation (referred to as the Federation). The Federation shall be a body corporate with perpetual succession and common seal.³⁹ This section provides further that the Federation shall be a body with legal rights capable of suing and being sued in its corporate name in matters that are not related to the application of the Laws of the Game of football, and no member shall have any rights to its assets nor incur any liability for its obligations. This section is an improvement on section 2 of the proposed repealed NFA Act. It establishes the supremacy of international laws over football matters in Nigeria. This implies that international treaties on football need not be domesticated before they can have effect in Nigeria. The Bill also places a limitation on the areas that the Federation can sue or be sued.⁴⁰ This section further emphasises the principle of noninterference in football matters. Nigeria is a member of FIFA and is therefore governed by this international Law of the Games.

Other improvements in the Bill on the establishment on the NFF are that; it shall be neutral in matters of politics and religion,⁴¹ it is formed for an unlimited period,⁴² shall have its headquarters in Abuja.⁴³ register its flag, emblem and logo⁴⁴ and its area of jurisdiction is the Federal Republic of Nigeria.⁴⁵ Another innovation in the Bill is Section 2(a) that provides that

³⁹ Section 2; National Football Federation Bill 2019.

⁴⁰ Section 2(b); *ibid*

⁴¹ S.2(c); *ibid*

⁴² S.2(d); *ibid*

⁴³ S.2(e); *ibid*

⁴⁴ S.2(g); *ibid*

⁴⁵ S.2(h); *ibid*

the Statutes of the Federation as drafted and approved by its members at its congress and ratified by FIFA shall be the supreme laws for the governance of the function; organisation, administration and operations of the Federation. Again this Act by this provision acknowledges that Nigeria football law is subject to international regulation.

The Bill provides that the Federation and its members shall be self-governed by the Federation and its bodies, according to its statutes and regulations, as well as those that are determined by West African Football Union (WAFU), Confederation of African Football(CAF) and Federation of International Football Association(FIFA) even if different regulations are provided by this Act⁴⁶. This section again emphasises that international regulations overrides National legislations on football where conflicts arise. The Bill further provides in section 2(e) that “the subject of Audit for the subsidies, grants and/or appropriation received from the government by the Federation, control of legality, public order and safety shall be within the exclusive competence of the government. This process is against the guidelines of the international regulation that football is self-regulated without interference by government. The question is how feasible is this demand of non-governmental interference especially in Nigeria where football depends heavily on government sponsorship. Government noninterference will only be feasible where football is largely privatized or commercialised and government becomes a regulator by providing enabling environment and private individuals invest in football as owners.

The Bill recognises football as a National Asset and as such the NFF is entitled to special privileges, concessions, grants, supervisions from the government in furtherance of its objectives and functions and to facilitate the overall development of football in Nigeria.⁴⁷ The aims and objectives of the Federation shall be as stipulated in its statutes and shall include to:⁴⁸

- a. organise the management, administration and governance of football in all its ramification in Nigeria;
- b. develop, promote, administer, co-ordinate, control and regulate the sport of Association Football in all its forms throughout the territory of Nigeria in accordance with the principles laid down in the Statutes of FIFA;
- c. consider and establish rules to control football in Nigeria;
- d. enforce the Laws of the Game as promulgated by IFAB and FIFA from time to time and protect the game against any form of abuse;
- e. encourage the sport at a national level, and in spirit of fair play;
- f. To do all things as may be incidental or conducive to the attainment of the objectives or any one of them.

A major objective which should be of concern to the NFF is how football can become more of a commercial venture with less government participation, so that the game can develop and not remain a mere past-time. The powers of the Federation as stipulated in the Statutes of the Federation shall include to:⁴⁹

⁴⁶ S.2(c); *ibid*

⁴⁷ Section 3 *ibid*

⁴⁸ Section 4 (1) *ibid*

⁴⁹Section 4 (2) *ibid*

- a. have the full power and authority to do any act, matter or things as may be required to give effect to the objects of the Federation as described herein, and in addition to the general powers and authority herein conferred on the Federation, and without in any way limiting such powers and authority, the Federation may not have the power to carry on any business, including inter alia, ordinary trading operations in the commercial sense, speculative transactions, dividends stripping activities as well as letting of property on a systematic or regular basis;
- b. engage staff on the basis of a policy of fair employment and equal opportunities, acquire assets and enter into commitments for the promotion of its aims and objectives;
- c. grant practical and financial assistance to individuals and organisations in order to enable them to promote ideas and concepts consistent with objectives of the Federation;
- d. enter into donor funding arrangements with companies or individuals and to solicit and accept fees, donations, bequests, contributions and subscriptions for the funds of the Federation, provided however that the Federation shall ensure that no donor will derive any monetary advantage from any monies paid to and on behalf of the Federation;
- e. partner with, invest, promote or own shares in competent business companies and other investments outfits with the view to deriving financial benefits or dividends for the funds of the Federation; amongst others

This new Bill if assented to by the president, will provide the legal basis for the application of FIFA Statutes and other International instruments in Nigerian football and shall to a large extent resolve the numerous confusion and inconsistencies in Nigerian football law.

5. Conclusion

The NFA Act spans over three decades with no amendment since it was passed into law. The Nigerian Football Act came into force on the 12 May 1992. After over three decades of its application in Nigeria, the NFA Act has become obsolete thus necessitating the urgent need for its repeal and the enactment of a new legislation that reflects current changes in football law in line with international best practices. This paper finds as follows;

1. The Nigerian football Association without amending the Act changed its name to Nigerian Football Federation in 2008.
2. The objectives of the NFA Act have been achieved and do not promote the commercialisation of football.
3. The Act provides that NFA can sue and be sued in its corporate name, which is against FIFA principles prohibiting recourse to ordinary courts of law.
4. The Act does not provide how football disputes can be resolved
5. The Act promotes the interference of the Minister for Youth and Sports Development contrary to FIFA principle of non interference by third parties.
6. The Act does not provide for the use of technology in football which is currently provided in FIFA Statute as football now uses Goal line technology and the Video Assistant Referee.
7. The NFA Act does not align with international best practices on football regulation.

This paper therefore recommends the following;

1. An amendment of the NFA Act to reflect the new name and to accommodate international best practices.
2. A change of the objectives of the NFA Act and inclusion of football commercialization as an objective.
3. The NFA Act should provide how football disputes are to be resolved by establishing a national dispute resolution chamber without recourse to ordinary courts of law.
4. Football should be commercialised because the influence of the Minister can only be removed if football becomes a private business requiring no government funding.