

**IRISH FOOTBALL ASSOCIATION
APPEALS COMMITTEE**

In the matter of an appeal by EAST BELFAST FC against a decision taken by NAFL

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 and follow up written submissions from both parties.

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

1. The appeal shall be allowed for the reasons outlined below

Attendees

1. The Appellant was represented at the hearing by Mr Jamie Bryson, and Mr Thomas Matthews (Club Secretary). The Respondent was represented at the hearing by Mr Mervyn Martin (Company Secretary) and Mr Terry Pateman (Chair, League Management Committee).
2. In advance of hearing, the Chair of the Committee requested NAFL to provide responses to issues raised by East Belfast FC and provide any documentation they wished to rely upon in their defence of this appeal. Unfortunately this was not done. This was a key factor in the hearing on the 21st February 2024 being adjourned.
3. Following the hearing, the Secretary to the Appeals Panel wrote again to NAFL and asked them the following questions:
 1. Further to para 4 of Mr Bryson's submission: Do you maintain that there was a delegation of the by- laws? If so, who was the delegation and what specific evidence do they rely upon in relation to this issue?
 2. Further to para 9 of Mr Bryson's submission: Who made the new rule and when? Perhaps you could specifically point to the specific evidence you rely upon in this regard

Background

4. This is an appeal brought by East Belfast Football Club against a decision of the Northern Amateur Football League reached on 6 February 2024 in which the League Management Committee determined that the appellant was to be excluded from the Walter Moore Cup.
5. The key issue which arises in this appeal is whether the rule which NAFL used to exclude East Belfast Football Club from the Walter Moore Club was validly created.

Difference in rules

6. The old rule provides:

3.2.

(e) No club shall be allowed to play more than four (4) recognised 1st team players in any one match. A recognised 1st team player is one who has taken part in more than ten league games for

the 1st XI team during the current season.

7. The new rule provides:

3.1 A player shall not be allowed to play for more than one club in this competition.

3.2 A player shall be ineligible to play in this Competition if he has:-

(a) Ever played in a Senior International (Amateur International not to disqualify), or Senior Inter-League game.

(b) Won an Irish Cup, Co. Antrim Senior Shield, Irish Senior League, City Cup, or other Senior Medal or Memento, in connection with a Senior Competition under the jurisdiction of any National Association or combination of Associations within the past six (6) seasons. This will not apply if won while playing for a qualifying club.

(c) Won any Intermediate grade knock out Competition or a Junior international Cap during the current or during the past three (3) seasons.

(d) Played more than six competitive matches for a Senior team (appendix J) during the current season.

(e) Played in more than ten (10) league games in Intermediate Grade competitions during the current season.

3.3 No club shall play more than four (4) recognised 1st team players in any one match. A recognised 1st team player is one who has taken part in more than ten league games for the 1st XI team during the current season. This rule relates only to clubs whose 1st XI play in Junior Grade competitions. Clubs whose 1st XI play in intermediate Grade competitions should note rule 3.2(e) above.

Key points raised by East Belfast FC

8. In summary, East Belfast FC have raised the following points:

- a) The rule was changed at some time between last season and this season.
- b) There is a significant difference between the old and new rule. Mr Bryson confirms the difference as follows:

[7] The difference is significant. Whereas the 'old rule' permitted four players who had played more than 10 intermediate games to play; the 'new rule' (drafted somewhat oddly) appears, due to the final sentence of rule 3.3 read in conjunction with 3.2 (e), to render ineligible any player who has played more than 10 intermediate games.

- c) The rule change was not validly made by the Board. In order for the rule to have been validly changed, then either the Board under Article 55.1, or a committee delegated powers by the Board under Article 57, is required to have made the rule.
- d) If neither of the pathways above have been taken, then the rule was never validly altered and accordingly is of no force or effect.
- e) In such a circumstance, there can be no breach of the 'new rule' and, in fact, it is the rule as was which remains in force.
- f) It follows from this that the appellant is not in breach of any bye-law, and accordingly cannot be sanctioned.

