

**IRISH FOOTBALL ASSOCIATION
APPEALS COMMITTEE**

***In the matter of an appeal by Donegal Celtic Football Club against a decision of the
The Committee of the Ballymena and Provincial League***

Appeals Committee:

Martin Wolfe KC (Chair)

Barry Finnegan

Emma McIlveen BL

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 1 August 2023. It concerns an appeal brought by Donegal Celtic Football Club ('the Appellant') against a decision reached by the Committee of Ballymena and Provincial League ('the Respondent') as set out in its correspondence to the Appellant dated the 7 July 2023. Having regard to the reasons set out below, the unanimous decision of the Committee is that the appeal shall be dismissed.

Attendees

1. The Appellant was represented at the hearing by Mr. Michael Ward, BL, instructed by MacElhatton & Co. Solicitors. He was accompanied at the hearing by a number of Club officials.
2. The Respondent was represented at the hearing by Mr. Robert Fenton (League Vice Chair).
3. Coagh United attended the hearing in the capacity of a party whose interests could be directly effected by the outcome of the appeal. We will refer to them as the 'Notice Party.' They were represented at the hearing by Mr Seamus Lannon BL who was instructed by J.J. Rice & Company Solicitors. Mr. Lannon was attended by his solicitor and a number of Club officials.

4. We are obliged to the representatives for their helpful written and oral submissions and for the material which they supplied to the Committee or referred to in the course of argument. This decision endeavours to address the core issues in the case. Each of the contentions advanced by the parties have been considered by the Committee even if they are not directly referred to in this decision.

Background

5. This Committee refers to the decision of a differently constituted Appeals Committee dated the 21 June 2023 concerning the same parties and issues, albeit that the Notice Party was not directly involved in the proceedings at that time. That decision sets out the immediate background to the dispute which brings us to the current appeal proceedings. It is necessary to summarise the key aspects of the background to the current appeal:
 - (i) On the 27 May 2023 the Appellant wrote to the Respondent to ask that an investigation be conducted into the eligibility of a player who had represented Coagh United in multiple games during the 2022-23 season. The particulars of the Appellant's concern were set out in the following terms:

“Player known as Aaron Campbell is registered on the Comet System with the date of birth as the 10/10/1990. This information is incorrect, his date of birth is 30/10/1990...”
 - (ii) As appears from the Appeals Committee decision of the 21 June, the Respondent had by then conducted an investigation into the issue raised by the Appellant and determined in its decision dated 8 June that the Notice Party did not have a case to answer.
 - (iii) There were aspects of the Respondent's decision which caused the Appeals Committee concern and therefore in our decision of the 21 June we decided to allow the appeal and to refer the matter back to the Respondent with the following directions:
 - a. To immediately notify Coagh United that it is in possession of information, namely the Registration Form submitted by Coagh United for Aaron Campbell for the period from 1 July 2022, which erroneously records his date of birth as 10 October 1990, and to ask Coagh United to provide its written observations in respect of the

circumstances in which this erroneous information was provided, as well as the eligibility of that player for the 2022-23 season, having regard to its obligation to provide accurate information when completing all mandatory fields of the Comet FMS.

- b. To carry out any such further investigation as may be considered necessary. Without prejudice to the generality of this direction, the Respondent should seek to establish whether the merging of player records during the IFA's de-duplication process in 2019 created circumstances which caused or contributed to the apparent failure of Coagh United to provide an accurate date of birth for the player in the Registration Form relating to the 2022-23 season.
- c. In light of the observations to be provided by Coagh United and the outcome of any such further investigation to be conducted, to determine whether Coagh United has a case to answer with regard to the registration of player Aaron Campbell, and if appropriate, to convene a hearing to consider the eligibility of Aaron Campbell.
- d. It is in the interests of all parties to resolve these outstanding matters as quickly as is possible, consistent with due process. It is the expectation of this Committee that it should be feasible for any hearing which may be necessary to take place within 14 days of the date hereof.

