

IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE

In the matter of an appeal filed on behalf of Woodvale 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 sanction the Appellant with a £25.00 fine and forfeiture/reversal of points gained in a match against Ballywalter Rec FC (hereinafter referred to as the Notice Party) played on 5th August 2023 due to the inaccurate submission of the Appellant's team sheet via the Comet system prior to the match in question.

Appeals Board

Mr Barry Finnegan (Vice-Chair)

Ms Emma McIlveen BL

Mr Stephen Shaw

Decision:

This is a decision of the IFA Appeals Board following a hearing which took place at IFA Headquarters on Thursday 19th October 2023. It concerns an appeal brought on behalf of the Appellant against a decision reached by the Respondent's management committee made on 24th August 2023 to sanction the Appellant with a £25.00 fine and forfeiture/reversal of points gained in a match against the Notice Party played on 5th August 2023, due to the inaccurate submission of the Appellant's team sheet via the Comet system prior to the match in question.

It is accepted by both parties that the team sheet submitted pre-match was inaccurate in that one player (CMC) took the field of play and participated in the match in question despite not being recorded as playing on the team-sheet. The player in question was recorded as a separate player (CON) who did not play but was recorded on the team sheet as starting the match.

The Appellant considers that the sanction applied by the Appellant was unwarranted in the circumstances for a variety of reasons to include:

- an incorrect interpretation of the Respondent's applicable league rules surrounding the meaning of an "ineligible player"
- the "overarching approach" adopted by the IFA in dealing with the inaccurate Comet registration following the match in question
- the applicability of other league/competition rules to include the interpretations adopted and
- a 'bad faith' type argument which suggested that the Notice Party had been aware of the inaccurate team submission at an earlier stage but chose not to alert either the Appellant or match referee at the earliest possible juncture.

Having regard to the reasons set out below, the unanimous decision of the Appeals Committee is that the appeal shall be **dismissed** so that the original decision of the Respondent is upheld.

Accordingly, the decision relayed to the Appellant imposing a £25.00 fine and forfeiture/reversal of points gained in aforesaid match against the Notice Party was properly applied.

Attendees:

The Appellant was represented at the Hearing of this appeal by David McKeown (Club Administrator) and Gareth Tarr (Chairman). They each gave evidence to the Appeals Committee. The Respondent was represented by Terry Pateman (Committee member) Donna Darlington (League Secretary) and Brian White (Committee Member) all 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 at Issue:

This appeal does, in part, concern the interpretation and application of the bye-laws made under the provisions of the Respondent's Articles of Association ("the Articles"). More precisely Rules 2.1 and 5.2.1 respectively of Bye Laws B come into scrutiny in this appeal and the same are stipulated in full below:-

Ineligible Player

2.1 Any team playing an ineligible player or players (whether through non-registration or otherwise) shall be fined £50.00 for each ineligible player played and shall forfeit any points won in such a match together with any points won in previous matches in which the player(s) played. In the case of a protest being upheld against a Club which has won a match by any violation of rule, points so won will be deducted from them and awarded to their opponents.

-and-

5.2.1 Player Listing

The Secretary or other Responsible Official of each competing Club shall, 10 minutes before the commencement of the match, CONFIRM the full names of players with corresponding shirt numbers on the Comet system and must certify the accuracy of the information supplied. Failure to confirm the Player Listing will incur a £25.00 fine. The PLAYER LISTING may be inspected on the match day by the Secretary or other Responsible Official of either competing Club. A club submitting a falsified match listing shall be fined a minimum of £100.00 and the club Official submitting such listing will be suspended for a minimum of twelve months.

In the event of the Comet System not being available each club shall provide the referee with a list of players complete with shirt numbers.

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 team sheet submitted prior to the Appellant's match with the Notice Party on 5th August 2023 was inaccurate in that one player (CMC) took the field of play and participated in the match in question despite not being recorded as playing on the team-sheet. The player in question was recorded as a separate player (CON) who did not play but was recorded on the team sheet as starting the match.
2. Oral evidence was adduced by both Mr Tarr and Mr McKeown on behalf of the Appellant that this issue was identified by the Appellant's team manager (Stephen Rodgers) in the second half of the match in question. The match referee was notified accordingly and it was indicated to the Appellant that the issue would be included in the referee's post-match report to the IFA.
3. Email correspondence was subsequently received by Mr Rodgers from Rebecca Bassett of the IFA on 7th August 2023 seeking an explanation as to the "admin error on the team sheet." Mr Rodgers replied on the same date stating that he had accidentally selected the wrong name of the player who started the match and that this was "a genuine error." It should also be noted that Mr Rodgers, to his credit, apologised for the confusion created and indicated that he would be more mindful of such issues in the future.
4. Ms Bassett replied to Mr Rodgers on 8th August 2023 thanking him for the clarificatory email and that "this has now been amended on Comet on your behalf." Mr McKeown for the Appellant indicated that he felt the Appeals Committee would be "entitled to draw some assistance from the overarching approach" adopted by the IFA in this instance.
5. Mr Pateman for the Respondent stated that he felt the IFA should not have contacted the club directly on this occasion and that the clarificatory enquiry should instead have been submitted directly to the league. This position was reaffirmed by Ms Darlington for the Respondent.
6. Mr McKeown averred that the Respondent's league rules essentially contain a lacuna (gap) in that they do not explicitly detail what constitutes an "ineligible player" and there is no express wording within the Respondent's rules which covers a situation such as that which arises in this appeal whereby two correctly registered players are

mixed up and the name of a player who took the field of play during a match, was not included in the pre-match comet team sheet.

