

THE APPEALS COMMITTEE OF THE IRISH FOOTBALL ASSOCIATION

APPEAL AGAINST A DECISION OF THE DISCIPLINARY COMMITTEE  
DATED 29 APRIL 2026

Between:

(1) MATTHEW CLARKE  
(2) BALLYMENNA UNITED FC

Appellants

-and-

THE DISCIPLINARY COMMITTEE OF THE IRISH FOOTBALL ASSOCIATION

Respondent

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DECISION ON APPEAL

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**Background**

1. On 31 January 2026, Linfield FC met Ballymena United FC ("the Club") in a Northern Ireland Football League Premiership ("NIFL") match. Mr Matthew Clarke ("the Player") was playing that day for the Club.
2. In the sixty-ninth minute of the match, the Player was sent off by the match referee, Mr Steven Gregg. Mr Gregg's match report on 31st January at Windsor Park between Linfield FC and the Club contained the following:

*'After being sent off and whilst walking past the fourth official Mr Clarke said You are useless c\*\*\*\*' and 'Under the advice of the fourth official, I must report that as Mathew Clarke was walking past Declan Hassan after his dismissal he remarked 'you are all useless c\*\*\*\*'. In this decision, we refer to this as "the Incident"*

3. On 3 February 2026, the IFA issued a notice of complaint to the Club, alleging that the Incident was a breach of art. 14.10 of the IFA disciplinary code, which states:

*A player or official who is reported for unsporting conduct towards a match official will be sanctioned with a minimum 5 match standard suspension and a £100 fine imposed on their club*

The notice proposed that the Player serve the five match minimum suspension, and that the Club pay a fine of £100.

### **The challenge before the Disciplinary Committee**

4. The Club and the Player challenged the allegation of breach of art. 14.10 and refused to accept the sanctions proposed by the IFA. The grounds of challenge were:
  - (1) That the comments were simply not made as alleged;
  - (2) The complaint was hearsay, having been recounted to the referee by the fourth official; and
  - (3) That all relevant evidence should have been made available at the time of the complaint.
5. The complaint came before the Disciplinary Committee ("the DC"), who considered submissions made on behalf of the Club and the Player by Mr Jamie Bryson. The hearing before the DC was in person, and it heard evidence from Mr Gregg and Mr Hassan, both of whom were cross-examined by Mr Bryson.
6. The DC issued its decision by letter dated 29 April 2026. It concluded:
  - (1) That it had jurisdiction to hear complaints in relation to matches played within the NIFL;
  - (2) That the complaint against the Player had been proved to the DC's satisfaction;
  - (3) That the sanction of a five match suspension against the Player would remain, save that as the Club's season was effectively over, it would designate three matches as being suspended for the duration of season 26/7 and the Player would serve a further two match ban at the commencement of season 26/7; and
  - (4) That the Club's fine of £100 would remain.

## The appeal to this Committee

7. The Player and the Club appealed the DC's determination to this Committee by a notice of appeal dated 5 May 2026. That notice contains detailed submissions relating to three aspects of the DC's determination with which the Club and the Player take issue (quoting directly from the notice of appeal):
  - (1) Firstly, the defective reasoning on the substantive decision;
  - (2) Secondly, the errors on jurisdiction; and
  - (3) Thirdly, the errors on the burden of proof and how it has been applied.
8. The DC, as respondent to the appeal, put in written submissions dated 9 July 2026 dealing with the matters raised in the notice of appeal. This Committee took the view that the appeal should, like the hearing before the DC, be heard in person and a hearing duly took place on 30 September 2026 at the IFA's premises. Mr Bryson represented the Club and the Player, as he had before the DC. Also in attendance were Mr Philip Lewis (Club secretary) and the Player (attending remotely), Mr Ronan McCaughey and Mr Neil Gillam (the DC) and Ms Stacey Moffett, disciplinary manager.
9. In summary, Mr Bryson submitted as follows on behalf of the Club and the Player:
  - (1) On the first ground of appeal, Mr Bryson argued that the DC's substantive decision – namely, that the Incident had occurred as set out in the referee's report – was irrational on the basis of the evidence which was before the DC, and was devoid of reasoning;
  - (2) On the second ground of appeal (errors in jurisdiction), this Committee understands that Mr Bryson's case is that (and we quote from paragraph [15](ix) of the notice of appeal) *"The Disciplinary Code, and thus authority of the DC to enforce it, only extends to members when playing football under the jurisdiction of the IFA. Properly understood, NIFL is not under the jurisdiction of the IFA because it is not compliant with the Articles in terms of having the requisite authorisation either under Article 10 or Article 11"*;
  - (3) On the third ground of appeal, Mr Bryson contends that there is an unresolvable tension between art. 2.13 and art. 32.2 of the disciplinary code, which has had the effect of reversing the burden of proof, requiring the Player to prove his innocence, rather than placing the burden on the IFA to prove guilt.
10. In reply – and again in summary – Mr Gillam and Mr McCaughey, who constituted the DC, submitted as follows:

- (1) The DC's decision, read as a whole, does provide reasons for the conclusions it reached, and engages with the evidence it heard (which was tested by cross-examination). The fact that a differently-constituted DC might have reached a different conclusion on the evidence relating to the Incident does not render the DC's conclusion irrational;
- (2) This appeal (and we quote here from the DC's submissions) "...seeks largely to invite the Appeals Committee to substitute its own view of the evidence. That is not the function of an appeal";
- (3) On jurisdiction, the Club and the Player, by joining the IFA, submit to its rules, including the disciplinary code;
- (4) Alternatively, art.10.5 of the IFA's articles of association provides as follows: "*An act done by the Board, whether ultra vires or not, that receives the express or implied sanction of the Association in general meeting, shall not afterwards be impeached by any Members on any grounds whatsoever, and shall be deemed to be a valid and binding act of the Association*";
- (5) There was no reversal of the burden of proof: the referee's match report was presumed correct, but this was a rebuttable presumption, and the burden of proof remained with the IFA. The DC required oral evidence from the match officials, which was tested by cross-examination, before reaching its decision.

## Discussion

11. An appeal to this Committee is not a re-hearing of the case heard by the lower body – see art.14.3 of the IFA Articles of Association. Our role is to review the decision of the DC. Although we are not a court, our function is analogous to a court exercising appellate jurisdiction. We have therefore approached this appeal in the manner set out by Humphreys J in *Shortt v Bank of Ireland (UK) plc* [2025] NICA 65 at paragraph [8]:

"(i) The court will review the decision at first instance for errors of law or fairness of the proceedings;

"(ii) When asked to review findings of fact, the appeal court recognises that the trial judge had the advantage of hearing and seeing the witnesses and was able to make a judgement on their credibility, and will only intervene when there has been a demonstrable failure to consider relevant evidence or a finding has been made which could not reasonably be explained or justified".

12. We considered that the first ground of appeal advanced by Mr Bryson was, in substance, an invitation to this Committee to re-consider the evidence and thus the conclusion which the DC reached. On the basis set out in paragraph 11 above, we concluded that, as a reviewing body, there were no circumstances

which warranted our taking this course. We consider that the DC gave adequate reasons for reaching the evidential conclusion to which it came, when reading its decision as a whole. We found no basis on which to interfere with it on the basis of irrationality or lack of reasonable explanation. This ground of appeal accordingly fails.

13. On the second ground of appeal (jurisdiction), we accepted the submission of the DC that the Club and the Player, by joining the IFA and paying the required subscriptions, had accepted, and were bound by, the articles and rules of the IFA, including the disciplinary code. We therefore dismiss the second ground of appeal.
14. Finally, on the burden of proof, we found Mr Bryson's submissions on this point to be misconceived. Properly understood, article 2.13 of the disciplinary code raises a case to be answered, and if the person alleged to have committed the offence chooses (as the Player and the Club did in this case) to contest the allegation, then art. 32.2 makes it clear that the burden of proof is on the IFA (and not the alleged offender(s)) to adduce evidence sufficient to prove the allegation to the DC's satisfaction, on the balance of probabilities. That was the approach taken in this case by the DC. This ground of appeal therefore fails.

### **Disposal**

15. The appeal is therefore dismissed.
16. We were invited, in the event that we dismissed the appeal, to exercise our discretion in relation to the penalty of match suspension on the Player, having regard to what Mr Bryson urged on us as delay in this process as whole being dealt with, which was not the fault of the Player.
17. Having looked the entire timeline of the Incident (from its occurrence to the hearing of this appeal), we were not persuaded that we should interfere with the DC's sanction, which we noted was imposed with the Player's previous good record in mind and therefore pitched at the minimum level. That sanction accordingly remains in place.

**30 September 2026**

**Craig Dunford KC (chair)**

**James Tracey**

**Simon Walls**