

**IRISH FOOTBALL ASSOCIATION
APPEALS COMMITTEE**

In the matter of an appeal by ENNISKILLEN RANGERS FC against a decision taken by THE IFA DISCIPLINARY COMMITTEE

Appeals Committee:

Emma McIlveen BL

Steven Keenan

Stephen Shaw

ENNISKILLEN RANGERS FC was represented by Ms. Katherine Sharpe BL. The following members were also in attendance Roy Cathcart (Treasurer), Tony Roofe (Chairman), Malachy Love (Former Chairman), Julie- Ann McCaffrey (member).

THE IFA DISCIPLINARY COMMITTEE was represented by Ms. Elaine Kirk, Vice Chair of the Disciplinary Committee and Miss Maura Denny, Discipline Manager.

DECISION

This is a decision of the IFA Appeals Committee which was reached following a hearing which took place on 7th May 2024.

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

The appeal shall be upheld in part for the reasons outlined below

Background

1. This is an appeal brought by **ENNISKILLEN RANGERS FC** against a decision made by the IFA Disciplinary Committee on the 25th of April 2024.
2. At the outset, the parties accepted that:
 - a. Jordan McClure was a player of Enniskillen Rangers
 - b. The dispute arose in relation to a match which took place between Enniskillen Rangers FC v Tummery Athletic on the 27th of March 2024.
 - c. At this match, Jordan McClure was subject to a suspension.
 - d. Enniskillen Rangers accepted that Jordan McClure had breached Article 22.1 of the Disciplinary Code
 - e. Enniskillen Rangers had won the match 3-1.
 - f. Tummery Athletic subsequently submitted a complaint of misconduct to the IFA Disciplinary Committee
 - g. The IFA Disciplinary Committee found that there was a breach of Article 22.1, imposed a fine of £350 on Enniskillen Rangers and found that they forfeited the game as a result.
 - h. The consequence of this decision was that Enniskillen Rangers were prevented from proceeding to the Final of the Junior Cup
3. At the outset, the Appellant confirmed that the key issue for the Appeals Panel for to examine the proportionality of the sanction imposed by the Disciplinary Committee.

Points of appeal

4. **ENNISKILLEN RANGERS FC** made the following key points:
 - a. **The relevant rules to consider are:**
 - i. **Article 22.1 of the IFA Disciplinary Code**

“If any player participates in a match whilst being suspended or if any player breaches the terms of his suspension his club will be sanctioned with a minimum fine of £600 (imposed on Senior teams), £450 (imposed on intermediate teams) and £350 (imposed on Junior teams). Additionally, the Club will forfeit the match by the score 3-0. If the goal difference at the end of the match is greater than three in favour of the club who is not to forfeit the match, the result on the pitch is upheld”.
 - ii. **Article 17.9 of the IFA Disciplinary Code**

“In determining the appropriate sanction in any case, including at a hearing, the Committee will take into account the particular circumstances of the infringement, the conduct of the player, official, match official and/or club within the previous 3 seasons and any other matter which appears to the Committee to be relevant pursuant to the overriding objective”
 - b. Despite the fact there was a breach of 22.1, the Disciplinary Committee should have considered the proportionality of sanction under 17.9.
 - c. There are also arguable conflicts between IFA rules and FIFA rules. In the event of a conflict between them, FIFA rules should take precedence. Specifically, Rule 66(2) of the FIFA rules details the permitted areas for suspended players. The FIFA rules do not mention the “field of play” or “the playing surface at any match”. There is a lack of clarity as to what would constitute “the technical area” at a Junior Cup Game (It was accepted that these were very technical points).
 - d. Rule 25(1) of the FIFA rules further provides that the Disciplinary Committee should determine the type and extent of the disciplinary measure to be imposed in accordance with the objective and subjective elements of the offence, taking into account both aggravating and mitigating circumstances.
 - e. There is an unfairness between the sanction given for a breach of Article 22.1 and the sanction given for a breach of Article 22.2. Specifically, the current rules provide that if any official breaches a suspension, the club can only be given a fine. They do not have to forfeit their game in such circumstances.
 - f. In the circumstances of this case, the following mitigating factors were advanced:
 - i. Jordan McClure did not play in the match.
 - ii. Jordan McClure’s presence did not appear to have impacted the result.
 - iii. There was no malice in Jordan McClure’s conduct.
 - iv. Jordan McClure admitted the breach. His statement records “I decided to kick a ball around the pitch to take my mind off the disappointment of not being involved in what was an exciting game of football. I accept now that this was an error of judgement, and I should have remained in the main stand”.
 - v. The ramifications of the decision on Jordan McClure’s wellbeing. His statement records “I have been struggling to deal with the potential consequences of my actions and public backlash... I know that there is

considerable discontent from within the entire local footballing community to which I feel responsible”.

