

**IRISH FOOTBALL ASSOCIATION
APPEALS COMMITTEE**

In the matter of an appeal by ARDS FOOTBALL CLUB against a decision taken by THE CHALLENGE CUP COMMITTEE OF THE IRISH FOOTBALL ASSOCIATION

Appeals Committee:

Emma McIlveen BL

Steven Keenan

Mervyn Wheatley

DECISION

This is a decision of the IFA Appeals Committee which was reached following a hearing which took place at IFA Headquarters on 21st February 2024. It concerns an appeal brought by **ARDS FOOTBALL CLUB** ('the Appellant') against a decision reached by the **THE CHALLENGE CUP COMMITTEE OF THE IRISH FOOTBALL ASSOCIATION** ('the Respondent').

Having regard to the reasons set out below, the unanimous decision of the Committee is that:

1. The appeal shall be dismissed on both grounds for the reasons outlined below

Attendees

1. The Appellant was represented at the hearing by Warren Patton (Chairman) and Andrew Rodgers (Secretary). The Respondent was represented at the hearing by Alistair Gray (ICCC Member) and Andrew Johnston (IFA Head of Competitions)
2. The Panel 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 Institute FC and Ards FC which occurred on the 3rd February 2024.
4. This appeal was brought on two grounds:
 - **Ground 1: "The Irish FA Challenge Cup Committee have wrongly come to the conclusion that Institute FC player Oisin Devlin was eligible to participate in the Irish Cup fixture between Institute FC and Ards FC on 03 Feb 2024".**
 - **Ground 2: "The Irish FA Challenge Cup Committee have wrongly come to the conclusion that Institute FC should not be dismissed from the competition and replaced by Ards FC, who should progress to the next round".**
5. At the outset of the hearing, it became apparent that the Appellant had not been provided with all the information lodged by the Respondent. This was due to an administrative oversight. In light of this, the Appellant was given time to consider the information and whether they wanted to proceed with the hearing. The Panel communicated to both parties that they would grant an adjournment if the Appellant required this. The Panel offered two

alternative dates in close proximity. The Appellant took time to consider this but on balance, decided to proceed.

Key facts

6. The following key facts were agreed between the parties:
 1. Bobby Deane appeared on the original team sheet
 2. He was replaced by Oisín Devlin in advance of the start of the game
 3. The Respondent had found a breach of Rule 7c.
7. Factually, the parties disputed the following key issues:
 1. Whether the Bobby Deane was actually incapacitated

Findings

8. The Panel has made the following findings following a detailed analysis of the information available.

GROUND ONE: GROUND 1: “THE IRISH FA CHALLENGE CUP COMMITTEE HAVE WRONGLY COME TO THE CONCLUSION THAT INSTITUTE FC PLAYER OISÍN DEVLIN WAS ELIGIBLE TO PARTICIPATE IN THE IRISH CUP FIXTURE BETWEEN INSTITUTE FC AND ARDS FC ON 03 FEB 2024”.

9. In a nutshell, the key question for the Panel was: Was Oisín Devlin an eligible player?
10. The Panel was of the view that Oisín Devlin was an eligible player because:
 1. He was properly registered on Comet
 2. He was properly registered to the Institute team
 3. He was validly replaced under Rule 7b. This rule provides for the replacement of a player on the team sheet who becomes physically incapacitated during the warm up.
11. The fact that there was a breach of Rule 7c did not impact upon Mr Devlin’s eligibility

GROUND 2: “THE IRISH FA CHALLENGE CUP COMMITTEE HAVE WRONGLY COME TO THE CONCLUSION THAT INSTITUTE FC SHOULD NOT BE DISMISSED FROM THE COMPETITION AND REPLACED BY ARDS FC, WHO SHOULD PROGRESS TO THE NEXT ROUND”.

12. This ground was the more challenging issue for the Panel to decide.
13. The key issues here for the Panel was: what is the appropriate sanction where a team is found to have breached one of the rules?
14. The Panel firstly considered whether there was a valid 7b situation. Rule 7b provides:
Replacement of Players on the Team Sheet
After the team sheets have been completed and submitted to the Comet Football Management System,
and if the match has not yet kicked off, the following shall apply:
 - b) If any of the seven (7) substitutes named on the team sheet **are not able to be fielded due to unexpected physical incapacity, they can be replaced by any player not named on the confirmed team sheet, so that the quota of substitutes is not reduced.** During the

match, five (5) players can still be substituted. The replaced player(s) must be removed from the team sheet and not be available for selection for this fixture.