(iv) Pursuant to those directions, the Respondent made contact with Tracey Scott (FMS Operations Manager, Irish Football Association) on 26 June to seek further information (referred to at page 62 of the appeal bundle). It appears to the Committee that this step was taken in compliance with the direction set out at (b) above. Ms. Scott advised the Respondent that no communication had been made with the Notice Party to advise them of the de-duplication process leading to the incorrect merging of player records. The significance of this will be further explained below.

(v) The Respondent then convened a meeting with the Notice Party on the 4 July 2023, at which the Notice Party was given its first full opportunity to explain the circumstances in which there had been a failure to provide an accurate date of birth for the player in the Registration Form relating to the 2022-23 season.

- (vi) Following that hearing, the Respondent issued a decision dated the 7 July (page 59). It is that decision which is the subject of the current appeal. In its decision the Respondent concluded that although incorrect date of birth information had attached to the registration of Aaron Campbell (hereinafter, 'the player'), no sanction should be applied to Coagh United. We will return to the substance of the Respondent's decision later in order to better particularise the issues which arise in this appeal.
6. Plainly, there is significant fine detail lying behind these developments. In particular it is necessary to demonstrate the circumstances in which incorrect date of birth information came to be attached to the player's registration. Before examining the facts of this specific case, in respect of which there was broad agreement between the parties, it will be useful to set out the various rules and provisions governing the registrations process.

Registrations Process

7. As the Notice Party participated in the Ballymena and Provincial Football League in season 2022-23, it is to the Rules of that League that we must pay particular attention.
8. So far as is relevant to this decision, the Respondent's 2022-23 Rules dealing with player registrations contain the following provisions:

Rule 8(a) All Clubs are responsible for registering their own players using The Irish Football Association Comet System and as laid down in the Irish Football Association Professional Game Player Registration Regulations.

....

All players registered on the Comet system must have an attached up to date facial photograph of the player in the Box provided. Players without photographic proof will be classed as ineligible to play under the jurisdiction of the Ballymena and Provincial Football League.

.....

Rule 8(c): Irrespective of anything in any rule or any matter that is brought to the attention of the Committee in writing will be investigated by the Committee who will deal with the matter as they may determine.

This includes the eligibility of players registered or taking part in matches under the league's jurisdiction. The Committee shall call upon such player or his club to prove he/was qualified to play according to league rules.

Failure to provide satisfactory proof confirming eligibility, the Committee may impose fine of £100 for a first offence. A second offence in the same season, may result in a fine or expulsion from the League....”

9. As appears from the above extract, the Respondent's Rules make reference to the requirement that all Clubs are responsible for registering their own players using The Irish Football Association Comet System and as laid down in the Irish Football Association Professional Game Player Registration Regulations (hereinafter, 'the Regulations'). The following provisions of those Regulations are relevant to our considerations:

“6. Amateur Registrations

- a. All amateur registrations must be submitted via Comet.*
- b. All mandatory fields of Comet FMS must be accurately completed in full before a registration is confirmed. The player shall be considered registered upon completion of the online procedure....*
- c. The length of an amateur registration shall be from its effective date until the end of June 2022....”*

10. We interpose the observation that since the reference at Regulation 6(c) above obviously relates to registration for the 2022-23 season, the date given of “June 2022” must represent a typographical error. We believe that the provision should have stated that a registration would remain effective until the end of June 2023, and we will read the provision accordingly. Our interpretation is consistent with what is set out at Regulation 5(c) of the Amateur Game Player Registration Regulations 2022-23. We are satisfied that in the circumstances of this case nothing particularly turns on this specific aspect of the Regulations. We mention it out of an abundance of caution and to avoid confusion.

11. As regards the use of the Comet system for registering players, the Committee was referred to paragraph 3.4 of the Comet 'Terms and Conditions of Use' guidance which provides as follows:

“Each Registered User undertakes and certifies that it has acted in good faith and taken all reasonable care to ensure that the information entered upon the IFA FMS is clear, accurate, reliable and complete in accordance with the IFA’s requirements.”

12. Turning back to the Regulations it is necessary to refer to several further passages:

“1. Introduction

(e) All registrations shall be administered by Clubs/s using Comet FMS.

.....

