**IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE**

In the matter of an appeal filed on behalf of Queens Grads F.C (hereinafter referred to as the Appellant) against a decision of the Northern Amateur Football League (hereinafter referred to as the NAFL or the Respondent) to award the match points to the opposing team in four separate matches occurring from 3rd September 2022 – 4th February 2023 as well as sanction the Appellant with a £50.00 fine arising from the participation of an ineligible player, who had not been subject to an International Transfer Certificate (hereinafter referred to as an ‘ITC’), in the matches in question.

Appeals Board

Mr Barry Finnegan (Vice-Chair)

Mr Ian Beggs

Mr Stephen Keenan

**Decision:**

This is a decision of the IFA Appeals Board following a Hearing which took place at IFA Headquarters on Wednesday 29th March 2023. It concerns an appeal brought on behalf of the Appellant against a decision reached by the Respondent’s management committee to award the match points to the opposing team in four separate matches occurring from 3rd September 2022 – 4th February 2023 as well as a £50.00 fine arising from the participation of an ineligible player in the matches in question. The player in question had neither applied for nor received an International Transfer Certificate (ITC) prior to his participation.

The player in question participated in a total of 7 matches of which 4 resulted in points gained in Queens Grad’s favour. Of those four matches the opposing teams, namely St Mary’s IIs, Donaghadee, Ballysillan Swifts and Lower Shankill were awarded the three match points available due to the Appellant fielding an ineligible player who had not received an ITC.

It is accepted by both parties that the player in question held his most recent player registration outside Northern Ireland and that, consequently, an ITC was required before participating in any matches played in Northern Ireland. Due to an administrative error however, the Appellant had misidentified the player as having been previously registered in Northern Ireland and, by effect, had not applied for an ITC. Consequently, the Irish Football Association had not received an ITC issued by the National Association which the player wished to leave.

This discrepancy was identified via the FIFA Connect platform and notification sent to the Appellant via the Respondent.

The Appellant consider that the decision taken by the Respondent thereafter to award the match points to the opposing teams, as well as the imposition of a £50.00 fine, was unfair in the circumstances as the issue had arisen due to an administrative oversight and the ITC was properly applied for and promptly furnished once the issue had been brought to their attention by the Respondent.

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 original decision of the Respondent is upheld. Accordingly, the decision taken by the Respondent to award the match points to the four opposing teams listed above and sanction the Respondent with a £50.00 fine arising from the Appellant fielding an ineligible player was properly applied and is consistent with Bye-Law B (Rules of the Northern Amateur Football League) section 2.1.

**Attendees:**

The Appellant was represented at the Hearing of this appeal by Ciaran McKervey, Chairman and Eoghan McCarthy, Committee Member. They each gave evidence to the Appeals Committee. The Respondent was represented by Terry Pateman, Chairman and Donna Darlington, Secretary, 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:**

Section 7 of the IFA Amateur Game Player Registration Regulations Season 2022/23 concerns International Transfer Certificates and stipulates as follows:-

*a. An amateur player whose last registration was held outside Northern Ireland may not be registered with a Club unless the Association has received an International Transfer Certificate (ITC) issued by the National Association which the player wishes to leave via FIFA TMS.*

*b. A player shall not, under any circumstances, be authorised to play in official matches for his new Club until an ITC has been received by the Association.*

*c. Instructions must be entered on to FIFA Transfer Matching System (TMS) by the club/s involved in accordance with FIFA TMS guidelines.*

*d. The ITC may not be made subject to any conditions. In particular, the validity of an ITC shall not be restricted to a certain period and any clauses to this effect appended to the certificate shall be considered null and void.*

*e. The registering association is obliged to provide the club with which the player is registered with a player passport containing the relevant details of the player. The player passport shall indicate the club(s) with which the player has been registered since the season of his 12th birthday.*

**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. Both parties accept that the player in question was last registered as a player outside Northern Ireland (the player was English born but may have last player for a club side based in Wales according to the Appellant) and hence an ITC was required before the player in question could participate in any matches for the Appellant. The Appellant had incorrectly recorded that the player was last registered to play in Northern Ireland and hence it was not identified that an ITC was required.
2. Mr McCarthy provided detailed oral evidence on behalf of the Appellant which, supplemented by the written submissions, clearly accepted the factual circumstances in this case to include the administrative oversight which led to an ITC not being secured as well as the applicability of Section 7 of the Amateur Game Player Registration Regulations.
3. Both Mr McCarthy and Mr McKervey were of the view however that a disproportionate level of unfairness subsequently applied to the Appellant who had essentially received a combined 10-point league deduction (a revere of the 3 wins and 1 draw against the 4 teams listed above) and were of the view that the Respondent should have exercised their inherent discretion to deal with the fielding of an ineligible player in a more lenient manner.
4. Mr Pateman provided oral evidence for the Respondent and referred to the responsibilities which apply to participating clubs to ensure their players are registered correctly and that the issue of ITC registration, as well as the accompanying sanction which applies if an ineligible player Is fielded, is part of a longstanding rule which the Appellant had not challenged before. He made reference to the fact the Appellant had accepted a mistake had been made on their part and, with this in mind, that the Respondent’s management committee had properly considered the facts and come to the appropriate conclusion that the points should be awarded to the opposing teams who had not secured full points in the matches against the Appellant in which the ineligible player had taken the field of play.
5. Mr Pateman also queried whether the ineligible player had the opportunity to review the details inserted onto the Comet Registration System which may have led to early identification of the issue in question, namely that he was last registered to play outside Northern Ireland and an ITC would therefore be required. The point made by Mr Pateman was that by doing so, the issue could well have been obviated.
6. The Appeals Committee is satisfied that the Appellant had not intentionally recorded the player in question as being registered to play in Northern Ireland and that, on balance, this had arisen due to an administrative oversight. The Appeals Committee is also satisfied that had the administrative error not been made and the appropriate answer provided, an ITC application would have been made (as was ultimately required to ameliorate the issue).
7. It is not accepted however that (once the issue was identified) the Respondent had erred in any way in awarding the match points to the opposing teams who had not secured full points in matches where the ineligible player had participated. It appears to the Appeals Committee that the Respondent had no discretion to do otherwise given the clear wording of Bye-Law B (Rules of the Northern Amateur Football League) section 2.1. and that, from a natural justice standpoint, this was the appropriate course of action in the circumstances.
8. Therefore the Appeals Committee finds that the Respondent’s interpretation of Bye-Law B 2.1 (which underpinned its decision at first instance to apply the sanction in question) was correct given the fielding of the ineligible player in the games in question led to the inescapable conclusion that the match points gained should be reversed and awarded to the other sides.
9. The Appeals Committee also finds that the decision adopted by the Respondent to levy a £50.00 fine and not an accumulative £350.00 fine (given the ineligible player had participated in a total of seven matches) was an appropriate course of action, aligned with a desire to avoid an arbitrary sanction, and commensurate with the severity of the offence.
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. Accordingly, the sanction applied by the Respondent was properly applied and the decision to award the match points to the opposing team in four separate matches occurring from 3rd September 2022 – 4th February 2023, as well as a £50.00 fine arising from the participation of an ineligible player in the matches in question, will stand.

Dated: 8th April 2023. Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board