

**IRISH FOOTBALL ASSOCIATION  
APPEALS COMMITTEE**

***In the matter of an appeal by Lisburn Distillery Ladies FC against a decision taken  
by NIWFA***

**Appeals Committee:**

Emma McIlveen BL

David Lennox

Mervyn Wheatley

**DECISION**

This is a decision of the IFA Appeals Committee ('the Committee') which was reached following a hearing which took place at IFA Headquarters on 4 July 2023. It concerns an appeal brought by ***Lisburn Distillery Ladies FC*** ('the Appellant') against a decision reached by the ***NIWFA Committee*** ('the Respondent'). Having regard to the reasons set out below, the unanimous decision of the Committee is that:

1. The appeal shall be upheld

2. The NIWFA Committee decision dated 25<sup>th</sup> May 2023 holding that the PwC

Super Cup match which occurred on 22<sup>nd</sup> May 2023 between Strabane Athletic Ladies FC and Lisburn Distillery Ladies FC should be replayed shall be overturned

3. Lisburn Distillery Ladies FC shall be deemed winners of that game and shall accordingly proceed to the next round of the Cup.

**Attendees**

1. The Appellant was represented at the hearing by Barry McGreevy (Manager) & Donna Maxwell (Head of Women's Football). The Respondent was represented at the hearing by Valerie Heron (Chair) & Dee Heron (NIWFA Committee member).

2. The Committee wishes to express its gratitude to the parties for their attendance at the hearing and for their helpful written and oral submissions.

**Background**

3. The dispute arises out of a match between Lisburn Distillery Ladies FC and Strabane Athletic Ladies FC which occurred on 22<sup>nd</sup> May 2023.

4. On the 25<sup>th</sup> May 2023, NIWFA appear to have informed Lisburn Distillery Ladies FC that they had made a decision to replay the game between Strabane Athletic Ladies FC and Lisburn Distillery Ladies FC.

5. Lisburn Distillery Ladies FC submitted an appeal against this challenge on the 25<sup>th</sup> May 2023.

**Points Raised on Appeal**

6. The Committee had the following documentation before it:

a) Appeal from Lisburn Distillery Ladies FC

- b) Letter from NIWFA dated 8<sup>th</sup> June 2023
- c) NIWFA Rules
- d) Referees Report dated 23<sup>rd</sup> May 2023

7. **Lisburn Distillery Ladies FC** made the following points on appeal:

- a) Strabane Athletic Ladies FC refused to participate in a penalty shoot out despite agreeing to this at the outset of the game
- b) The match official was left with no option but to abandon the game
- c) The reason why the match had to be abandoned was because Strabane Athletic Ladies FC refused to participate in a penalty shoot out
- d) At no time did any of the players or officials from Lisburn Distillery Ladies FC dispute any instructions given by the referee
- e) It came to a shock to them to be notified on the 25<sup>th</sup> May that NIWFA committee had decided that the game must be replayed
- f) Lisburn Distillery Ladies were not invited to make any representation to the committee before the decision was reached
- g) In order to fulfil the fixture, they had to make a 160 mile return journey to Strabane. They incurred outlay of £400 to cover the hire of a bus.

8. In response, the **NIWFA Committee** made the following points:

a) The decision to replay the match was, as stated in their letter dated 8<sup>th</sup> June 2023, due to the fact that “there was no match report on COMET, nor was there any record of goal scorers, substitutes, disciplinary actions, or the outcome of the match. The only information was a 1-1 score line”

b) In making the decision that the match should be replayed, they relied upon the following rules:

A: Rule 4.16 which states: “Results will only be recognised on receipt of the official notification from the referee that the match has been played. It is the responsibility of the referee to submit the result notification, goal scorers, substitutions, discipline and POTM for each team on the IFA Football Management System to the NIWFA within 24hours. Referees shall submit any cautions, dismissals or reports to the Divisional Association or IFA as appropriate

B. Rule 7.3 which states: “In the event of a drawn game at any stage of the competitions, extra time of two periods of 10minutes will be played and if still drawn at the end of the extra time, kicks from the penalty mark shall be taken in accordance with the Laws of the Game to decide the winner. In the case of insufficient light the referee is permitted to go straight to penalty kicks rather than attempt to play extra time. All Cup Matches must be played to a finish.”

