

IRISH FOOTBALL ASSOCIATION

APPEALS COMMITTEE

In the matter of an appeal by **BLOOMFIELD FOOTBALL CLUB** ('the Appellant') against a decision made by the League Management Committee of **THE NORTHERN AMATEUR FOOTBALL LEAGUE LIMITED** ('the Respondent')

Appeal Board:

Carley Shields

Stephen Shaw

David Lennox

Attendees:

1. The Appellant was represented at the hearing by Jamie Bryson, also in attendance on behalf of the Appellant was Michael Gray and David Carroll.
2. The Respondent was represented at the hearing by David Morrow, also in attendance on behalf of the Respondent was Paul Causby.
3. The Board thanked the parties for their written and oral submissions and for their attendance at the hearing.

Background:

4. The appeal originates from a protest made by Orangefield Football Club ('Orangefield') in relation to their fixture with the Appellant on 3 August 2024. Orangefield protested that the Appellant had played an ineligible player due to non-compliance with registration procedures.
5. The League Management Committee (the 'LMC') held a hearing in relation to the complaint on 17 September 2024. Representatives of the Appellant were asked if the player in question had been registered in good time and in accordance with Byelaw B 1.1.3 and they confirmed that he was not. Given the admission on behalf of the Appellant, the LMC determined that the protest should be upheld and communicated that decision to the Appellant at the hearing itself and in writing by letter dated 19 September 2024.
6. In accordance with Byelaw B 2.1, the result of the match played on 3 August 2024 was awarded to Orangefield with a 3-0 scoreline and the Appellant was fined £50.00.
7. The Appellant contends that the Respondent acting under the authority of the LMC did not hold the relevant powers to deal with, and action, such disciplinary sanctions, claiming that the decision of the LMC was ultra vires and therefore of no force or effect and should be quashed.

Points raised on appeal:

8. The Appellant made the following key points:

- a. There was no delegation of authority by the Respondent to the LMC and sought to rely in particular on the Appeals Board's decision in the case of East Belfast FC v NAFL dated 19 March 2024.
 - b. The Appellant sought to rely on the case of McKee, Hughes & Attorney General v Charity Commission [2020] NICA13 claiming that a general power cannot override a specific one, and that there is a difference between the delegation of process and of power.
 - c. Mr Bryson acknowledged that he understood that the Board can delegate their powers, but argued that they have not sufficiently done so and the question is whether the Terms of Reference are sufficient.
 - d. Mr Bryson said that it is wrong to rely on Bye-Law A 14.1 as being sufficient in terms of the delegation of authority, and in any event, if the Appeals Board were to do so it would be contrary to the decision made by the Appeals Board in the case of East Belfast FC v NAFL dated 19 March 2024.
9. The Respondent made the following key points:
- a. The Terms of Reference of the LMC set out clearly what the LMC can do, referring in particular to the 'Function' and 'Responsibilities' section of the document. This is a belt and braces approach from the Board.
 - b. The Terms of Reference were adopted and agreed at a Board Meeting held on 18 June 2024.
 - c. Regardless of the Terms of Reference, the Respondent highlighted Bye-Law A 14.1 which states that *'Save where NAFL has decided to act pursuant to Article 11 of the Articles of Association of NAFL, the Management Committee shall have power to deal with offending Club or Clubs, player or players, official or officials, as they may deem fit, and to deal with any matters not provided for in these Bye-Laws, and matters also noted in the attached Appendices.'*

Analysis:

10. The Board referred to the relevant provisions of the Articles of Association and Byelaws of the Respondent. In particular:
- a. Article 55.1 which states: *'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.'*
 - b. Article 55.3 which states: *'The Board shall have power to deal in any matter with any Member, player or official who is in breach of any provisions of these Articles or any Bye-Laws by imposing such sanction as it deems appropriate.'*
 - c. Article 57 which states: *'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.'

- d. The Respondent, in accordance with Article 55.1, has made and adopted Bye-Laws to assist with the organisation and management of the Company.
- e. In accordance with Article 57, it has delegated its powers in relation to disciplinary action to the LMC, as set out in Bye-Law 14.1 which states: *'Save where NAFL has decided to act pursuant to Article 11 of the Articles of Association of NAFL, **the Management Committee shall have power to deal with offending Club or Clubs, player or players, official or officials, as they may deem fit, and to deal with any matters not provided for in these Bye-Laws, and matters also noted in the attached Appendices.**' (Our emphasis added.)*
- f. The steps taken by the Board to adopt and agree the Terms of Reference of the LMC at the Board Meeting in June 2024 are, in the opinion of the Appeals Board, a belt and braces approach and not strictly necessary to ensure the proper delegation of power to the LMC.

The Appeals Board took the following factors into account when reaching its decision:

- (i) The Appeals Board is not bound by any cases that have come before it and decides each case on its own facts.
 - (ii) In any event, the March 2024 case of East Belfast FC v NAFL was not relevant. It concerned a suggested rule change that had not been properly brought before the Board for approval, and therefore no valid resolution was made in respect of it. East Belfast FC were therefore not in breach of any Bye-Law and should not have been sanctioned.
 - (iii) Furthermore, the September case of East Belfast FC v IFA Football Committee does not concern the same facts. In that case, there was no evidence before the Appeals Board of express delegation from the Board to the Football Committee in relation to amendments to the Disciplinary Code. The Articles in that situation were silent on what delegation means/how it should occur. That is not the case here.
 - (iv) In this case, the Articles are clear (Article 55.1 and 57) and delegated authority is expressly stated in Bye-Law A 14.1.
11. For completeness, the Appellant referred in its written submissions to two other grounds of challenge (i) a failure to provide reasons for the decision arrived and (ii) applying the principle of proportionality to all the factual circumstances of the case a monetary fine would suffice.
 12. The Appeals Board is satisfied from its reading of the written submissions of the Respondent that the Appellant would have clearly understood the reasons for the Respondent's decision

which was given both orally at the original hearing of the protest and in writing on 19 September 2024.

13. The Appeals Board is further satisfied that the sanction handed down was proportionate and, in any event, was the only one permitted by Bye-Law B 2.1 which states: *'Any team playing an ineligible player or players (whether through non-registration, non-compliance with Player Listing instructions 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.'*
14. Therefore, in accordance with Article 14(6)(a) of the IFA's Articles of Association, the Board has decided to affirm the decision of the LMC and dismiss the appeal.

Dated: 17 October 2024

Carley Shields

On behalf of the Appeal Board