

IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE

In the matter of an appeal filed on behalf of Crusaders F.C (hereinafter referred to as the Appellant) who seek to challenge a decision reached by the management committee of the Northern Ireland Youth Football Association ('the Respondent' or 'NIYFA') to prohibit the transfer of a minor player (hereinafter referred to as 'the player') from Glenavon FC to Crusaders F.C as the transfer would infringe NIYFA League Rule 5d.

Appeals Board

Mr Barry Finnegan (Vice-Chair)

Mr David Lennox

Mr Stephen Magill

Decision:

This is a decision of the IFA Appeals Board following a Hearing which took place at IFA Headquarters on 10th January 2024 and follow-up enquires before the IFA Appeals Committee and the IFA Football Committee (the 'FC'). It concerns an appeal brought on behalf of the Appellant against a decision reached by the Respondent's committee to affirm the decision taken by Glenavon FC to refuse the transfer of the player to Crusaders based on the 'two-player' transfer cap enshrined within the Respondent's league rules.

The Appellant consider that the Respondent's two-player transfer cap is incompatible with the IFA Amateur Game Player Regulations and that the rule has no binding effect as the latest edition of the Respondent's league rules had not been formally approved by the IFA's Football Committee.

Having regard to the reasons set out below, the unanimous decision of the Appeals Committee is that the appeal shall be **dismissed** so that the original decision of the Respondent is upheld. Accordingly, the Respondent had nor erred in affirming the decision reached by Glenavon FC to refuse the transfer of the player at first instance.

Attendees:

The Appellant was represented at the Hearing of this appeal by Bernard Thompson, General Manager who gave evidence to the Appeals Committee. The Respondent was represented Peter McKenna and Gerry McKee, both of whom also provided evidence to the Appeals Committee. The Appeals Committee would like to express their gratitude for the helpful and informative manner in which all of the attendees conducted themselves during Hearing.

The Rules at Issue:

This appeal does, in part, concern the interpretation and application of the Respondent's 2023-2024 League Rules and specifically Rule 5d which stipulates as follows:-

d) (i) Teams can request to transfer the registration of a maximum of TWO players from any other team in any league in any season. However, teams also have the right to losing a maximum of two players via transfer in any season and block any further request for the transfer of their registered players. This is to retain stability within team/s during a season.

(ii) If a Team seeks to obtain the transfer of a registration of a player from another Team, they shall first contact the Team holding the player's registration (the transferring club) and request the consent of the transferring club to the transfer. If a transfer on COMET is not confirmed by the

releasing club within seven days, The League can action the transfer for the player to move after the 7th day has passed, subject to the two-player rule as per Rule 5 e (i).

Facts:

In addition to an examination of the relevant rules and the oral evidence submitted on behalf of the Appellant and Respondent, the Appeals Committee noted the written submissions filed on behalf of both parties.

The Committee has made the following findings following a detailed analysis of the facts available:-

1. At the outset of the Appeal Hearing it was confirmed by both parties that the player in question was voluntarily released by Glenavon FC who had essentially waived the technical block available to them and consented to his release. The player was subsequently registered as a player of Crusader's FC.
2. The focus of the Appeal Hearing was therefore to determine whether the Respondent's decision to affirm the actions taken by Glenavon FC at first instance, in blocking the player's transfer to Crusaders, was valid, consistent with the Respondent's league rules and whether the rule itself was compatible with the wider rules' framework.
3. Mr Thompson outlined his view that the IFA Amateur Game Player Regulations afford a degree of "uniformity" and are to be "applied across the board" to the various affiliated leagues, including the Respondent. His view was that as these regulations do not provide any explicit reference to a two-player transfer block, the Respondent's own league rule(s) on this specific point were automatically incompatible with the regulations and, consequently, had no binding effect.
4. Reference was made to the IFA Football Committee who had considered the Respondent's 2023-24 version league rules and had "called into question" the issue of the two-player transfer block afforded to clubs who had already seen at least two of their players transfer to other club(s) during the same season. Mr Thompson indicated that the Respondent's league rules had not been approved by the IFA Football Committee (the 'FC') and that the two-player transfer block, prevented "freedom of movement" which was in direct contradiction to the IFA Game Player Regulations, and could not be relied upon as it had not been approved by the FC.
5. Mr Thompson expressed his view that it was "dangerous" to allow individual leagues to introduce their own rules and particularly those which would have a significant effect on clubs and individual players, especially at underage level. He stated that the leagues had "no authority" to deviate from the IFA Amateur Game Player Regulations and create their own rules.
6. Mr McKenna provided evidence on behalf of the Respondent that no issue had been raised by the Appellant or other clubs since the specific rule had been introduced although it was subsequently clarified that the rule itself contained additional wording for the 2023-24 edition (concerning the inherent rights of a club to block a transfer if two players had already

transferred earlier in the season). This additional wording was not contained in earlier versions of the league rules.