(h) Any player not registered with the Association who appears for a club in any official match shall be considered to have played illegitimately. Without prejudice to any measure required to rectify the sporting consequences of such an appearance, sanctions may also be imposed on the player and/or the club. The right to impose such sanctions lies in principle with the Association or the organiser of the competition concerned.

(i) It shall be the responsibility of clubs playing in any match to be played under the jurisdiction of the Association to ensure that its players are eligible to play in such a match.”

13. Regulation 2 addresses the ‘Number of Registrations and Clubs.’ Regulation 2(e) addresses one circumstance when the principle of ‘sporting integrity’ will be considered to have been violated: when a player plays for more than two clubs competing in the same national competition in the same season. However, it appears to the Committee that Regulation 2(e) also communicates a free-standing principle in terms which are characteristic of an overriding objective of the Regulations:

“Under all circumstances, due consideration must be given to the sporting integrity of the competition.”

The Facts

14. It appears to the Committee that there was comprehensive agreement between the parties to this appeal in respect of the facts pertaining to the registration of the player concerned. The following represents our findings of fact in this important respect:
- a. In its written submission to the Committee, the Notice Party asserted that the player was first registered by the Club on 2 December 2018 and then re-registered on the 1 July 2019 using the IFA Comet system, in full compliance with Rule 8(a). The Committee was shown a copy of a registration form dated 1 June 2019 in which the player's date of birth was correctly recorded as 30 October 1990 (page 90).
 - b. Counsel for the Appellant was asked whether it was accepted that the Notice Party had originally registered the player by providing information which was entirely accurate, and he indicated that he could not disagree with that proposition. The Committee finds that the player was properly registered in December 2018 and properly re-registered in the summer of 2019 in respect of the 2019-2020 season.
 - c. The Committee was told that during 2019 the IFA Comet team engaged an organisation called 'Analyticom' to carry out work in connection with the Comet system. It appears to the Committee that part of that work involved identifying and removing duplicate player registrations which appeared on the Comet system.
 - d. It is clear to this Committee that this work was carried out carelessly and with insufficient attention to detail in this case. With regard to the particular player with whom we are concerned - *Aaron Campbell of Coagh United, date of birth 30 October 1990* - a false assumption was made that he was the same player/person as another individual of the same name - *Aaron Campbell of Drumaness Mills FC, date of birth 10 October 1990*. Arising out of that false assumption it is clear to the Committee that a merger was made of the biographical details of these players within the Comet system. The Notice Party had no role in this merger of information. The Committee finds that it did not know that it had taken place.
 - e. Confirmation of the fact that this inappropriate merger had happened is set out in correspondence from Ms. Scott of the IFA which the Committee has considered. In an email dated 6 June (page 25) she told the Respondent:

“When both IDs were created for the two individuals with the same name, their DOBs were entered as 30.10.1990 for ID 59429 AND 10.10.100- FOR id 55228. When the manual merge took place in 2019 it was erroneously assumed that these two profiles were the same person and the IDs were merged. Upon review of the information available it would appear that the two profiles belonged to two separate individuals with similar DOBs.”

- f. In a further email dated 7 June (page 28) Ms. Scott confirmed the following for the Respondent:

“From a review of our records, we have identified that two individual profiles existed for different players of the same name, Aaron Campbell (30.10.1990) and (10.10.1990), and these were erroneously merged back in 2019.”

- g. The outcome of the erroneous merge from the perspective of the Notice Party was to corrupt and render inaccurate the data attaching to their player which they had properly entered into the Comet system from the point of first registration. In particular their player assumed the date of birth of the Drumaness Mills player, 10 October 1990 (instead of 30 October 1990), and also assumed the Comet ID of that player, 55228 (instead of 59429).
- h. It is a requirement of the Regulations that amateur players are re-registered at the end of the football season if they wish to continue playing for their Club in the new season. The Committee heard that in order to assist Clubs with the re-registration process which in any pre-season is likely to involve multiple players, the IFA had designed a convenient truncated facility which obviates the need for Clubs to input all of the player’s details. Instead, as appears from the screen-shots which were shown to the Committee (page 93 -94) a Club can select from a list all of the players who will remain with the Club for the forthcoming season, and when satisfied that the list of players selected is complete, they can then simply select a button labelled “Execute Registration” in order to finalise the re-registration of the players concerned. This system has been described to us as a ‘block-booking’ system.
- i. It appears to the Committee and the Committee finds that this re-registration facility was introduced as a labour-saving device to assist Clubs. The Committee finds that it

was devised to avoid the need to re-enter registration information when such information had been entered on the occasion of a previous registration. Self-evidently those who devised this 'short-cut' must have been satisfied that it was unnecessary to require Clubs to re-enter the key biographical details which constitute the mandatory requirements of the registration process because those details (including the player's date of birth) will not have changed from year to year.

