

IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE

In the matter of an appeal by Enniskillen Athletic Football Club (hereinafter referred to as the Appellant) against a decision of the Fermanagh & Western Football League (hereinafter referred to as the Respondent) against a decision to award a 3-0 victory in favour of Tummery Athletic Reserves and impose a fine of £75.00.

Appeals Board

Mr Barry Finnegan (Vice-Chair)

Mr Ian Beggs

Mr David Lennox

Decision:

This is a decision of the IFA Appeals Board following a Hearing which took place at IFA Headquarters on Tuesday 13th June 2023. It concerns an appeal brought by Enniskillen Athletic Football Club (hereinafter referred to as the Appellant) against a decision of the Fermanagh & Western Football League (hereinafter referred to as the Respondent).

The Appeal primarily focuses on the interpretation of Rules 10 and 11 of the Respondent's Reserve Division 2 Rules as well as their application in terms of the players participating in a match between the Appellant's Reserve team and Tummery Athletic Reserves.

Having regard to the reasons set out below, the unanimous decision of the Appeals Board is that the appeal shall be upheld and hence the original scoreline in the aforesaid match, shall be restored and the Respondent's original decision, both in terms of match outcome and fine, shall be rescinded.

Attendees:

The Appellant was represented at the Hearing of this appeal by Bryan Owens, Secretary, Darren Rodgers, First Team Manager and Emmett Cassidy, Assistant Manager, all of whom provided evidence to the committee. The Respondent was represented by Neil Jardine, Chairman, who 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.

Rules at Issue:

This appeal does predominantly focus on the interpretation and application of Rules 10 and 11 of the Respondent's Reserve Division 2 Rules which stipulate as follows:-

10. *"No Team may play more than three recognised Division I, II, III or Reserve Division I Players in any one match. A Division I, II, III or Reserve Division I Player is one who has played more than a cumulative total of six matches in Division I, II, III or Reserve Division I in the current Season.*
11. *Where a Club whose First Team does not have a match on a given matchday no more than three Players who played in the First Team's last match shall be allowed to play for the Club's Reserve Team on that given matchday."*

In addition to the evidence submitted on behalf of the Appellant and Respondent the Appeals Committee noted the written submissions filed by both parties. The Committee has made the following findings following a detailed analysis of the facts available:-

1. It is accepted by both parties that the Appellant's reserve team fielded three players who had participated in more than 6 first team matches in the game in question against Tummery FC and hence would be recognised as first team players pursuant to Rule 10.
2. Furthermore it is accepted by the parties that a fourth player, namely Darren Rodgers, had also participated in the match in question having played in the previous First Team game. It was established during evidence that Mr Rodgers had played 5 first team games. This was endorsed by Mr Jardine.
3. The three recognised first team players had not participated in the previous first team match however Darren Rodgers had participated in the same.
4. The Respondent received a Notice of Complaint from Tummery FC that the Appellant had exceeded the number of permitted first team players participating in the match in question and upheld this complaint on the basis that the Appellant played four first team players as opposed to the three first teamers permitted via the aforementioned rules.
5. The crux of the issue in this case relates to the inter-operability or otherwise of the rules in question. In other words, could the rules be applied on a joint basis or were they each to be applied individually depending upon the specific facts arising from any one match.
6. The Appellant rejects the notion that the two rules can be combined on the basis that no explicit wording is contained with the Respondent's rules to corroborate this view. The Respondent does however take the view that the rules can be combined and must "be taken together" meaning that three recognised first team players and one who had participated in the previous first team match, were to be treated as forming a coalition of four first team players.
7. It is the position of the Appeals Committee that the only correct and proper interpretation of the rules however is that contended for by the Appellant. The wording applied in this case is clear and unambiguous and there is no specific reference to either rule being applied in a collaborative sense with the other.
8. The Appeals Committee would point out that if the Respondent wishes to apply said rules in a conjoined manner in future cases, as contended for in this case, the wording of the rules in question ought to be amended correctly to ensure practical effect.
9. The Appeals Committee finds that as the Appellant neither played more than three recognised first team players in the match in question, nor played more than three players who had participated in the First Team's last match, they have not contravened Rule 10 or 11 and hence no offence arises.
10. Therefore having regard to the reasons set out above, the unanimous decision of the Appeals Board is that the appeal shall be upheld and the Respondent's original decision

overturned so that the final scoreline in the match between the Appellant and Tummery FC shall be reinstated accordingly with no fine to apply.

Dated: 19th June 2023 Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board