- vi. The confusion around the wording of Rule 22.1
 - vii. The explanations advanced for the pictures at 163, 164, 165
5. The following key points were made on behalf of the **IFA DISCIPLINARY COMMITTEE**:
- i. They considered the provisions of the Code which relate to suspensions under Article 15.9 of the Disciplinary Code.
 - ii. Other rules which were drawn to our attention:
 - Article 14.4 of the IFA Disciplinary Code**
“A player or official who is dismissed from the field of play will be suspended automatically with immediate effect from the subsequent match. The Committee may extend the duration of the suspension. The automatic match suspension and any additional match suspension must be served, even if the sending off is imposed in a match that is later abandoned, annulled, forfeited and/or replayed”.
 - Article 1.2 of the IFA Disciplinary Code**
“This Code comes into force on 1st August 2023 and applies to all disciplinary matters arising from and concerning football under the jurisdiction of the IFA”.
 - Article 1.6 of the IFA Disciplinary Code (the overriding objective)**
“The overriding objective of the Code is to maintain and to promote fair play, protect the health and welfare of Players (and others involved in the Game), ensure that the acts of indiscipline (on and off the field of play) or breaches of this Code are dealt with expeditiously and fairly and that the image and reputation of association football and the Irish Football Association are not adversely affected”.
 - Article 15.5 of the IFA Disciplinary Code**
“Clubs are entirely and solely responsible for ensuring the eligibility of their players for any match in accordance with the applicable competition regulations. Clubs must keep themselves informed of any outstanding suspensions at the commencement of the season, of any new suspensions applicable during the season and are wholly responsible for ensuring that suspensions are properly served. Clubs must therefore maintain their own records. A club who fails to do so will not be able to argue in subsequent proceedings that it was unaware of the terms of suspension”.
 - iii. Enniskillen Rangers were given a fair hearing and had ample opportunity to advance their case before the Disciplinary Committee
 - iv. The Disciplinary Committee found no evidence that the presence of Jordan McClure impacted the outcome of the game
 - v. The Disciplinary Committee had no scope to consider knowledge of rules. This potentially could set a dangerous precedent and be in breach of the overriding objective

- vi. There was a breach of Article 22.1, and the rule specifically establishes that in these circumstances, they must impose a fine of £350 (given the fact that Enniskillen was a Junior Club) and forfeit the game. There is no discretion in Article 22.1.
 - vii. The second half of Article 22.1 only applies if a Club have lost the game in question. In such circumstances, there is no game to forfeit. Accordingly, in a case like that, the Club in breach would only have to pay a fine.
 - viii. The publicly available information which exists regarding other breaches of Article 22.1 only provides some information. If there is a breach of Article 22.1, there will be a fine imposed and the game forfeited (if the game was won). The decision in relation to sanction is always made by the IFA Disciplinary Committee. The decision is then referred back to the organiser to essentially implement the finding of the IFA Disciplinary Committee.
6. Time was also spent exploring what the process was when a player was suspended. The following clarity was obtained:
- a. If suspended, a player is generally recorded on COMET as suspended.
 - b. The Joe Crowe case confirmed that COMET is simply an administrative tool and cannot be relied upon to assess eligibility.
 - c. COMET does not include the requirements of the suspension.
 - d. Save for the COMET notification, there is no official notification sent to player outlining terms of suspension.
 - e. The terms of suspension are detailed under Article 15.9 of the Disciplinary Code

Findings

- 7. The Appeals Panel carefully considered all information and submissions before it and made the following findings.
- 8. The Appeals Panel wishes to express gratitude to Elaine Kirk, Vice Chair of the Disciplinary Committee for her detailed and helpful written submission explaining the Committee's rationale for their decision. This submission greatly assisted the Panel.
- 9. The Appeals Panel further acknowledges and comprehends the rationale behind the decision reached by the Disciplinary Committee, which appears to have been primarily grounded on a technical interpretation of Article 22.1 of the Disciplinary Code.
- 10. However, it is essential to emphasise that a core function of the Appeals Panel is to scrutinise the rules and thoroughly review decisions made by IFA Committees. This structure ensures that the rules are meticulously reviewed, gaps are identified, clarity provided and changes, if necessary, can be recommended to enhance the fairness and efficiency of the IFA's disciplinary procedures.
- 11. The Appeals Panel accordingly carefully reviewed all relevant provisions which touched on this situation.
- 12. The Panel focused primarily on the wording of the IFA Disciplinary Code. In doing so, the Panel were of the view that there was a contradiction between Article 22.1 and Article 17.9.
- 13. The Panel were also of the view that there is also a lack of clarity in relation to the practical implementation of the rules at 15.9, given a lack of clarity with regards to what is deemed

“the technical area”, “the area immediately surrounding the field of play” or “the playing surface”. This is particularly the case at Junior level.

