

## **IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE**

In the matter of an appeal by Ards Football Club against a decision of the Northern Ireland Boys Football Association Appeals Committee (hereinafter referred to as NIBFA)

### **Appeals Board**

Mr Barry Finnegan (Vice-Chair)

Mr Steven Keenan

Mr Ian Beggs

### **Decision:**

This is a decision of the IFA Appeals Board following a hearing which took place at IFA Headquarters on Wednesday 19<sup>th</sup> October 2022. It concerns an appeal brought by Ards Football Club ('the Appellant') against a decision reached by the Appeals Committee of the NIBFA ('the Respondent') on Thursday 15<sup>th</sup> September 2022 (set out in letter dated 21<sup>st</sup> September 2022). Having regard to the reasons set out below, the unanimous decision of the Appeals Board is that the appeal shall be upheld so that the decision of the Respondent, to include the rationale deployed to underpin the decision, is set aside and the original decision reached by the NIBFA Disciplinary Committee on 23<sup>rd</sup> August 2022 upon Ards Rangers FC, to include the accompanying sanction, was deemed to be valid and correct.

**Attendees:** The Appellant was represented at the hearing of this appeal by Andrew Rodgers, Club Secretary and Jeremy Bell, Secretary of the Ards FC Academy. They each gave evidence to the Appeals Board. The Respondent was represented at the hearing of this appeal by Steven McCann who also provided evidence to the Appeals Committee. The Appeals Board wish to express their gratitude for the helpful and informative manner in which all of the attendees conducted themselves during the hearing.

In addition to the evidence submitted on behalf of the Appellant and Respondent the Appeals Board noted the detailed letter sent by the Appellant to the IFA dated 23<sup>rd</sup> September 2022 as well as the enclosures therein and has made the following findings following a detailed analysis of the facts available:-

1. The Appeals Board accept the evidence provided on behalf of the Appellant by Mr Rodgers that Ards FC and Ards Academy FC are not two separate entities. The Appellant's youth teams play in the South Belfast Youth League (SBYL) and are managed by the personnel who form part of the Appellant's Academy. These teams play in the same club colours and use the same crest of Ards FC. Indeed, the players which form part of the academy teams are registered using the Appellant's comet registration account and Mr Rodgers provided evidence concerning the importance of the academy staff and players, to include their reference within the Appellant's "5 year strategic plan." A review of the Appellant's website and social media accounts only tends to corroborate such evidence and the Appeals Board is therefore of the view that the Appellant and the academy are inextricably linked to such an extent that they cannot be held to be separate entities.
2. The Appeals Board would refer to the Irish Football Association Amateur Game Player Registration Regulations and specifically section 5 (b) in relation to the Respondent's original

assessment and decision concerning the Appellant's registration of players. The Appeals Board finds that the Appellant's then Academy Coach, Adam Clarke, had completed the Comet FMS online procedure and emails confirming the registration of affected players had been sent to the valid email addresses provided for the parents/guardians of the players in question. Furthermore no evidence has been adduced to demonstrate that the parents or guardians of the players in question had not consented to the registration of the players. If consent for this registration was not forthcoming the parents and/or guardians are required to contact the Irish Football Association (IFA) immediately upon receipt of the confirmation email. The IFA would then investigate the matter and either confirm or terminate the registration as appropriate. This Appeals Board is not aware of any such contact having been made by the parents/guardians with the IFA and hence it follows that the players in question were registered with the Appellant correctly in accordance with the appropriate regulations and are not "free agents to sign for whomever they wish." The Respondent had therefore erred in believing that "signed copies of the registration forms" were necessary before registration was finalised.

3. The Appeals Board finds that the Respondent failed to properly notify the Appellant of the Appeal made by Ards Rangers FC in relation to the decision made by the NIBFA Disciplinary Committee dated 23rd August 2022. The Appellant therefore was not given any opportunity to make representations to the Respondent before it made the finding set out in their letter dated 21<sup>st</sup> September 2022. In accordance with the basic requirements of due process and fairness in any context, particularly in a situation whereby the Appellant's internal club structure and processes come under scrutiny, the Appellant ought to have been given the opportunity to make representations at the Respondent's Appeal Hearing regarding the Academy structure and player registration. The Appeals Committee recommends that the Respondent may wish to review its procedural arrangements so that similar situations are avoided in future.
4. Having regard to the reasons set out above, the unanimous decision of the Appeals Board is that the appeal shall be upheld so that the decision of the Respondent, to include the rationale deployed to underpin the decision, is set aside and the original decision reached by the NIBFA Disciplinary Committee on 23<sup>rd</sup> August 2022 upon Ards Rangers FC, to include the accompanying sanction, was deemed to be valid and correct.

Dated: 25<sup>th</sup> October 2022. Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board