

## **Byelaw 17 Eligibility**

1. It is the responsibility of all Affiliated CGAs to ensure that their competitors are fully aware of and comply with Byelaw 17.

### **2. Primacy**

- 2.1 Subject to Byelaw 17(4) 17(5) 17(6) and (17)(7), a competitor shall be eligible to represent the Commonwealth Country which enters them where they satisfy at least one of the following requirements:
  - a. Are in possession of a current valid passport of the Commonwealth Country which enters them; or
  - b. Are a subject who can demonstrate 'Belonger Status' in Great Britain or relevant British Overseas Territory of the Commonwealth Country which enters them.
  - c. In respect of the following Affiliated CGAs: -
    - I. Guernsey, Jersey, and Isle of Man. The governments of these three Crown Dependencies do not define citizenship. For these Affiliated CGAs, citizenship shall be defined as three (3) years continuous residency immediately prior to the Commonwealth Games. For the avoidance of doubt, the immediately prior three-year period shall mean the three-year period that immediately precedes the "final entries deadline"\* date of the relevant Games as determined by the respective Organising Committee ("Continuous Residency") and the competitor must be in possession of a current valid UK passport.
    - II. Northern Ireland. Byelaw 17 will defer to the Belfast Agreement (1998). Northern Ireland athletes who meet birth right criteria are to be treated equally regardless of their possession of either a current valid UK or Irish passport (but must hold one of these). This right is enshrined within the Constitution Issues (iv) of the 1998 Belfast Agreement.
    - III. Norfolk Island. Any individual who was in possession of a current valid New Zealand passport and was also deemed eligible to compete at the Gold Coast 2018 Commonwealth Games for Norfolk Islands may continue to compete for Norfolk Islands at future iterations of the Games.

### **3. Secondary**

- 3.1 Subject to Byelaw 17(4) 17(5) 17(6) and 17(7), where a competitor was born in a Commonwealth Country which has common citizenship/passport with other Commonwealth Countries, the competitor may represent either:
  - a. the Commonwealth Country of their birth; or
  - b. the Commonwealth Country of birth of their parent; or
  - c. where the relevant IF recognises grandparents as part of its eligibility criteria, the competitor may represent the Commonwealth Country of birth of their grandparent; or

- d. the Commonwealth Country where they have completed a minimum period of three (3) years continuous residency immediately prior to the Commonwealth Games. For the avoidance of doubt, the immediately prior three-year period shall mean the three-year period that immediately precedes the “final entries deadline”\* of the relevant Games as determined by the respective Organising Committee.
- 3.2 Subject to the other provisions of this Byelaw 17, where a competitor is eligible to represent more than one Affiliated CGA due to common passport privileges they may choose which Affiliated CGA to represent. For the avoidance of doubt, if an individual has competed at a Commonwealth Youth Games this will not be deemed to be a choice of country, and the competitor may choose to represent a different Affiliated CGA at a Commonwealth Games.
- 3.3 For the avoidance of doubt subject to Byelaw 17(4) and 17(5) any competitor of a common passport area who competes for their common passport country (i.e. Great Britain, New Zealand and Australia) at either the Olympic Games, Youth Olympic Games and/or any World Championships or any other major sporting event shall be entitled to choose to represent their home Affiliated CGA (e.g. Turks and Caicos) at the Commonwealth Games.

#### **4. Disqualifications and Suspensions**

- 4.1 A competitor shall not be eligible to represent the Commonwealth Country which enters them if they:
  - a. are currently under disqualification, expulsion or suspension by the Federation; and/or
  - b. are currently under disqualification, expulsion or suspension by their respective Affiliated CGA; and/or
  - c. are currently under disqualification, expulsion or suspension by their respective IF, National Federation and/or
  - d. are currently under disqualification or suspension under the World Anti-Doping Code.

#### **5. Compliance with applicable rules and regulations**

- 5.1 A competitor shall only be eligible to represent the Commonwealth Country which enters them if they:
  - a. Satisfy and comply with all applicable rules and regulations of the Federation; and
  - b. Satisfy and comply their respective IF rules and regulations (including but not limited to, complying with respective IF eligibility rules as applied within each respective edition of the Commonwealth Games Athlete Allocation Systems); and
  - c. Satisfy and comply with the World Anti-Doping Code as applied within the Federation Anti-Doping Standard to ensure that the overriding principles of the Commonwealth Games are observed.
- 5.2 For the avoidance of doubt, where there is an inconsistency between respective IF Nationality rules and regulations and those of the Commonwealth Games Federation, the Commonwealth Games Federation Bye Law 17 shall prevail.

## **6 Transfer of Allegiance**

- 6.1 After having established eligibility status under this Byelaw 17 a competitor who has previously represented one Commonwealth Country at a Commonwealth Games may not represent another Commonwealth Country unless they also receive the prior approval of the Federation, the relevant IF and the relevant previously represented Affiliated CGA. For the avoidance of doubt, this Byelaw shall not apply if an individual has represented a Commonwealth Country at a Commonwealth Youth Games. Applications under this Byelaw 17(6) must be submitted to the Executive Board two calendar months before the “final entries deadline”\* for the respective Commonwealth Games. Applications must include formal confirmation of the prior approval of the relevant IF and the relevant previously represented Affiliated CGA.
- 6.2 All applications for transfer of allegiance under Byelaw 17(6) and/or discretionary eligibility dispensation under Byelaw 17(7) including all relevant paperwork and documentation must be submitted no later than two calendar months prior to the published “final entries deadline”\*, as outlined by the respective Organising Committee.

## **7. Dispensations**

- 7.1 The Executive Board shall delegate authority to the Governance and Integrity Committee (GIC) who have the power to grant dispensations to Byelaw 17 in exceptional circumstances and to consider any matters relating generally to Byelaw 17. Each application for dispensation under Byelaw 17 shall be considered on its own merits and will not create a precedent for any future applications. Decisions made by GIC are subject to the right of appeal directly to the Executive Board, whose decision shall be final and binding.

\*“final entries deadline” means the final date that an individual athlete may be entered in a particular event(s) for the relevant Commonwealth Games, usually completed via an online entry system. Such date to be communicated for each relevant Commonwealth Games in the Sport Handbook.