

## **IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE**

In the matter of an appeal filed on behalf of Keady Celtic F.C (hereinafter referred to as the Appellant) against a decision of the Mid-Ulster Football League (hereinafter referred to as the MUFL or the Respondent) to award the match points to the opposing team in six separate matches occurring from 1<sup>st</sup> October 2022 – 11<sup>th</sup> February 2023 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.

The Appeals Committee does not find it necessary to name the player in question.

### Appeals Board

Mr Barry Finnegan (Vice-Chair)

Mr David Lennox

Mr Stephen Shaw

### **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> April 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 six separate matches occurring from 1<sup>st</sup> October 2022 – 11<sup>th</sup> February 2023 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 during the above-mentioned period with points gained in the Appellant's favour in 6 of those matches (5 wins and 1 draw). Of those 6 matches the opposing teams, namely Armagh Blues FC, Donacloney FC (twice), Glenavy Youth FC (twice) and West End Hibs FC were awarded the maximum three match points available on a 3-0 scoreline 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 oversight however, the Appellant had not realised the player in question had previously registered with a team in the Republic of Ireland, Glaslough Villa FC where he had temporarily relocated on a short-term basis. The Appellant had therefore 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 was unfair in the circumstances given the corresponding effect this will have on the Appellant's players and league standing generally. They have requested that, in the alternative, the Appellant pay a monetary fine in lieu of the 16-point deduction.

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 opposing teams listed above arising from the Appellant fielding an ineligible player was properly applied and is consistent with Section 7 of the IFA Amateur Game Player Registration Regulations.

**Attendees:**

The Appellant was represented at the Hearing of this appeal by David Morgan, Registration Secretary and Gary Mackin, Secretary. They each gave evidence to the Appeals Committee. The Respondent was represented by Maurice Johnston, Vice Chairman and Stephen Magill, 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 way all of the attendees conducted themselves during the 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 in question last played for a club in the Republic of Ireland during the 2021-22 season) and hence an ITC was required before the player in question could participate in any matches for the Appellant. The Appellant had not realised this and hence it was not identified that an ITC was required.
2. Both Mr Morgan and Mr Mackin were explicitly clear in their acceptance of the player in question requiring an ITC but felt that the delay in notification and subsequent points deduction which applied thereafter was arbitrary in nature (a reverse of the 5 wins and 1 draw against the teams listed above), would lead to the possible "disenfranchising" of their players. They enquired as to whether the Appeals Committee could exercise their inherent discretion to deal with the issue in a more lenient manner by way of a monetary fine.

3. The imposition of a monetary fine was not considered by the Respondent as they felt the lack of an ITC arose in a non-intentional way because of an “administrative error.”
4. The Appellant provided evidence of a similar situation which arose earlier in the season when a Scottish born player signed for the club and an ITC was applied for after checking what registration requirements applied directly with the Irish Football Association. The point of differentiation in the present case is that the player in question has lived in the locality for most of his life and Mr Morgan and Mr Mackie both confirmed the Appellant had not been aware that he had last registered with a club which, whilst is only a modest distance away in a geographical sense, was situated in the Republic of Ireland.
5. The Appeals Committee is satisfied that the Appellant had not intentionally omitted to apply for an ITC but rather this issue had arisen due to the simple fact that they had not checked to ensure the player in question hadn’t registered with a club in the Republic of Ireland before the season commenced. The Appeals Committee is also satisfied that had this check been conducted and the appropriate answer provided, an ITC application would have been made (as was undertaken in the example provided involving the Scottish player.)
6. 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 Section 7 of the IFA Amateur Game Player Registration Regulations and that, from a natural justice standpoint, this was the appropriate course of action in the circumstances.
7. Therefore the Appeals Committee finds that the Respondent’s interpretation and application of the rule stipulated above (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 conclusion that the match points gained should be reversed and awarded to the other sides.
8. The Appeals Committee also finds that the decision adopted by the Respondent not to levy a fine against the Appellant in this instance was an appropriate course of action, aligned with a desire to avoid an arbitrary sanction, and commensurate with the severity of the offence.
9. 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.
10. Accordingly, the sanction applied by the Respondent was properly applied and the decision to award the match points to the opposing teams in six separate matches occurring from 1<sup>st</sup> October 2022 – 11<sup>th</sup> February 2023, arising from the participation of an ineligible player in the matches in question, will stand.

Dated: 27<sup>th</sup> April 2023. Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board