### **Findings**

9. The Committee has made the following findings following a detailed analysis of the information available.

10. It is common ground that the match between Lisburn Distillery Ladies FC and Strabane Athletic Ladies FC which occurred on 22<sup>nd</sup> May 2023 concluded after 90minutes with a score of 1-1.

11. The referee report provides:

a) At the outset of the game, the referee advised “both managers that (he) would play the 90mins and go straight to penalties in the event of penalties as he was unsure how much daylight (they) had and player safety was at the forefront of (his) decision

b) Both managers were aware and agreed to this decision before the match

c) The referee blew the full time whistle after 90 minutes with the score at 1-1 with the understanding of the agreement made prior to kick off to go straight to penalties

d) After the full time whistle, the referee notes:

“At this point the Strabane manager and Strabane official approached me on the pitch to say there was still 10minutes each way before penalties. The

official was trying to show me the rules numerous times while trying to get me to speak with individuals on the phone whom I did not know. I explained

calmly to him I have no doubt that they are (the) rules but as the referee I am not content with the light and the player safety implications while reiterating the information delivered before the game with both managers”.

e) And further:

“I brought both managers together to explain the situation and my decision. Strabane indicated they would not be hitting penalties so I ended the match with the score 1-1 after 90minutes”

12. As part of the appeal, NIWFA advanced the case that they unanimously decided that the match should be replayed due to a breach of Rule 4.16 and Rule 7.3. They relied heavily upon the fact that there was no match report on COMET. Ms Heron did however confirm that the NIWFA Committee had sight of the referee’s email containing a detailed record of the match before them when they made their decision that the match should be replayed (this email was contained at p22 of the bundle).

13. Both parties accepted that the match which occurred between Strabane Athletic Ladies FC and Lisburn Distillery Ladies FC on Monday 22nd May 2023 was not played to a finish.

14. The Committee were accordingly of the view that it was important to carefully examine the reasons why the match was not played to a finish. In doing so, the Committee found the email from the match official very helpful. In this email, the match official states: “Strabane indicated they would not be hitting penalties so I ended the match with the score 1-1 after 90mins”. This is consistent with the case which has been advanced by Lisburn Distillery Ladies FC.

15. The Committee recognise that this situation would have placed the match official in a very challenging position. Lisburn Distillery Ladies FC have stated that the match official was “surrounded by Strabane players demanding that extra time be played” which accordingly, in their view, “gave the under pressure match official no choice but to abandon the game”. They further reference “the pressure that was being exerted upon (the match official) by (Strabane)”.

16. The rules which govern NIWFA Cup Competitions are contained within Section 7 of the NIWFA League Rules.

17. The Committee accepts the reason why the match was abandoned on the 22<sup>nd</sup> May 2023 was because Strabane refused to participate in a penalty shoot out. As outlined in his email, the match official made this decision because he was “not content with the light and the player safety implications”.

18. Rule 7.3 of the NIWFA League Rules provides that “In the case of insufficient light the referee is permitted to go straight to penalty kicks rather than attempt to play extra time”. The Committee is accordingly of the view that it was open to the match official to agree with both managers at the outset of the game that in the event of a tie, it would go straight to penalties.

19. Rule 7.3 of the NIWFA League Rules further provides that “All Cup Matches must be played to a finish”. This Cup match was unable to be played to a finish because Strabane Athletic Ladies FC refused to participate in penalties.

20. There is no specific rule within the NIWFA League Rules that is applicable to a situation where a match has to be abandoned for this reason.

21. The Committee did consider Rule 4.7 of the NIWFA League Rules. The Committee considered that this rule did not apply to this situation as the circumstances did not fall within the definition of postponed, as defined by the NIWFA League Rules.

22. The Committee further considered Rule 4.10 of the NIWFA League Rules. This rule provides that any uncompleted match may be ordered to stand if a minimum of 70 minutes has been completed. Again, this rule did not assist in this scenario because it was a Cup Game. Allowing the 1-1 result to stand therefore cannot happen as there needs to be a winner of the game.