- j. The Notice Party admits that when using the truncated re-registration process they have never thought it necessary to check that the date of birth recorded alongside Aaron Campbell's name was accurate. Their position, frankly articulated by Mr Lannon BL, was that no Club would ever think it necessary to check that the accurate date of birth supplied at the point of re-registration had been changed by anyone else, let alone the national association responsible for operating the registration system. We will address the merits of that submission in the conclusions section of this decision.
- k. The Committee finds as a fact that the Notice Party did not make any check to see whether the player's details continued to be accurate after re-registering the player in 2019. The Committee finds that the Notice Party used the truncated re-registration process at all points after 2019, and did not know that the system now contained data relating to their player's date of birth and Comet ID which had been altered by or on behalf of the IFA were now both incorrect. The Committee finds that the reason why the player's date of birth and Comet ID were incorrect was directly related to the actions of the IFA and/or Analyticom when improperly merging the records of the two separate players called 'Aaron Campbell.'
- l. The Committee finds that it would have been possible for the Notice Party using the 'block-booking' re-registration system to identify that the information concerning the player's date of birth had been changed and was now erroneous. The screen-shots for that system (pages 93-94) show that the Comet IDs, names, dates of births and nationalities of the players selected for re-registration were visible on the screen. Plainly, any exercise of checking for the continued accuracy of data previously entered during an initial registration process would require Clubs to engage in the time-consuming exercise of cross referencing data, an exercise which the block-booking system was presumably set up to avoid.

- m. The Notice Party was advised of a potential duplicate registration issue in respect of another player(s) called 'Kian George O'Neill' and 'Kian O'Neil' (page 98). The IFA wrote to the Notice Party on the 24 December 2021 and advised the Club that a player of that name with the same date of birth appeared to be registered with Coagh United and another Club. The Notice Party was asked to confirm if the person identified was the same person. The Notice Party replied on the same date to confirm that it appeared to be the same person.
- n. The Committee draws attention to this correspondence for two reasons. Firstly, it finds that the IFA appreciated that assumptions around duplicate registrations were fraught with uncertainty, and that it was necessary to seek clarification from Clubs before it took further action. It clearly sought that clarification in some cases, but not all. By seeking that clarification in some cases, it risked creating an expectation that it would do so in all cases where there was uncertainty. The Committee finds that it failed to take this step in the case of Coagh United / Drumaness Mills and their players called Aaron Campbell, even though there were differences in the registered dates of birth and diverse playing histories. This is confirmed in the email sent by Ms. Scott to the Respondent in response to the latter's query of the 26 June (page 62) which we have referred to above. Neither Club was placed on notice of the merging process which was undertaken without their knowledge or consent. It might also be noted that there is no suggestion that the players concerned were informed of the suspected duplication / merger issue either.
- o. Secondly, the correspondence in respect of 'Kian (George) O'Neill' provides some indication, albeit in a single case, that the Notice Party takes issues of registration seriously and conscientiously. The Committee finds that when the duplication in O'Neill's case was raised the Notice Party immediately looked at the matter and provided the IFA with a prompt response. The Committee finds that it is highly likely that if the IFA had drawn the Notice Party's attention to any concern that the registrations of the Aaron Campbells may have been duplicates, the Club would have taken immediate steps to clarify the matter and the merger would not have taken place.
- p. The Committee finds that the IFA should not have caused or permitted the merging of player registration data without taking steps to determine that the registrations were properly to be regarded as duplicates. We are in full agreement with the Respondent

who in its decision (page 62) recorded its view that both Clubs should have been contacted and clarification sought rather than proceeding on the basis of an assumption that there was only one player involved. While the Committee did not hear from a representative of the IFA, it does appear to the Committee to be rather shocking that a national association should have approached the issue in this way.