7. Mr McKee also provided evidence for the Respondent and advised that the additional wording was implemented to prevent clubs having to encounter significant disruption during the season if a large number of players transfer to other clubs. This would, in his view, ensure requisite levels of stability for the league in general, even in situations where the relationship between club and a player's parents had "soured" as it had in this case.
8. On the issue of approval of the league rules Mr McKenna explained that the updated version had been approved by the Respondent's board at their AGM and were thereafter submitted to the IFA Football Committee. No response had been received suggesting the rules were approved, declined or otherwise and hence he outlined his belief that the same were valid despite the deadline for submission of the rules (1st June 2023) having been exceeded in this instance.
9. Reference was made to an email from Karen Chambers of the IFA Football Committee dated 12th December 2023 addressed to Mr Thompson for the Appellant stipulating that the relevant sub-committee were "content with the rules" save for "an issue regarding the approval of the NIYFA's disciplinary code" which was not at issue that forms part of this appeal.
10. Upon repeated submissions by Mr Thompson for the Appellant that contradicted the position stipulated in the aforementioned email from Ms Chambers, the committee asked Mr Thompson why he did not consider the 2023-24 league rules to have been correctly approved and he referred to a number of members of the rules sub-committee having apparently informed him of this apparent non-approval. When asked who these members were Mr Thompson explained that a Mr David Begley and a Mr Thomas Whiteside had informed him that the Respondent's league rules had not been approved.
11. It was pointed out by Mr McKee for the Respondent that every club is given the opportunity to review the new editions of the league rules at the outset of each season and the Appellant were no different. No objection had been raised by the Appellant when the new version had been sent and the issue only raised its head when Glenavon FC sought to rely on the blocking provision enshrined within rule 5d.
12. Based on the submissions made by Mr Thompson the Appeals Committee felt it was prudent and indeed necessary to make enquiries with the IFA Football Committee on the following points in the aftermath of the Appeal Hearing at IFA HQ:
 - i. *When were the updated (2023/24) version of the Respondent's league rules provided to the IFA's Football Committee (FC);*
 - ii. *Were these updated rules reviewed and approved by the FC;*
 - iii. *If yes, was written confirmation relayed to the Respondent by the FC;*
 - iv. *If any area of concern was noted by the FC, such as rule 5D (blocking provision if more than two players transferred) elaboration would be sought to include the FC's normal process for dealing with such issues.*

13. The initial response received from the IFA football Committee on 26th January 2024 stated that the new version of the league rules “were considered by the FC Rules Sub Committee” and that “there was an issue with the approval of the disciplinary code.” A copy of the correspondence setting out this position was provided and same compromised of an email from Ms Chambers to Mr McKee for the Respondent which stated “the NIYFA’s interpretation of the Disciplinary Code has never been presented to the IFA Disciplinary Committee and should be done so as a matter of urgency. Once the Disciplinary Committee has sanctioned these rules, they can be used throughout the Youth game.”
14. On the issue of rule 5d it was noted that the “rules subcommittee raised issue with rule 5 regarding player registrations. The rules refer to both the Amateur Game Player Registrations and their own version. This conflicts and the Rules Sub Committee were not sure they could have additional rules that limit how many players from any one club another club can sign players and may be adverse to FIFA regulations. There is no set process, these items are dealt with on a case by case basis.”
15. The Vice-Chair did not consider the initial response from the Football Committee to satisfactorily address the issues raised in the substantive appeal and therefore sought clarity on the following issues:
- i. Did the Respondent respond to the email of 1st September 2023;
 - ii. If not was there some kind of follow up by the FC to raise the issue identified by the Rules sub-committee.
 - iii. Was there any written documentation in place to corroborate this communication or the issues identified by the sub-committee (to include minutes of the subcommittee meeting where these issues were identified and discussed);
 - iv. What FIFA regulations did the sub-committee perceive as potentially having been breached as a consequence of Rule 5D;
 - v. If the FC have not formally approved the Respondent’s updated rules, do they consider the same binding or otherwise.
16. On foot of the additional information sought the Appeals Committee was informed that the Chairman of the Football Committee had called a meeting of the Rules Sub Committee to discuss the responses before submitting them. This meeting was due to take place on Monday 12 February and a written response was received on 16th February 2024. The relevant extracts are outlined below for completeness:

“Football Regulation (45) states that rules are to be submitted by 30 June 2023. The NIYFA rules were submitted on Tuesday 22nd August 2023, with their league competitions starting on Friday 25th August 2023. Correspondence was sent to the NIYFA to request clarification on whether the Irish FA Disciplinary Committee had approved the NIYFA Disciplinary Code (Email attached, 1st September 2023).

