

IRISH FOOTBALL ASSOCIATION

APPEALS COMMITTEE

In the matter of an appeal by **EAST BELFAST FOOTBALL CLUB** ('the Appellant') against a decision made by the **IFA DISCIPLINARY COMMITTEE** ('the Respondent')

Appeal Board:

Carley Shields

David Lennox

Mervyn Wheatley

Attendees:

1. The Appellant was represented at the hearing by Jamie Bryson, also in attendance on behalf of the Appellant was Scott Harvey, and Thomas Matthews (Club Secretary).
2. The Respondent was represented at the hearing by Shaun Jemphrey of King & Gowdy Solicitors and Laura King BL, also in attendance on behalf of the Respondent was Andrew Raffin (King and Gowdy), Robert Fenton (IFA Disciplinary Committee member), Leigh Sillery (Head of Domestic Football Operations) and Killian Spence (Pupil Barrister).
3. The Board thanked the parties for their substantial written and oral submissions and for their attendance at the hearing.

Background:

4. The appeal originates from a match played on 7 September 2024 between Immaculata and the Appellant when the Appellant's manager, Scott Harvey, was sent off for deliberately leaving the technical area to show dissent towards, or remonstrate with, a match official.
5. At a meeting on 11 September 2024, the Respondent met and considered the comments contained in the match report, specifically – *'After I had produced the red card he pointed in my face and called me a fucking joke.'* The Respondent considered that this amounted to an allegation of unsporting conduct contrary to Rule 14.15 of the IFA's Disciplinary Code (the 'Disciplinary Code'). On 12 September 2024 Mr Harvey was issued with a Notice of Complaint and sanctioned by way of a five match suspension and a £100 fine was imposed on the Appellant.
6. The Appellant filed a challenge to the Notice of Complaint and a hearing in relation to same took place on 16 October 2024. The Respondent upheld the sanction and determined that a breach of Rule 14.15 of the Disciplinary Code was proven. It is in relation to that decision that this appeal is filed.
7. The Appellant pursued the following grounds of appeal:
 - (i) Failure to disclose the identity of the committee of presumably 11 September 2024 (the Appellant's submissions refer to the date of 14 August 2024);
 - (ii) Failure to give reasons for issuing the charge;

(iii) The Disciplinary Code is not lawfully in force; and

(iv) the decision made was irrational.

Preliminary matter:

Prior to the hearing, the Appeal Board had been asked to deal with an application on behalf of the Appellant for the disclosure of documents in relation to a Ms Kirk. The Appeal Board's decision was that it should be refused. Brief submissions on the matter were heard again before the hearing commenced on 4 February 2025, however the Appeal Board's decision remained the same, based on the same rationale. The relevant chronology for the purpose of the decision is as follows:

- (i) The incident ('the issue of concern') being investigated by the IFA occurred on 16 September 2024;
- (ii) The Notice of Complaint in relation to Mr Harvey was issued on 12 September 2024;
- (iii) The Committee Hearing in relation to the Notice of Complaint took place on 16 October 2024.

The CEO's office of the IFA confirmed in correspondence that the parties involved in the issue of concern did not sit on the Committee Hearing on 16 October 2024. The Notice of Complaint was also sent before the issue of concern took place. The Appeal Board sees no reason why Mr Bryson requires sight of documents relating to Ms Kirk and the issue of concern, which is squarely a matter between Ms Kirk and the IFA.

Points raised on appeal:

8. The Appellant made the following key points:

- a. Mr Bryson acknowledged that Mr Harvey entered the field of play and Mr Harvey confirmed that he has served a two match suspension for so doing.
- b. Mr Bryson asked the Appeal Board to watch the video footage of the incident. He said it clearly shows that Mr Harvey did not do anything wrong.
- c. In any event, the Disciplinary Code is not lawfully in force. Mr Bryson's lengthy written submissions set out his arguments in this regard and the Appeal Board have considered them in full.

9. The Respondent made the following key points:

- a. Ms King BL stated that the video footage did show the incident in question, but it should not be looked at in isolation since the Appeal Board is not to re-hear the matter in accordance with Article 14(3) of the IFA's Articles of Association.
- b. The Disciplinary Committee fully considered the issues before coming to its decision to sanction Mr Harvey.
- c. Mr Fenton accepted that there was no evidence of the head to head incident referred to in the match report in the video footage.

Video Footage:

10. Following the hearing of this matter, the Board requested sight of the video footage referred to during the appeal given the obvious dispute between the parties as to what it apparently showed. The Appeal Board agrees that the appeal is not to be conducted as a re-hearing pursuant to Article 14(3) of the IFA's Articles of Association and that the footage was not new evidence. The Board therefore reconvened to watch the footage on 12 February 2025.
11. The Appeal Board is of the view that the video footage shows Mr Harvey (who can be seen wearing a baseball cap) going onto the field of play and then going off again. This appears to be the offence for which he received a two match ban and which he accepts he has now served. Mr Harvey can then be seen coming onto the field of play for a second time at which point the Referee confronts him with the red card. Mr Harvey can be seen pointing at the Referee.

The Appeal Board considered each ground of appeal:

- (i) In relation to the failure to disclose the identity of the committee of presumably 11 September 2024 (the Appellant's submissions refer to the date of 14 August 2024), the Appeal Board is content that there is no merit in this ground of appeal. The appeal relates to the decision of the Respondent taken on 16 October 2024.
- (ii) The second ground of appeal - failure to give reasons for issuing the charge – this was not pursued by the Appellant.
- (iii) In relation to the third ground of appeal - the Disciplinary Code is not in force - the Appeal Board received detailed written and oral submissions on behalf of both parties and confirm that they have been considered in full. The Appeal Board, however, agrees with the Respondent, and is of the opinion that Article 13(3) of the IFA's Articles of Association is clear and provides the Disciplinary Committee with authority to publish a Disciplinary Code. Article 13(3) states "*The Disciplinary Committee will have full powers to deal with all disciplinary matters contained within terms of reference determined for it by the Football Committee together with those matters delegated to it by the Board under Articles 10.2 and 17, including the publication of a Disciplinary Code.*" The Appeal Board therefore confirms that the Disciplinary Code is lawfully in force.
- (iv) In relation to the fourth ground – irrationality – the Appeal Board is of the opinion that the Disciplinary Committee properly held a hearing to deal with the challenge to the Notice of Complaint. It considered the written evidence before it, heard the oral evidence and considered the video footage with which it was presented. The Appeal Board has not been presented with any evidence to suggest that the Disciplinary Committee's procedures were flawed or that they reached an unreasonable decision. Indeed, it was the only sanction available to them to impose since Article 14.15 of the Disciplinary Code clearly 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.*"

12. 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 Respondent and dismiss the appeal.

13. In the circumstances, the sanction of a five match ban against Mr Harvey and a £100 fine upon the Appellant will be reinstated from Monday 24 February 2025.

Dated: 13 February 2025

Carley Shields

On behalf of the Appeal Board