Response by NAFL

9. On the 24th February 2024, NAFL responded to the questions posed at paragraph 4 as follows:

1 Please refer to Minute of 100th AGM - sent by e-mail on 22.2.24.

2 Rule proposed by Dundonald FC, considered by Board on 3.5.23 and approved on 6.6.23 - please refer to Board minutes dated 3.5.23 and 6.6.23 - sent by e-mail on 22.2.24.

10. On the 4th March 2024, NAFL responded:

We understand that all we have to answer is contained in such letter that raises two questions.

(1) Did the Board change a Bye-Law: The answer is yes as shown in papers already submitted.

(2) Has LMC power to act: The answer is yes in Minute AGM 2023 already submitted and also attached Board minute 8/6/21.

We would also bring to the attention of the Panel that since the Board gave power to the League Management Committee (LMC) in 2021 East Belfast have raised no objections and in fact were content to receive, on winning, the Walter Moore Cup from the current Chairman last season. Seemingly the LMC was a legitimate body on that occasion.

The Appeal Panel should note that it is the responsibility of competing teams to ensure that they comply with competition rules and the League Management Committee, when making its decision, acted within such rules.

Findings

11. The Panel carefully considered all information and submissions before it and made the following findings.

12. The relevant rules are the Articles of Association of The Northern Amateur Football League Limited.

13. The rules that are relevant to this appeal are as follows:

55.1 The Board may from time to time in the ordinary course of business of the Company pass, make, adopt and amend Bye-Laws for the purposes of regulating all matters concerning or affecting the operation, organisation and management of the Company or the conduct of any Member, player or official insofar as the same do not conflict with the provisions of these Articles.

And:

57 The Board may delegate any of their powers to any Committee consisting of one or more Directors. Any such delegation may be made subject to any conditions the Board may impose, and either collaterally with or to the exclusion of their own powers and may be revoked or altered. Subject to any such conditions, the proceedings of a Committee with two or more Members shall be governed by the provisions of these Articles regulating the proceedings of the Board mutatis mutandis. The quorum of a Committee with two or more Members shall, unless otherwise specified by the Board, be two.

14. The new rule appears to have been discussed during the meeting on the 6th June 2023. The meetings record:

"The proposed change by Dundonald was explained by (CK) that if a player is named on a 1st team game but not used, that this does not count towards their eligibility status in both Walter Moore and Templeton cup games. Also, the by-law regarding payment of league fees 11.3 date needs changed to 2nd August. The secretary (MSM) agreed to re-write this by-law in conjunction with (CK) however Article 13.5 & 13.6 may

need amended."

15. The Panel agrees that this simply explains what the proposed change was. Based on the information provided to us, there is no decision recorded and no valid resolution made.
16. The consequence of an invalid resolution means that the new rule was not validly altered. Put simply, the new rule therefore does not apply.
17. It further follows that there can be no breach of the new rule as it was not validly in force.
18. East Belfast FC were therefore not in breach of any bye-law and should not have been sanctioned. They therefore should not have been removed from the Walter Moore Cup.

Recommendations for NAFL

19. The Panel were concerned that the purported minutes relied upon were all undated, unsigned and in many cases formulated in the language of retrospectively i.e. "a meeting took place on...".
20. Going forward, the Panel recommends that NAFL:
 - a) Familiarises themselves with the procedure required under the Articles of Associations/Bye-Laws for changes to occur
 - b) Carefully records the process/rationale for any rule changes at the time of change
 - c) Communicates any change to the rules to all participants

Conclusion

21. For the reasons stated herein, this appeal is allowed and the decision reached by NAFL is accordingly set aside.
22. For clarity on the consequences of our decision, the Panel is of the view that East Belfast FC should not have been excluded and therefore should be reinstated to the Walter Moore Cup.

Dated: 19 March 2024



Emma McIlveen BL
Chair of the Appeals Committee