23. The Committee carefully examined the approach and decision taken by NIWFA. The Committee was not impressed by the way in which NIWFA handled this situation. In particular, the Committee was concerned by the following:

A) The fact that someone from Strabane Athletic Ladies FC called Ms Heron on the evening of 22<sup>nd</sup> May 2023 and Ms Heron provided them with advice regarding the applicable rule

B) The fact that Ms Heron was involved in the decision to replay the cup match taken by the NIWFA Committee. The Committee considers this a clear conflict of interest.

C) The fact that neither club appear to have been given notice that the NIWFA Committee were to take a decision in respect of the game that occurred on Monday 22<sup>nd</sup> May 2023

D) The fact that neither club were given the opportunity to make representations (either written or verbal) to NIWFA Committee before they made their decision that the match should be replayed

E) The allegation by Lisburn Distillery Ladies FC that Strabane Athletic Ladies FC were notified of the outcome of the NIWFA Committee first

F) The conclusion of NIWFA that the match was not abandoned as there was no COMET report to say it was abandoned.

G) The lack of investigation into what occurred on Monday 22<sup>nd</sup> May 2023 and NIWFA's failure to properly consider the issues and/or engage with and apply the applicable NIWFA League Rules

H) The attempt to rely upon the absence of a COMET report to justify their decision that the match should be replayed.

24. The Committee went on to consider whether the decision of NIWFA to direct a replay was fair and reasonable in the circumstances. Given the fact that the Committee were of the view that Strabane Athletic Ladies FC was responsible for the abandonment of the match, it was decided that a replay was not reasonable or proportionate in the circumstances. Even with the use of a neutral venue and NIWFA covering the cost for the venue, a replay would still involve Lisburn Distillery Ladies FC travelling and some of their players having to take time off work. The Committee was of the view that it would be unjust, from both a sporting and natural justice standpoint to uphold the decision that the match should be replayed, particularly when **Lisburn Distillery Ladies FC** were not responsible, in any way, for the abandonment of the game on the 22<sup>nd</sup> May 2023.

25. The Committee did consider referring the decision back to NIWFA and directing them to conduct a proper investigation into what occurred and retake their decision. Given the fact that this is a Cup competition and the need for finality, the Committee decided against this option. The Committee were also mindful of the fact that regardless of the outcome of any investigation, the gap would still remain in the NIWFA League Rules in relation to the absence of any provision which deals with what happens in the event that a match is abandoned.

26. The Committee accordingly turned to the powers given to the Appeals Committee under Article 14, Clause 6 of the Irish FA Handbook 2022-2023. In particular, the Committee were mindful of the following power:

"(f) take any step which, in the exercise of its discretion, the Appeal Board considers appropriate in order to deal justly with the case in question but only within the parameters laid down by the FIFA and IFA Disciplinary Codes and these Articles of Association"

27. In exercise of the above discretion, the Committee was of the view that in order to deal with the case justly, the Committee should reach a decision on the outcome of the game. In the absence of an applicable rule within the NIWFA League Rules and the fact that Strabane were responsible for the abandonment of the game due to their refusal to participate in penalties, the Committee decided that the only just outcome was to award the game to **Lisburn Distillery Ladies FC**.

28. In addition, the Committee also encourages NIWFA to:

A) Consider whether any action against Strabane Athletic Ladies FC is necessary as a result of what happened at the game on 22/5/23

B) Conduct a comprehensive review of their League Rules to ensure they are clear and that provision is made for foreseeable events and circumstances

C) Consider introduction of policy/guidance for process to be followed by the NIWFA Committee in the event of a challenge/protest/other issue arising

D) Consider training on conflicts of interests for members of the NIWFA Committee

E) Ensure written record is kept of any advice given to clubs regarding applicable rules by members of NIWFA Committee

**Conclusion**

29. For the reasons stated herein, this appeal is upheld, and the decision reached by the Respondent in respect of the replay is therefore overturned. The effect of this decision is that **Strabane Athletic Ladies FC** shall forfeit the game which occurred between **Strabane Athletic Ladies FC** and **Lisburn Distillery Ladies FC** on Monday 22<sup>nd</sup> May 2023. **Lisburn Distillery Ladies FC** shall accordingly be deemed winners of that game and shall accordingly proceed to the next round of the Cup.

**Dated: 3 July 2023**

**Emma McIlveen BL**

**On Behalf of the Appeals Committee**