7. Submissions were also made by Mr McKeown on behalf of the Appellant in respect of the Respondent's inherent discretion under rule 5.2.1 and particularly the use of the word "shall" when submitting that the ultimate decision reached by the Respondent was incorrect.
8. Mr Pateman provided evidence on behalf of the Respondent that the Respondent's management committee, having regard to the protest lodged by the Notice Party in relation to this issue, invited the Appellant to an online meeting on 24th August 2023 to address the issue further. An extract of the minutes from this management committee meeting were exhibited in the appeal bundle.
9. When asked by the committee how the Respondent interprets the wording of the applicable rules and construes a player to have been ineligible, Mr Pateman adduced that the Respondent's management committee are of the view that if an inaccurate player name had been entered on the team sheet via the comet system this would be sufficient to deem that player as being "ineligible" for the purposes of the league rules.
10. When asked by the Appeal Committee whether this same interpretation had been adopted previously both Mr White and Mr Pateman indicated that they were aware of two prior examples of the issue arising during the 2022/23 league season and confirmed that the same sanctions were applied on the offending clubs, namely a £25.00 fine and a forfeiture/reversal of the points gained in the match in question.
11. The Appeals Committee would stress that it is not aware of the specific facts regarding the other examples raised by the Respondent during the course of this appeal hearing and no weight was applied to the same.
12. On the issue of the Notice Party's potential delay in bringing this issue to the surface both parties disputed the exact point in time the Notice Party had become aware of the inaccurate player listing on the comet team-sheet. Furthermore, the potential rationale or motivation which may have led to the Notice Party refraining from raising the issue at an earlier stage was disputed.
13. Mr Pateman indicated that he felt the Notice Party had abided by league rules at all times and had lodged their protest following the match in question in the appropriate manner.

Conclusions:

14. In the present case the Appeals Committee is satisfied that the Appellant had made a genuine error when submitting their pre-match team sheet via the comet system prior to the match with the Notice Party on 5th August 2023.
15. The Notice Party submitted a protest to the Respondent concerning this issue following the match in question in a manner consistent with league rules.
16. The Committee recognise that when a Club supplies erroneous information involving a player via the comet system, they will usually be regarded as culpable and that a sanction normally involving forfeiture of the game played will follow. The Respondent's league rules affirm this view.
17. The Committee is satisfied that the Respondent correctly interpreted the meaning of an "ineligible player" specifically due to the fact rule 2.1 states that "*any team playing an ineligible player or players (whether through non-registration or otherwise) shall be fined £50.00 for each ineligible player played and shall forfeit any points won in such a match.*" The wording of this rule creates sufficient scope for the Respondent to reach this interpretation as it falls within the parameters of the term "otherwise."
18. In addition to a technical examination of the rule involved, the Committee are also required to adopt a common sense and practical approach when issues such as this arise. Furthermore, we must be guided by and reach conclusions which are informed by the overlapping principles of fairness and sporting integrity. In this instance, the Committee is of the view that any alternative interpretation of the Respondent's rules would fall beyond the scope of these requirements.
19. The Appeals Committee is not satisfied by the representations made by the Appellant regarding any reliance on the post-incident email correspondence with the IFA given they would have been unaware of the Notice Party's protest to the Respondent at that stage. Furthermore, the Committee is not of the view that the timing or rationale for the Notice Party bringing the Appellant's attention to the administrative error is relevant to the issue in dispute.
20. The Committee acknowledges that the Appellant also made reference to a recent decision of the Appeals Committee in respect to Donegal Celtic and the Ballymena and Provincial League. While we are not bound by any doctrine of precedent, this Committee was not in any way assisted by that decision which was exceptional and fact specific. In the previous decision, the comet registration issue had arisen due to a de-duplication exercise undertaken by an external company engaged by the IFA and not due to user input error by either party (contrary to the appeal with which we are concerned). The committee is therefore of the view that this decision is not directly relevant to the core issues in dispute in this appeal.

21. Having regard to all of the evidence, the Appeals Committee therefore find that no grounds exist to uphold the Appellant's appeal and the same is dismissed accordingly.

22. The original decision of the Respondent is therefore upheld. Accordingly, the decision relayed to the Appellant imposing a £25.00 fine and forfeiture/reversal of points gained in aforesaid match against the Notice Party was properly applied and shall stand.

Dated: 25th October 2023.

Barry Finnegan, Vice-Chair

On Behalf of the Appeals Committee