- q. The Committee was shown an email dated 17 December 2021 (page 96). This was sent to the the Respondent, as well as multiple other divisional associations and league secretaries. It was left to the Respondent to draw the attention of the Clubs in its League to the contents of the email, and it did so. The email advised the reader that during the process of integrating the Comet FMS with the FIFA Connect application, a number of potential duplicates within the Comet system had been identified. The email reminded Clubs that it was their responsibility to ensure that its players are eligible to play, and it reminded them to take all reasonable care to ensure that information “entered” upon the IFA FMS *“is clear, accurate, reliable and complete in accordance with the IFA’s requirements.”*
- r. The Committee observes that this correspondence is of general application. It does not direct Clubs to any requirement to go back and check that the registration data of a biographical nature already “entered” into the Comet system at first registration should be checked for continued accuracy. It does not suggest that caution need be exercised when using the IFA’s registration facility. It does not acknowledge that duplication decisions would be taken (or had been taken) without consultation with the Clubs concerned, or that mergers of suspected duplicates had taken place at the known risk of inaccuracy. On the contrary, the following assurance is given:

“Following this historical consolidation exercise, which is underway at present, the Irish FA will run the FIFA Connect application every fortnight and will work with leagues and clubs to address any issues identified.” (emphasis added)

- s. The Committee finds that while this correspondence may have served the entirely constructive purpose of informing Leagues and Clubs of the duplication issue and the work which was being done around that, it obviously lacked the specificity required to put Clubs on notice of any general or specific concern in relation to decisions around duplication.

Issues

15. As outlined above, the Respondent concluded that although the player's registration contained an inaccuracy in relation to his date of birth, no sanction would be applied to the Notice Party for playing that player in matches during the 2022-23 season.
16. In reaching that conclusion the Respondent properly reminded itself that an obligation rests with Clubs to comply with the requirements of Rule 8(a). It found that the Notice Party's registrar "*should have done a routine check and not relied entirely on the profile entered correctly on the Comet system in 2019 being automatically transferred*" (page 62). Nevertheless, it found that Rule 8(a), "*was never meant to cover a situation where the wrong information is transposed onto a player's passport by a systemic failure for which that club had no input, resulting in bona fide information being erroneously changed and bringing about a deleterious outcome for the club*" (page 63). Importantly, the decision highlighted that this was not a case of a Club trying to cheat the registration system and that "*sporting integrity was not undermined as a result of him playing for Coagh from 2019 to 2023*" (page 63).
17. In his submissions before the Committee, Mr. Fenton on behalf of the Respondent spoke to the need to approach the issue having regard to overall fairness. In his words, Analyticom in combination with the IFA, "*got it badly wrong.*" He considered that a significant factor to take into account when determining whether a sanction was appropriate was whether the Club had been placed on notice of the issue, and in his view they clearly had not. He reasoned that if the Club had been asked to assist in an investigation into a possible duplication with this player or had been advised of the merge of data and had failed to take any corrective steps, then they would be culpable.
18. The Appellant invited the Committee to take a strict liability approach having regard to the FIFA Regulations on the Status and Transfer of Players. It was argued that notwithstanding the circumstances which gave rise to alteration of the player's date of birth on the Comet system, the information attaching to the registration for the 2022-23 season was incorrect, responsibility rests with the Club to ensure its correctness and if the information isn't correct the player cannot be regarded as properly registered and a penalty must be applied. At the heart of the Appellant's submission was the assertion

that the Club's responsibility to provide accurate information and to check is "*paramount*" and that the fact of the alleged "data breach" did not alter that obligation which was described as "mandatory." The refusal of the Respondent to apply a sanction was said to be "fundamentally flawed" (page 44).

