

## **IRISH FOOTBALL ASSOCIATION APPEALS COMMITTEE**

In the matter of an appeal filed on behalf of Draperstown Celtic Diamonds F.C (hereinafter referred to as the Appellant) against a decision of the Northern Ireland Woman's Football Association (hereinafter referred to as the NIWFA or the Respondent) to overturn the Appellant's results in all matches played (and won) whilst unaffiliated up to 7<sup>th</sup> June 2024, award a 3-0 victory to the Appellant's opponents in each instance and levy a £200.00 non-affiliation fine.

### Appeals Board

Mr Barry Finnegan (Vice-Chair)

Mr Mervyn Wheatley

Mr Peter Clarke

### **Decision:**

This is a decision of the IFA Appeals Board following a Hearing which took place at IFA Headquarters on Wednesday 7<sup>th</sup> August 2024. It concerns an appeal brought on behalf of the Appellant against a decision reached by the Respondent's committee to overturn the Appellant's results in all matches played (and won) whilst unaffiliated up to 7<sup>th</sup> June 2024, award a 3-0 victory to the Appellant's opponents in each instance and levy a £200.00 fine.

It is accepted by both parties that the Appellant had attempted to submit their annual affiliation fee as per the timeline of events presented by the Appellant. The Appellant was initially prevented from doing so due to technical issues and thereafter, having awaited a response from a member of the IFA and/or divisional association as to how to ameliorate the issue, the requirement to discharge the affiliation fee was overlooked.

The Appellant secured three victories in league matches and one victory in the NIWFA Cup Competition whilst unaffiliated.

The Appellant consider that the attempts made to discharge the affiliation fee, the uncontrollable technical issues which prevented payment via the Comet System and attempts made to raise the issue with their divisional association, as stipulated in their written submissions, offer sufficient cause to overturn the Respondent's decision.

Having regard to the reasons set out below, the unanimous decision of the Appeals Board is that the substantive appeal shall be dismissed so that the original decision of the Respondent, bar the disapplication of the £200.00 fine, is upheld. Accordingly, the sanction applied by the Respondent to overturn the results achieved whilst unaffiliated was properly arrived upon and shall stand.

The decision to levy a £200.00 fine was unwarranted however, particularly in circumstances where the Appellant ultimately discharged the affiliation fee, and hence the Appellant is not required to discharge the fine.

### **Attendees:**

The Appellant was represented at the Hearing of this appeal by Paul McCallion, Club Secretary, Alice Bradley, Club Treasurer/Manager, Lisa Mallaghan, Manager, and Ryan Lagan, Vice-Chairman. They each gave evidence to the Appeals Committee.

The Respondent was represented by Valerie Heron, Chairperson, David Heron, Committee Member and Colette Young, Secretary, all of whom also provided evidence to the Appeals Committee. The

Appeals Committee would like to express their gratitude for the helpful and informative manner in which all of the attendees conducted themselves during Hearing.

### **The Rules at Issue:**

This appeal does, in part, concern the interpretation and application of Article 4 (4) of the IFA Articles of Association which stipulates the following:

*“Each Member shall pay (in the case of a Full Member through its Divisional Association) an annual subscription related to its membership category, whose rates will be proposed by the Board for approval by the Members annually in general meeting. All such subscriptions shall be paid by 1st September save that the subscription of a Women’s Club shall be paid by the following 1<sup>st</sup> March. Any Member whose subscription is unpaid by the relevant due date, shall, if the Board so decide, cease to be a Member and thereupon forfeit all privileges of membership and cease to have any claim on the property of the Association but its liability as provided for in the Memorandum of Association shall nevertheless continue.”*

Furthermore Rules 1.3 and 1.4 of the NIWFA League Rules (as detailed in the 2024 Official Handbook) are of direct relevance in this appeal. These particular rules stipulate the following:-

- 1.3 *“No club shall be deemed in membership of the NIWFA until all registration documents have been accepted, they have affiliated to their respective Divisional Association and the required fees have been paid. Documentation and fees are required to be paid by 7th February each year.*
- 1.4 *No club shall be permitted to participate in any competition under the auspices of the NIWFA if 1.3 has not been complied with. (Required documentation and fees are listed in NIWFA Tariffs.)”*

### **Facts:**

In addition to an examination of the relevant rules and the oral evidence submitted on behalf of the Appellant and Respondent, the Appeals Committee noted the written submissions filed on behalf of both parties.