In simple terms, Rule 7b is for limited situations which permits clubs to replace players if they are not able to play due to an “unexpected physical incapacity”. The rules do not define “unexpected physical incapacity”. The physical incapacity relied upon by Institute was that the player had felt unwell and had experienced diarrhoea. The Respondent accepted that they had not asked Ards or the referee to comment on this before determining the protest. The reason why the Respondent said they did not do this was because they felt that neither were medically qualified to confirm or deny whether indeed the player did suffer an unexpected physical incapacity. In addition, the Respondent pointed to other facts that supported the account given by Institute in relation to this issue, namely: (i) he didn’t enter field of play (ii) he was not on the bench or in the club’s technical area. In such circumstances, the Panel felt that the Respondent had adopted a common sense approach to this issue and that the Respondent was correct to find that in these circumstances, the player was under an unexpected physical incapacity which entitled Institute to rely upon rule 7b to make a change to their team sheet before the match commenced.

15. The Respondent accepted that there a breach of Rule 7c. Rule 7c provides:
 - c) Any amendments to the team sheet in accordance with points a) and b) above **must be communicate to the opposing team manager in the presence of one of the Match Officials** as soon as possible prior to the commencement of the match.
16. On the basis of the information that the Respondent considered, they were satisfied that Institute did not notify Ards Manager of the change. We agree this was the correct decision.
17. The next issue which the Panel considered was the issue of sanction. The rules are silent on the issue of sanction. On the basis of the submissions made to the Panel, the Panel were of the view that the Respondent did not consider the issue of sanction. Despite the fact that the rules are silent on the specific sanction in these circumstances, the Respondent does have the power under Rule 31b to “deal with any other matter not provided for in these rules”. The Panel were of the view that the Respondent should have used their discretion under this provision to sanction Institute for the breach of 7b.
18. The final question which the Panel considered was what was the appropriate sanction in this case. The Panel were strongly of the view that there should be a sanction for breaching rule 7c. The Panel accepted the submissions from the Appellant in this regard in that we agreed that rules are there for a reason and in order to ensure compliance with the rules, there must be a penalty in the event of non-compliance. The preference of the Appellant in this regard was for Institute to be dismissed from the competition and that they should be given the opportunity to replace them. The Panel debated this at length. Ultimately, the Panel were of the view that the rules did not provide for this and that removing Institute from the competition was disproportionate.
19. That being said, the Panel had sympathy for the points raised by the Appellant. As a result, the Panel decided to refer the matter back to the Respondent to consider the issue of sanction. The Panel expects the Respondent to give careful consideration to this and encourages them

to consider a penalty which reinforces the importance of playing by the rules.

20. The Panel is concerned by the fact that both parties attempted to refer to guidance/authorities that were not directly relevant to the issues in this case. Cases are decided on a case by case basis. It is not helpful to refer to cases which involve completely different factual circumstances and/or were decided under different rules.
21. When protests are being decided, it may be helpful for the decision makers to consider:
 1. What are the relevant rules that apply?
 2. What facts are agreed between the parties?
 3. What facts are in dispute between the parties?
 4. How do the rules apply to the particular situation?
 5. If the rules are silent on a particular issue, is there a rule which provides for discretion and if so, should it be exercised?
22. Finally, the Panel makes the following recommendations:
 1. All participants in the Cup should be reminded of the importance of the rules and the need to comply with them
 2. The Cup Committee should consider the introduction of sanction guidance for when rules are breached
 3. Once finalised, there should be transparency with this guidance and all participants in the Cup should be given a copy
 4. When considering the appropriate sanction, the Cup Committee would be well placed to consider all the circumstances to include but not limited to: aggravating factors, mitigating factors, club record to include details of any previous breaches of the rule.

Conclusion

23. For the reasons stated herein, this appeal is dismissed and the decision reached by the Respondent is accordingly upheld.
24. For clarity on the consequences of our decision, the Panel is of the view that Institute FC will remain in the competition and can proceed to the next round.

Dated: 22 February 2024



Emma McIlveen BL
On Behalf of the Appeals Committee