19. The Notice Party relied upon a number of equitable and common law principles to maintain that the Respondent's decision was correct. It was argued that a Club which had provided accurate and complete information when initially registering a player, should not face any sanction when a governing body, responsible for maintaining the registration database, had erroneously changed that information without its knowledge or consent. It was further argued that having regard to the Comet 'Terms and Conditions of Use' guidance, the obligation resting with the Club is to act in good faith and to take reasonable care to ensure that the information provided for registration purposes is accurate. Since the IFA did not put the Notice Party on notice that there was a potential problem with the registration of the player in the way that it did in Kian O'Neill's case, it was submitted that the Club was entitled to proceed on the basis of a 'presumption of regularity'.

Conclusions

20. The Committee was referred to and has considered a collection of interconnected rules, regulations, advice and guidance placing a responsibility on Clubs to provide accurate and reliable information when registering players. The failure to provide accurate information is of itself generally regarded as sufficient to trigger a sanction if that player participates in an official match.

21. It is common case that the registration information entered on Comet and attaching to Aaron Campbell of Coagh United was inaccurate for the 2022-23 season as regards his date of birth. The Appellant has sought to persuade us that he was an ineligible player and that a sanction must follow, whereas the Respondent and the Notice Party insist that the inaccuracy arose in circumstances which were truly exceptional and that it would be wrong to visit any sanction upon the Club.

22. The Committee accepts that this is an exceptional case and upholds the decision of the Respondent. In doing so we expressly recognise that when a Club supplies erroneous information when registering a player they will usually be regarded as culpable and

that a sanction normally involving forfeiture of the game(s) will follow. But having regard to the obligations resting on Clubs, the steps taken by the Notice Party when registering the player in this case, as well as the acts and omissions of the national association and its agent, the Committee considers that it would be wrong in principle and an affront to fair play in this sporting context to impose any penalty on the Notice Party.

23. In explaining our decision we draw attention to the following key considerations:

- a. The Notice Party inputted full and accurate information into the Comet FMS in compliance with the mandatory registration requirements when first registering the player (2018), and at the point of first re-registration (2019);
- b. Thereafter, the Notice Party used the 'block-booking' re-registration facility supplied by the IFA to re-register the player, and it was entitled to trust that this system would contain the correct biographical details, including his date of birth, which had been supplied by the Club in 2018 and 2019, and would permit re-registration in accordance with those details and no other;
- c. When re-registering the player at all points from 2020, and in particular for the 2022-23 season, the Notice Party acted in good faith. It had not received any communication from the IFA that the registration information had been changed and could be incorrect. In these circumstances, and notwithstanding the Notice Party's continuing obligation from season to season to provide accurate registration information, it is entirely understandable that it would not have checked and spotted the error before executing the re-registration. After all the re-registration system, as distinct from the considerations which apply at the point of first registration, must have been established to avoid the need for Clubs to pay scrutinise, unchanging biographical details such as a date of birth;
- d. It is significant that the Notice Party did not itself take any active step to input inaccurate information into the Comet system. It was the IFA and its agent which had overseen the inputting of inaccurate registration information when wrongly merging the player's details with that of an entirely separate player. If the Notice Party had supplied incorrect information, the result of this appeal would be different;
- e. The IFA is the custodian of the Comet FMS in its role as national association in this jurisdiction. The IFA's rules and the rules of its affiliate bodies devolved from FIFA stipulate that Clubs are to provide accurate and reliable information data when registering

players. The Notice Party supplied accurate and reliable data in respect of the player and yet the IFA allowed this information to be altered and replaced with inaccurate information without the knowledge or consent of the Notice Party. In the circumstances the Committee finds that the IFA ought to have advised the Notice Party in explicit terms of the steps that it was proposing to take regarding this particular player's registration before activating the change. Its failure to do so is to be deprecated. Its correspondence of the 17 December 2021 was insufficient to signal that there was any problem requiring action from the Notice Party.