Correspondence was received from the Irish FA Disciplinary Committee stating that they did not have the resource, nor was it their responsibility to review the code to ensure that the NIYFA were compliant. (Email attached 11th September 2023). The Football Committee did not follow up on this point. As consequence, this matter, and the approval of the NIYFA rules, was not confirmed.

It is the Football Committee’s understanding that in this situation, the clubs have been operating by the rules published on the NIYFA website at the start of their season.

The Football Committee acknowledges that the rules approval process needs to be more robust and is putting resource in place to improve the rules approval process for future season.

The majority of youth football should be developmental in nature as opposed to competitive. The Football Committee noted that some rules appeared to be contrary to the developmental ethos of youth football and will ask the NIYFA to review their rules and position.

The practice of reviewing to various rules is done on a case-by-case basis. Without having any additional context for the hypothetical question being posed, it is difficult to be definitive as to how a matter would be handled. The timescales are also important - late submissions of rules cause a problem. In general, the Rules Sub Committee considers rule changes, raises queries if there are any and brings the final approval or otherwise to the next Football Committee meeting (these are generally bimonthly).

Conclusions:

1. In the present case the Appeals Committee deems the lack of reference or explicit objection to the implementation of Rule 5d prior to the commencement of the 2023-24 league season to be of paramount importance. Neither the IFA Football Committee nor the Appellant formally objected to the inclusion of this specific rule, which lies at the heart of this appeal, when presented with the relevant version of the league rules before the season commenced.
2. It is apparent that some within the IFA Football Committee felt the rule may have infringed upon the “developmental ethos” of amateur football, but no definitive conclusion appears to have been reached or communication relayed to the Respondent on this specific point. The updated rules were therefore not formally approved or disapproved by the Football Committee.
3. This opportunity having been missed the Appeals Committee must then consider the validity, or otherwise, of the league rules in the absence of a formal declaration of approval from the sub-committee following submission by the Respondent.
4. To this end it is important to note that in addition to a technical examination of the rule involved, as well as the processes adopted by the parties and the IFA Football Committee, the Appeals Committee are also required to adopt a common sense and practical approach which is to be guided and informed by the overlapping principles of fairness and sporting integrity.
5. The Appeals Committee is mindful that FIFA regulations on the status and transfer of players emphasises that the “*transfer of players between clubs belonging to the same association is governed by specific regulations issued by the association.*” No evidence was adduced to demonstrate that these regulations, or the IFA Amateur Game Player Regulations, expressly prohibit the type of rules adopted by the Respondent in this instance however.
6. The Appeals Committee has also noted FIFA’s comments that “*such regulations should also provide for a system to reward clubs affiliated to the relevant association investing in the*

training and education of young players.” With this in mind the introduction of a rule allowing a club to block a transfer of a young player they had invested significant time and resources in training and educating, does not appear inconsistent with such an ethos. The fact that the rule was introduced by the Respondent to ensure stability for each individual club within the league hierarchy only tends to reinforce this view.

7. The Appeals Committee also finds the fact the Respondent’s league season had commenced and was in operation for a number of months before the player transfer issue arose is of clear relevance in this respect as the Appellant and others were provided with an opportunity to formally raise concerns regarding Rule 5d in advance but had not done so.
8. The Appeals Committee is not satisfied by the representations made by the Appellant concerning the Respondent’s inability to deviate from the regulations referenced in previous paragraphs. No discrepancy with said regulations was identified nor was evidence adduced to demonstrate an express prohibition as to the deployment of a transfer block as implemented by the Respondent.
9. On the basis of the foregoing, it seems entirely disproportionate and impractical to adjudicate the 2023-24 league rules as anything other than valid.
10. Having regard to all of the evidence therefore the Appeals Committee finds that no grounds exist to uphold the Appellant’s appeal and the same is dismissed accordingly.
11. The original decision of the Respondent is therefore upheld. Accordingly, the Respondent’s decision to affirm the two-player transfer block activated by Glenavon F.C at first instance was properly applied and shall stand.

Dated: This 28th day of February 2024, Barry Finnegan, Vice-Chair. On Behalf of the Appeals Committee