**The Irish Football Association Appeals Board**

**In the matter of an Appeal by Rosario YFC Football Club**

**Against the Decision of the**

**Northern Amateur Football League**

**Made on 5 November 2020**

**Appeal Board –** Carley Shields (Chair), John Greer, and Ian Beggs

**Introduction:**

This is an appeal before the Appeals Board pursuant to Article 14 of the Irish Football Association (IFA) Articles of Association by Rosario YFC Football Club (Rosario) against a decision of the Northern Amateur Football League (NAFL) which resolved to, inter alia, 1) not seek an extension to season 2019/20 and 2) to promote Rosemount Rec to Section 1B for season 20/21 and at the conclusion of that season, relegate the bottom three clubs.

In light of the ongoing pandemic the Appeals Board decided that it would be appropriate to deal with the matter by way of paper submissions.

**Background:**

On 24 April 2020 the IFA issued a statement announcing the suspension of season 2019/20 in Northern Ireland to 31 May 2020. The statement explained that as 31 May represents the end of the specified season, any league wishing to attempt to complete their season must seek an extension from the IFA Football Committee.

This was followed by a communication from the Head of CEO Office on 27 April 2020 to all league secretaries advising that those wishing to attempt to finish the season must submit a written request for an extension to the season. The letter stated: *“Any leagues which now decide to end their season as it stands, or to take any other step to conclude the season should ensure that such actions are taken fully in line with their own governance regulations and within the league rules, or with the support of the majority of their member clubs.”*

On 9 May 2020 NAFL communicated the following decision to its member clubs:

1. That the League would not request an extension to the season;
2. It was agreed to take the following decision concerning one club. As Rosemount Rec had finished their programme on the 7th March 2020 (last date games played) and had attained 64 points, which no other club in their section could achieve, they would be promoted for season 2020-21 to Section 1B and at the conclusion of such season the bottom three clubs would be relegated.
3. Recognising the untimely finish to the season 2019-20 and the possibility of a truncated 2020-21 season, together with the severe financial pressure on clubs, it was also agreed to set at zero pounds the Annual Subscription Fee for season 2020-21.

It is noted by the Appeal Board that point c) is not a matter under appeal.

In reaching this decision NAFL had regard to Rule 19 of its Rules. For ease, Rule 19 states: *‘The Management Committee shall have power to deal with offending club or clubs, player or players, official or officials, as they deem fit, and to deal with any matters not provided for in these Rules, and matters also noted in the attached Appendices.’*

Both parties have helpfully provided detailed submissions. Although not all of same are referred to in this decision the parties should rest assured that all submissions have been considered carefully and in full by the Appeal Board.

**Rosario Submissions:**

Rosario raised preliminary issues in terms of the timing of this appeal, however these are no longer relevant and therefore the Appeal Board to not intend to comment on same.

Rosario’s grounds of appeal focus on their belief that the actions of NAFL were ultra vires, beyond the powers of the rulebook. Rosario argue that it is explicitly provided for in the Rules how the season is to be completed. Reference is made in its submissions to various Rules and it is stated that *‘As will be clear when the rules are read contextually and conjunctively, there is no power to void or finish a season and then award trophies or promote /relegate any teams.’* Rosario can be assured that the Appeal Board have reviewed the Rules to which they have referred in their submissions.

Rosario suggest that NAFL have created a test of whether the season is mathematically finished, rather than the test set out in the Rules of being ‘at the end of the season’.

Rosario is of the view that the default position was on NAFL to finish the season and therefore NAFL was required to request an extension in order to discharge this obligation, and that any decision not to try and finish the season, and to finish/void the season early, required a change of rules.

Rosario do not accept that Rule 19 provided NAFL with a means by which NAFL could conclude the league.

Rosario allege that the only route by which NAFL could have ended the season within the powers and procedures of the Rules was to hold an EGM and make a proposal under Rule 21.

**NAFL Submissions:**

NAFL argues that Rule 19 gives them the power to deal with matters not provided for in the League Rules.