The Committee has made the following findings following a detailed analysis of the facts available:-

1. Both parties accept that the Appellant’s affiliation fee was not discharged in accordance with the rules stipulated in the section above.
2. Ms Bradley provided evidence on behalf of the Appellant and elaborated on the “timeline of events” as detailed in the Appellant’s appeal letter dated 16<sup>th</sup> July 2024. The committee was also provided with copies of screenshots which show the salient WhatsApp messages and emails regarding the issues encountered in attempting to submit payment.
3. Mr McCallion indicated to the committee that he had brought the issue to the attention of their divisional association representative, Dessie Brown (Secretary of the North West FA) via email. Mr Brown in turn directed Mr McCallion’s enquiry to Tracey Scott, FMS Operations Manager and part of the IFA’s “Comet Team”.

4. The committee had sight of an email from Ms Scott to Mr Brown dated 7<sup>th</sup> March 2024 which stated that the Appellant's affiliation from the season prior was "*still showing as active*" and that this was the same position with another team in the same league. Ms Scott indicated in said email that she was attempting to resolve the issue and that "*neither (team) have carried out the required action for the season.*"
5. This email was then forwarded by Mr Brown to Mr McCallion for the Appellant on the same date. Ms Bradley explained a further attempt was made to discharge the fee on 10<sup>th</sup> March 2024 however the same issue arose; namely the affiliation fee was still "showing as active" and Ms Bradley advised the committee that at that stage they assumed someone from the IFA or North West FA would respond and clarify how best to resolve the issue.
6. Ms Bradley accepted that no further contact was received from either organisation and the issue was subsequently overlooked as they were "*waiting for someone to come back to us.*"
7. Both sides accept that the affiliation fee remained unpaid until Mr McCallion received a telephone call from Valerie Heron on 7<sup>th</sup> June 2024 raising the issue of non-payment of the affiliation fee. A subsequent email was sent by Mrs Heron dated 13<sup>th</sup> July 2024 to the Appellant stating that as the Appellant were unaffiliated when participating in the cup match against Belfast Ravens the Appellant would be removed from that competition.
8. A subsequent letter was sent to the Appellant by the Respondent dated 18<sup>th</sup> July 2024 formalising this decision and applying a retrospective sanction, namely that all matches played whilst unaffiliated, to include three prior league games in addition to the cup game listed in the aforementioned paragraph, would be forfeited and the Appellant's opponents awarded the victory in each match by a 3-0 scoreline.
9. A £200.00 sanction was also applied "*for failing to affiliate this team before the required deadline of 1<sup>st</sup> March (as per IFA Article 4).*"
10. Ms Heron provided evidence on behalf of the Respondent that she was notified of the non-affiliation issue by the IFA whilst on holiday. A list of all 64 teams across 8 leagues, those administered by the NIWFA, was requested and it was determined that a total of 4 clubs across two leagues, including the Appellant, had not discharged the affiliation fee.
11. Ms Heron contacted Mr McCallion for the Appellant via telephone on 7<sup>th</sup> June 2024 to make him aware of the above. Mr McCallion accepted this during submissions and indicated that following the call he was able to access Comet and submit payment on the same date. "*I went straight onto Comet after – thank you for your order.*"
12. An explanation was provided by Mrs Heron and Ms Young as to the NIWFA registration and affiliation process to include the submission of a team registration form. This must be completed, a registration fee is paid and an affiliation fee is also discharged at that time before a club can be deemed as compliant with IFA Article 4 (4) and the salient NIWFA league rules.
13. Ms Heron advised the committee that at the time the issue was considered by the Respondent and written correspondence was conveyed to the Appellant, as well as the other affected clubs, she was not aware that the Appellant had encountered technical issues

when they initially attempted to submit payment via Comet as per Ms Bradley's representations.

