

APPEALS COMMITTEE

Tummery Athletic v Fermanagh and Western FA (F&WFA)

John Greer (Chair), Peter Dornan, Jack Grundie

The Appeals Board would firstly wish to place on record its thanks to all parties in the appeal for their co-operation and for their detailed submissions. In line with the procedures adopted since the Covid-19 pandemic, this matter was considered by the Appeals Board on written submission provided by the parties.

This matter arose at a Mulhern Cup match played on 12 February 2022 between Tummery Athletic and Derrychara United. The match went into extra-time during which Tummery brought on a fourth substitute. The result of the match was 3-2 in favour of Tummery. Derrychara subsequently protested to the Fermanagh and Western FA on the grounds that the fourth substitute used by Tummery was in contravention of the rules of the Mulhern Cup. The protest was considered at a meeting of the Fermanagh and Western FA held on 21 February which resulted in Derrychara's protest being upheld and Tummery were dismissed from the competition and fined £75.

Whilst F&WFA have admitted that the protest should not have been considered as it was not in order, the Appeals Board are satisfied that the F&WFA had the power to investigate the allegation under rule 17(f) and to make a determination in respect thereof. Derrychara have since withdrawn from the competition.

At the heart of this appeal is a strong sense of injustice as Tummery feel they were misled by the match referee when he permitted a fourth substitution and confirmed on three occasions that this was allowed. The other key aspects of Tummery's appeal are:

- That there are no current rules for the Mulhern Cup
- Procedural irregularities in the hearing of the protest
- Weaknesses in the COMET Football Management System's record management

The Appeals Board looked at each of these grounds of appeal.

It is incumbent on the clubs playing in a competition to be aware of the rules. Whilst the referee was asked it is not for him to direct who is or is not eligible to play. He himself admitted that he missed the note from the referee supervisor on the number of substitutes allowed, but it is not the referee's role to ensure that clubs are aware of the rules of each competition.

It is inconceivable that a competition could be organised without rules and whilst the rules on the F&WFA website have an outdated heading, they remain current until amended. F&WFA brought evidence that Tummery had attended the AGMs in 2020 and 2021 at which time rule changes were tabled as an agenda item with minutes showing that no changes to the rules were made.

The Appeals Board were provided with the minutes of the protest hearing at which representatives of both clubs and the referee were in attendance and provided evidence. No evidence of any impropriety has been presented and it appears that Tummery had proper opportunity to state their case.

The COMET system is a tool to assist clubs and leagues in the administration of the game. There are many competitions within Northern Ireland and each competition could have slightly different rules in respect of eligibility, number of substitutes allowed etc. It is for each club to be aware of the rules of the competition in which they play.

Whilst the Appeals Board have some sympathy with Tummery, having won the match now finding themselves excluded from the competition, there is an onus on each club to determine the rules of each competition they play in and to abide by those rules.

The Appeals Board therefore dismiss the appeal by Tummery and uphold the decision of the Fermanagh and Western FA.