**Irish Football Association Appeals Committee**

**Decision by an Appeal Board dated 1st October 2020**

**In the matters of:**

**Lisburn Distillery FC v IFA Intermediate Cup Committee**

 **Lisburn Distillery FC v IFA Challenge Cup Committee**

**Background**

The Appellant is appealing separate decisions made by the IFA Intermediate Cup Committee and the IFA Challenge Cup Committee both dated 7th July 2020 with respect to a refusal to admit the Appellant to participate in the Intermediate and Challenge Cup Competitions in the 2020/2021 season.

Two separate appeal letters have been lodged by the Appellant, both dated 8th July 2020, in relation to these decisions. The Respondent Committees issued a joint response, undated, with various appendices. The Appellant then submitted a subsequent undated response together with email correspondence upon which it sought to rely.

All parties are aware that the Appeals Board were to meet virtually in order to discuss the Appeals and make a decision based on the papers before us.

The Appellant is eligible to compete in both the Intermediate Cup and the Challenge Cup, however it must compete in the Intermediate Cup to enable it to compete in the Challenge Cup, but can compete solely in the Intermediate Cup. This means it can’t compete in the Challenge Cup without competing in the Intermediate Cup (Challenge Cup Rule 2). It was common ground between the parties that historically, applications were to be submitted no later than 30th June in each year with respect to these Cup competitions. In this particular year ie 2020/2021, the IFA asked the respective leagues to advise its clubs of the entry procedures including the deadlines with respect to same. In the Appellant’s case, this rested with NIFL.

It is accepted by everybody that an email was sent by the IFA to the leagues on 1st June 2020 to ensure that clubs were made aware of the upcoming deadline. It is also accepted that for reasons entirely outside of the Appellant’s control, this information was not passed to them by NIFL, and the first email was not circulated until 28th June 2020 in this regard, some 2 days before the deadline for applications.

**The Appellant’s case**

The Appeals Board has had the benefit of considering the two initial appeal letters dated 8th July 2020 which are effectively a repetition of one another, given that the same issue arose with respect to both competitions, and their further undated response.

The Appellant’s 8th July letters raise a number of issues, the relevance of which the Appeals Board felt were limited. Commentary was made by the Appellant as to whether the 2020/2021 competition rules were available, the completion of previous tournaments, and a long list of questions were asked about various precedents. The Appeals Board felt that this was all of limited value and added little to the Appellant’s case.

The Appellant rightly complained that NIFL had not communicated the IFA correspondence of 1st June 2020 to its members and this is very unfortunate. Whilst these are difficult times for everyone, NIFL should do well in future to ensure that information is passed to its clubs in a timely manner.

After much debate from the Appellant on what we felt, as above, were ancillary issues, the Appellant arrived at the crux of its argument in its second undated response, which in our opinion abandons any of the aforementioned ancillary issues that they considered advancing. An acceptance on the Appellant’s part that they had missed the deadline for applications, and an acceptance of some culpability on their part. Mitigation is advanced on their behalf, some of which the Appeals Board is minded to show a degree of sympathy towards.

We are reminded of the little notice that they had, of their secretary’s own personal commitments in and around the end of June 2020. We are also asked to consider that it is an understandable assumption that the usual deadlines would not apply given the upheaval experienced by football clubs throughout early to mid 2020.

And this point is ultimately where the Appellant’s case fails. The Appeals Board cannot accept that it is appropriate for a Club to assume that a deadline has not been set. It is extremely surprising that, armed with the knowledge of what has gone in years before, the Club did not even deem fit to make an enquiry as to the position with respect to Cup competition entries throughout the month of June 2020. The list of applicants and their date of application shows clearly that clubs were applying throughout the period, with an expected spike in the final few days, with the COMET system, which is used by clubs regularly, providing a simple to use application platform.

The Appeals Board also struggles with the concept that, with the access to modern technology that we are now blessed with, an email sent to the Appellant and or the Appellant’s secretary, even as late as 28th June 2020, was not picked up until 2nd July 2020, as pleaded by the Appellant.

**Decision**

The Appellant seeks that the Appeals Board ‘extend an olive branch’ and accept their late entry. The unanimous decision of this Appeals Board is that this is not a case in which any departure from the deadline should be permitted, and as such both of the Appellants’ appeals are dismissed.

**Appeal fees**

The Appeals Board notes that two appeals with two separate appeal fees were quite properly lodged by the Appellant. The reality of both of these appeals is that they followed the same factual matrix and were dealt with by the Appeals Board jointly. Further, the dismissal of the Intermediate Cup appeal automatically renders the Challenge Cup appeal redundant by virtue of Rule 2 of the Challenge Cup rules. The Appeals Board therefore directs the IFA to return £100 to the Appellant, being one appeal fee.

Appeal Board members: Adam Wood – independent, legally qualified

 Carley Shields – independent; legally qualified

 Ian Beggs – football representative