

IRISH FOOTBALL ASSOCIATION APPEALS BOARD

In the matter of an appeal filed on behalf of Celtic Bhoys F.C (hereinafter referred to as the Appellant) against a decision of the Newcastle & District Amateur Football League (hereinafter referred to as the Respondent) to dismiss the Appellant from the 2022/23 Bobby Dalzell Cup.

Appeals Board

Mr Barry Finnegan (Vice-Chair)

Ms Carla Dallas

Ms Carley Shields

Decision:

This is a decision of the IFA Appeals Board following a Hearing which took place at IFA Headquarters on Tuesday 24th January 2023. It concerns an appeal brought on behalf of the Appellant against a decision reached by the Respondent's management committee to dismiss the Appellant from the 2022/23 Bobby Dalzell Cup as a consequence of a finding that the Appellant had fielded an ineligible player in the semi-final of the same competition which took place on 11th November 2022.

Having regard to the reasons set out below, the unanimous decision of the Appeals Board is that the appeal shall be dismissed so that the decision of the Respondent is upheld to the effect that the Appellant, during their semi-final game against Ballynagross FC which took place on the 11th November 2022, fielded a player who was an 'ineligible' player within the meaning of Rule 13.4.1 of the IFA Disciplinary Code and pursuant to Rule 15 of the Harry Clarke Rules (said rules are contained within the Respondent's rulebook provided to participating clubs). Accordingly, the sanction available to the Respondent under said Rule 15 to dismiss the Appellant from the competition was properly applied and has effect.

Attendees:

The Appellant was represented at the Hearing of this appeal by Patrick Moore, Chairman, Jason Galbraith Committee Member and Stephen Torney, Committee Member. They each gave evidence to the Appeals Board. The Respondent was represented by Kieran McMahon, Secretary for the Respondent and Darryl Madine, Assistant Match Secretary, both of whom also provided evidence to the Appeals Board. The Appeals Board 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 Article 13.4 of the IFA Disciplinary Code and particularly sections 13.4.1 and 13.4.5 which provides as follows:

"A player who accumulates 2 cautions in the same cup competition at any time during the same playing season will be suspended automatically with immediate effect from the same cup competition only;" and

"After the completion of the Quarter Final round in all cup competition the caution count will be reset with all players being regarded as having zero cautions attributed to them. For the avoidance of any doubt, the following will still apply – Any player who receives a suspension resulting from an accumulation of cautions in the quarter final match will be suspended for the semi-final of the same cup competition."

Furthermore Rules 13 and 15 of the Harry Clarke Cup are of particular relevance in this appeal with each rule stipulating the following:-

“Any team found guilty of playing an ineligible player for whatever reason may be removed from the competition.” And

“Notwithstanding anything in any rule, if the Management Committee have any doubt at any time, whether arising out of a protest or otherwise, as to the qualification of any player taking part in the competition, they shall have power to call upon such player and/or club to which he belongs or for which he has played, to prove that he is qualified according to the rules. Any club found guilty of fielding an ineligible player in any round of the competition and prior to the next round being played, up to and including the semi-final tie will be dismissed from the competition.”

Facts:

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

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

1. The Appellant accepted that an ineligible player (Blaine Connolly) had played in the semi-final of the Bobby Dalzell Cup against Ballynagross FC on 11th November 2022. It is also accepted that said ineligible player had been the subject of two separate yellow cards in the earlier rounds of the same competition.
2. The Appellant’s written submissions set out a number of grounds of appeal to include a failure on the part of the Respondent to apply due process and adherence to their rulebook, specifically in relation to a lack of written protest having been served upon the Respondent’s League Secretary and thereafter upon the Appellant club.
3. Evidence was provided by Mr McMahon for the Respondent however that a formal protest had not been lodged but rather a phone call was received from an unidentified representative of Strangford FC, the Appellant’s prospective opponents in the final of the Bobby Dalzell Cup, on 21st December 2022 to notify the Respondent that the Appellant had fielded an ineligible player in the aforesaid semi-final game played on 11th November 2022.
4. The Respondent’s position, as explained by Mr McMahon, was that they had obtained said information and were “dutybound” to investigate the issue despite the absence of a formal protest. Reference was made to Rule 15 of the Harry Clarke Rules and the Respondent’s interpretation of the same, namely that a doubt had been raised and, “whether arising from a protest or otherwise,” the Respondent felt they had sufficient power to investigate and take appropriate action.
5. Having consulted the Comet Player Registration System, the Respondent had identified that the alleged ineligible player had in fact received bookings for two separate yellow card offences in earlier rounds and hence was disqualified from participating in the semi-final against Ballynagross FC.