14. Ms Heron advised that she took the view it is the responsibility of each individual team to ensure they are affiliated correctly. The repercussions of not doing so are potentially very serious and attention was drawn to how referees may not be indemnified by their insurance provider if they officiate at matches involving one or more unaffiliated teams.
15. After the initial email was conveyed to Mr McCallion by Ms Heron on 13<sup>th</sup> July 2024 the Respondent held a committee meeting at which the issue was considered further. Ms Heron advised that at that meeting it was determined that the Appellant, as well as the other three clubs who had not affiliated correctly, ought not to have been participating in NIWFA approved matches and that the results obtained by the affected clubs during the period of non-affiliation would be overturned and awarded to the opponents.
16. When asked whether the Respondent considered inviting the Appellant or the other clubs to make representations at this committee meeting Mrs Heron advised that she did not feel that was necessary. This was an issue that the Respondent had dealt with previously (the case of Bloomfield FC was raised as an example) and they were confident in the accuracy of their decision and the accompanying sanction that would apply.
17. Mr McCallion advised the committee that he did not feel it was appropriate that the Appellant were not invited to make representations at the Respondent's committee meeting, particularly if they were not aware of the attempts made by the Appellant to affiliate previously and that said attempts were frustrated by a "systems failure."
18. The Appeals Committee would stress that it is not aware of the specific facts regarding the other non-affiliation example raised by the Respondent as detailed in paragraph 16 above and limited weight is applied to said decision and the accompany sanction which the Respondent advised the committee mirrored that applied in the current case.

**Conclusions:**

19. In the present case the Appeals Committee is satisfied that the Respondent does have sufficient scope pursuant to IFA Article 4 (4) and particularly NIWFA League Rule 1.3 to sanction those clubs who have not properly adhered to the affiliation requirements and as a club cannot be deemed in membership of the NIWFA until the affiliation requirements have been satisfied, the committee finds it appropriate and consistent with the principles of procedural fairness that any results obtained against properly affiliated NIWFA clubs are overturned.
20. The Appellant accepted that the affiliation fee had not been discharged were prepared to "hold our hands up" to the fact this requirement was overlooked after the initial flurry of enquiries within the club, with their divisional association and the IFA.
21. The committee sympathises with the Appellant given their attempts to submit payment were frustrated by apparent technical issues which were acknowledged by the IFA however this appears to have been a relatively short-lived issue and the committee is mindful of the

fact Mr McCallion was able to submit payment immediately following the phone-call from the Respondent's Mrs Heron on 7<sup>th</sup> June 2024.

22. Furthermore whilst the Comet system may have temporarily restricted the Appellant's ability to discharge the affiliation fee this issue would not have prevented the Appellant utilising alternate forms of payment to discharge the fee. No evidence was adduced to suggest this had been considered and the committee agrees with the Respondent's assertion that the affiliation payment falls within the responsibility of the individual club.
23. The Appeals Committee is not satisfied by the representations made by the Appellant regarding previous payment attempts as being sufficient to override the Respondent's reliance on their own league rules when applying the decision to overturn the previous results obtained during the period of non-affiliation. This view is reinforced by the fact the same sanction was applied to three other clubs in the same season and, to a lesser extent an identical sanction being applied to a different club the previous season.
24. The Appeals Committee does take the view however that the imposition of a £200.00 fine is a somewhat arbitrary addition to what was already a significant sanction. No explanation was provided by the Respondent as to how this was calculated and whilst the committee is mindful of the NIWFA Tariff table, including a fine of £50.00 per club per game for fielding an ineligible player, the same does not offer any explicit guidance concerning the level of fine to apply in these circumstances.
25. The Appeals Committee would also respectfully suggest that the Respondent may wish to consider offering their constituent clubs the opportunity to make representations at committee meetings where such significant decisions, including overturning of match results, are being considered so that their point of view may be considered.
26. Therefore, on the issue of interpretation of the rules the Appeals Committee finds that on the correct and proper interpretation of IFA Article 4 (4) and the NIWFA League Rules 1.3 and 1.4, the original decision of the Respondent, bar the disapplication of the £200.00 fine, is upheld. Accordingly, the sanction applied by the Respondent to overturn the results achieved by the Appellant whilst unaffiliated was properly arrived upon and shall stand.
27. The imposition of a £200.00 fine was unwarranted however and shall be nullified accordingly.

Dated: 13<sup>th</sup> day of August 2024. Barry Finnegan, Vice-Chair. On Behalf of the Appeals Board