NAFL contend that its decision not to seek an extension to the season was done in accordance with its governance regulations and League Rules as well as with the support of its member clubs, and that the other decisions were made pursuant to its governance regulations and League Rules.

NAFL deny that they created a mathematical test.

NAFL further denies that it was subject to any default obligation to finish the season or that it was required to request an extension to the season, and that the decision whether to apply for an extension was at the discretion of NAFL.

NAFL contend that the decisions regarding whether or not to seek an extension to the season and to deal with issues of promotion and relegation in the circumstances in which it found itself in, namely the context of a health crisis, where restrictions have been and continue to be, placed on individuals’ movements and competitive football had been suspended with no date set for its return, are matters that are not provided for in the Rules. The Rules were designed to deal with the administration of the League and cup competitions in the course of ordinary events and not in the context of a global pandemic, hence its reliance on Rule 19.

**Discussion:**

On 30 April 2020 NAFL sent a letter to all clubs seeking their views on whether the League Management Committee (LMC) should seek an extension to the season or accept that the season cannot be finished. The result of the poll was that 25 clubs were in favour of the Committee seeking an extension to the season and 61 clubs were in favour of the club accepting that the season cannot be finished.

A number of clubs provided additional comments in response to the poll, and a predominant issue raised was the health and safety of players, spectators, club officials, match officials, coaches, volunteers and their families.

On 5 May 2020 the Emergency Management Committee (EMC) met to discuss the feedback from the clubs. It was recommended that the LMC consider the recommendations of the EMC. On 7 May 2020 the LMC agreed unanimously that:

1. The League should advise the IFA that it did not wish to apply for an extension to the season;
2. Rosemount Rec should be promoted to League 1B and at the end of the season 2021 two teams would be promoted from 1C to 1B and three teams would be relegated from 1B to 1C; and
3. The annual subscription for season 20/21 would be set at zero.

This decision was communicated to all clubs by letter dated 9 May 2020.

An appeal on identical complaints was issued against NAFL by Donaghadee Football Club (Donaghadee) in May 2020.

On that occasion, the Appeal Board only had to determine whether NAFL was wrong to promote Rosemount Rec to Section 1B for season 20/21 and at the conclusion of that season, relegate the bottom three clubs. In July 2020 the Appeal Board determined that it was entirely appropriate for NAFL to rely on Rule 19 to act the way that it did.

The Appeal Board’s decision was ultimately referred to arbitration by Donaghadee and was heard by Nicholas Stewart QC. Given that the issue referred to arbitration was identical to one of those raised by Rosario, the Appeal Board felt it sensible to delay the determination of Rosario’s appeal.

The arbitrator’s decision was handed down on 24 September 2020. His conclusion was that there was no error of law in the decision of the Appeal Board, whether on the substantive legal questions or on the fairness of the process.

Therefore in relation to this Appeal, the Appeal Board can see no reason to find against NAFL with regard to their decision to promote Rosemount Rec to Section 1B for season 20/21 and at the conclusion of that season, relegate the bottom three clubs.

In relation to the first aspect of this appeal, the complaint against the decision of NAFL not to seek an extension of time to season 2019/20, the Appeal Board is persuaded by the submissions of NAFL and is content that the decision was arrived at in accordance with NAFL’s governance regulations and League Rules, but also, and importantly, with the consent of a majority of its clubs.

NAFL’s decision not to seek an extension to the season was made having considered the response to the poll that had been put to individual clubs; the additional feedback from clubs in relation to that poll concerning the health and safety of all those involved and having considered the powers afforded to it by Rule 19.

The Appeal Board fully accepts that the scenario created by the ongoing pandemic was not one which was foreseen and covered by the Rules, and therefore the decision taken by NAFL not to seek an extension to the season was properly taken in accordance with Rule 19.

**Conclusion:**

**T**he Appeal Board unanimously finds against the Appellant in relation to both limbs of its appeal and therefore the appeal is dismissed.

IFA Appeal Board