6. The Appellant provide both written and oral evidence that the ineligible player was not made unavailable for selection prior to the semi-final on the Comet Registration system as had been the case in previous years where, under the old rules, a player could accumulate a total of 5 yellow cards in all competitions before an automatic suspension would apply. Mr Moore for the Appellant explained therefore that the player in question had been selected by the Appellant's management "in good faith" as they were unaware that an automatic suspension had arose.

The Appellant provided evidence that they were not aware of the rule changes at the beginning of the football season concerning the two-game suspension in amateur cup competition and that this would supersede the old rule detailed in the paragraph above. Whilst the Respondent provided evidence that the updated rules were sent to each club prior to 11th November 2022 Mr McMahon acknowledged that the change to the rule regarding an automatic suspension arising from an accumulation of bookings in one competition, was not specifically flagged up to their clubs.

7. In any event the Respondent indicated that as the evidence had been unearthed and substantiated they felt there was no requirement to hear representations from the Appellant regarding the issue. The Respondent proceeded to exercise their power pursuant to Rule 15 of the Harry Clarke Rules and dismissed the Appellant from the competition on the basis that they had been found guilty of fielding an ineligible player in the semi-final of the competition.
8. The Appellant was notified of this decision by way of a phone-call from the Respondent on the evening of 22nd December 2022 as well as formal written notification of the same date.
9. The Appeals Board is satisfied that the Appellant may well have been unaware that the player in question was automatically suspended and hence ineligible for selection for the semi-final on 11th November 2022. The Respondent may well consider it prudent at the start of future seasons to emphasise any such rule changes, particularly where they are likely to significantly impact participating clubs. It is however incumbent on the various teams, management, players and staff at clubs participating in amateur cup competitions to ensure that they remain up to date with rule changes via all means possible, no matter how modest or insignificant they may initially appear, and to maintain sufficient overview pertaining to the eligibility and qualification of their registered players.
10. The Appeals Board is therefore not satisfied that the representations made by the Appellant as regards the alleged shortcomings of the Comet System, are sufficient to override the Respondent's decision to dismiss the Appellant from the competition.
11. On the issue of interpretation of the rules the Appeals Board finds that the only correct and proper interpretation of Rules 13 and, more pertinently 15, was the one contended for by the Respondent and which underpinned its decision at first instance.
12. By way of elaboration the Appeals Board finds that information was made available to the Respondent, not via written protest but "otherwise" which cast doubt as to the qualification

of a certain player taking part in the competition. Further investigation elicited the facts, not challenged by the Appellant, that an ineligible player did participate in the semi-final of the competition. Once adequate investigation had been undertaken and affirmation obtained the Respondent acted within the confines of Rule 15 to dismiss the Applicant from the competition.

13. Having regard to all of the evidence, the Appeals Board therefore finds that no grounds exist to uphold the Appellant's appeal and the same is dismissed accordingly.

14. Accordingly, the sanction available to the Respondent under said Rule 15 to dismiss the Appellant from the competition was properly applied and has effect. The Appellant stands dismissed from the Bobby Dalzell Cup for the 2022/23 season and must discharge a £25.00 fine to the Respondent as per the Respondent's letter to the Appellant dated 22nd December 2022.

Dated: 1st February 2023. Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board