14. The Panel were strongly of the view that Article 17.9 grants the Disciplinary Committee discretion when determining the appropriate sanction in any case. This discretionary power underscores the importance of considering the unique circumstances of each case and exercising judgement in accordance with fairness and proportionality. This view is consistent with Rule 25(1) of the FIFA rules which requires Disciplinary Committees to take account of both aggravating and mitigating circumstances.
15. When it came to sanction, the Appeals Panel determined that in this case, due regard was not accorded to the principle of proportionality. A key factor in the Panel reaching this decision was the fact that the letter dated 25th April 2024 fails to document any explicit consideration given to the pertinent factors in this case.
16. The Appeals Panel was accordingly unanimously of the view that the sanction imposed by the Disciplinary Committee was not proportionate to the breach committed. This decision stemmed from a thorough consideration of various factors including:
 - a. the nature of the breach
 - b. the fact he did not play in the match.
 - c. his clear record
 - d. his admission of fault
 - e. insight into his actions
 - f. the absence of any discernible benefit from Jordan’s attendance
 - g. the level of football involved (Junior Cup level)
 - h. the structure of the pitches that Junior Cup games are played at
17. For the avoidance of doubt, the Appeals Panel acknowledges that ignorance of the rules is not a valid defence. The Appeals Panel accordingly wishes to emphasis that it is the shared responsibility of Clubs and players to remain informed and compliant with the Disciplinary Code.
18. However, considering the unique circumstances and the current confusion within the Disciplinary Code pertaining to this case, the Appeals Panel has invoked its authority under Article 14(6)(f) to deal justly with this issue. This decision reflects the Panel’s commitment to upholding the principles of fairness and equity.
19. The Appeals Panel did consider the necessity for a further penalty to be imposed upon Jordan McClure. This was not deemed proportionate after a holistic assessment of all the factors in this case.

Recommendations

20. The Appeals Panel recommends that Clubs and players prioritise familiarising themselves with the IFA Disciplinary Code to ensure compliance and understanding of its provisions. Specifically, Clubs are urged to take proactive measures to inform their players about the implications of suspension, emphasising that it extends beyond mere exclusion from playing. Players, likewise, are encouraged to acquaint themselves with the Code and fully comprehend the repercussions of suspension. By enhancing awareness and understanding of the Disciplinary Code, both Clubs and players can mitigate the risk of inadvertent violations and foster a culture of accountability and adherence to disciplinary standards

within football.

21. The Appeals Panel further makes the following recommendations to the Disciplinary Committee:
 - a. An urgent review of the IFA Disciplinary Code is strongly encouraged. In particular, the following should be addressed:
 - i. The current conflict between Articles 17.9 and 22.1 of the Disciplinary Code.
 - ii. The second half of Article 22.1 is confusing and should be redrafted
 - iii. The lack of clarity in the Disciplinary Code around banned areas for suspended players under Article 15.9. It is imperative that these rules must be worded in simple clear language that players and clubs can understand.
 - b. Granting the Disciplinary Committee discretion in sanctioning is essential to allow for a proportionate response to disciplinary charges.
 - c. Going forward, written decisions should ideally be drafted by the Chair/Vice Chair of the Disciplinary Committee Panel. Each decision should provide detailed reasons for the specific sanction imposed, promoting transparency and accountability.
22. These recommendations collectively aim to strengthen the integrity and efficacy of the disciplinary process within the IFA.

Conclusion

23. For the reasons stated herein, this appeal is partly upheld.
24. The Appeals Panel finds that the sanction was not proportionate in all the circumstances and accordingly overturns the decision of the Disciplinary Committee in relation to the forfeiture of the game.
25. The £350 fine against Enniskillen Rangers FC however stands given the fact that Article 22.1 was breached. This level of fine is reasonable and proportionate.
26. For clarity on the consequences of our decision, the Panel is of the view that Enniskillen Rangers FC should be reinstated to the Junior Cup and proceed to the final.
27. Finally, the Appeals Committee extends its gratitude to all parties for their invaluable contributions throughout the Appeal process. We appreciate the diligent efforts and insightful submissions made by each side, which have been instrumental in facilitating a thorough examination of the disciplinary matter at hand. We particularly acknowledge and commend the helpful paginated bundle submitted on behalf of the Appellant which greatly aided the efficacy of the appeal.
28. A copy of this decision will also be provided to Tummery Athletic to ensure they are informed of the outcome simultaneously with Enniskillen Rangers FC. Maintaining transparency and fairness in the dissemination of information is paramount, and ensuring both parties receive the decision simultaneously upholds these principles.

Dated: 7th May 2024



Emma McIlveen BL
Chair of the Appeals Committee