24. We anticipate that the football community would expect that this Committee should take a common sense and practical approach when issues such as this arise regardless of the identity of the Club involved, and that we should be guided by and reach conclusions which are informed by the overlapping principles of fairness and sporting integrity. It seems to this Committee that the Respondent grappled with these issues in this way and by recognising, as do we, that the Notice Party was not seeking to gain any advantage and nor was it seeking to game the registration system in any respect.
25. Therefore, we find that the Respondent was correct to conclude that it was the IFA and its agent who were the "primary cause" of the problem here. We reject the submission of the Appellant that the mistake of the IFA and Analyticom is insufficient to displace the obligations of the Notice Party because it is readily apparent that but for the intervention of the IFA and its agent, the re-registration of this player for the 2022-23 season would have taken place without controversy in accordance with the registration data originally supplied. The Appellant's submission that there was a requirement for the Notice Party to check for accuracy on the occasion of the re-registration to see if the player's supplied date of birth remained accurate, appears to the Committee to be a somewhat artificial one which only begins to make sense in the unique circumstances created by the mistake of the IFA and Analyticom. As we have found, the consequences of that mistake should not be visited upon the Notice Party.
26. A number of decisions were cited to us on behalf of the Appellant including a decision in the case of Belfast Celtic FC -v- Ballymena and Provincial Football League (4 May 2022), and a decision in the case of Donegal Celtic FC -v- Ballymena and Provincial Football League (15 May 2023). While we are not bound by any doctrine of precedent,

this Committee was not in any event assisted by those decisions which were fact specific. In the previous Donegal Celtic FC case, for example, it is clear that the Appeals Committee approached the case having regard to the Club's admission that the purported registration of a player was entirely false (ie false name and false date of birth), although the critical issue in that case was whether the player had played in a particular game.

27. Therefore, having regard to the factors set out above, and emphasising once again the exceptional circumstances in which these issues have arisen, the Committee has reached the view that there has been no actionable breach of Rule 8(a), and that the player concerned should not be regarded as an ineligible player despite the biographical inaccuracy.
28. If we are wrong in that finding, we would have concluded that the breach of Rule 8(a) contended for by the Appellant should be regarded as purely technical in nature (*ie a failure to check for accuracy when there was simply no reason to expect inaccuracy*), and not one which would be worthy of the exercise of the discretion contained within rule 8(c) in relation to sanction. Having regard to the acts and/or omissions of the IFA and Analyticom, the application of a sanction would be disproportionate having regard to what could only be regarded as a technical breach, would represent a grave injustice and would be anathema to the principle of sporting integrity. We consider that such a conclusion would be open to the Committee applying the discretion afforded to us pursuant to Article 14(6)(f) of the IFA Articles of Association which empowers the Committee to take any step which it considers appropriate *to deal justly* with a case. The Committee is not aware of any provision laid down by the FIFA and IFA Disciplinary Codes which would prevent this approach.
29. Finally, to the extent that it is necessary to do so in order to regularise the player's registration we would direct that the biographical details for this player as well as the Comet ID which were impermissibly removed and altered by the IFA and Analyticom, should be retrospectively restored by those responsible for the administration of the Comet FMS, in order to reflect the information supplied by the Notice Party at the point of original registration in 2018.

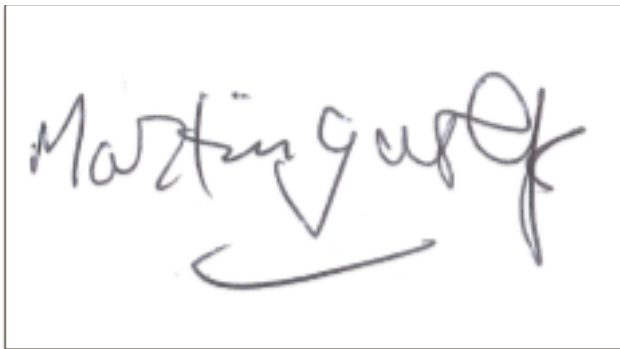
Disposal

30. For the reasons set out above, this appeal is dismissed.

Recommendation

31. The IFA Comet operations team is encouraged to consider this decision and to assess whether lessons can be extracted from what has taken place. In particular, consideration should be given to whether the rules relating to player registration should be revised to expressly cater for circumstances of the kind which arose in this case. Additionally, the IFA Comet operations team will wish to urgently assess whether there may be other cases where erroneous assumptions have been made about potentially duplicate registrations, and Clubs should be advised accordingly.

Dated: 6 August 2023

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and appears to read 'Martin Wolfe'. Below the signature is a horizontal line.

Martin Wolfe KC

On Behalf of the Appeals Committee