

**IN THE MATTER OF A BREACH OF FOOTBALL ASSOCIATION RULE E20(a)**

**BEFORE A FOOTBALL ASSOCIATION  
REGULATORY COMMISSION**

- Venue:** Walkers Stadium, Leicester
- Date:** 22nd October 2009
- Participant:** Nottingham Forest Football Club (Forest)
- Match & Competition:** Nottingham Forest v Derby County FC  
Football League Championship
- Date of Match:** 29th August 2009
- Regulatory Commission  
Members:** Peter Powell (Chairman)  
Peter Hough  
Mervyn Leggett  
Colin Murdock
- In attendance:** M Ives (Secretary)
- Representatives:** Graham Bean representing Nottingham Forest  
Mark Arthur (Chief Executive of Nottingham Forest)  
Mathew Johnson representing The Football Association
- Also in attendance:** Nathan Tyson (Player Nottingham Forest) (NB: Nathan Tyson was also in attendance as the issue was part of a joint hearing which included a case involving Mr Tyson)
- Charge:** Nottingham Forest are charged with a breach of Football Association Rule E20(a)
- Evidence Considered:**
1. DVD clip of incident
  2. For the Football Association:
    - (i) Written report of the referee
    - (ii) Written report of the match assessor
    - (iii) Written report of Superintendent Holland who also gave oral evidence
  3. For Nottingham Forest:
    - (i) The written statements of Mr Tyson, Mr Davies, Mr Nyikos, Mr Justice, Mr Gunter, Mr Blackstock, Mr Fairclough, Mr Bexon and Mr Bexon also gave oral evidence

## **DECISION:**

Rule E20(a) requires that each Club shall be responsible for ensuring that its players and officials and employees “conduct themselves in an orderly fashion and refrain from ...violent, threatening and abusive ..... or provocative behaviour.....while attending at or taking part in a Match”.

The decision of the Regulatory Commission is that the charge is proved.

## **REASONS:**

The Commission viewed the DVD clip which shows the incident from a number of angles and without being influenced by any commentary or sound track; relying simply upon their own observations and the explanations from Mr Bean and Mr Johnson.

The members of the Commission unanimously took the view that the incident demonstrated Nottingham Forest players and officials acting in a disorderly fashion and in a violent and/or threatening and/or abusive and/or provocative way.

Mr Bean adduced evidence explaining the reasons for the behaviour of the Nottingham Forest players and officials e.g:-

- i. They thought one of their players, Nathan Tyson, was being threatened by Derby County players.
- ii. The Nottingham Forest players were being put in danger of attack by the Derby County fans in whose direction they were being pushed.

Neither of these explanations were accepted by the Commission since there was no evidence that Mr Tyson was in danger from the Derby County players (Mr Tyson’s written statement does not refer to any such fear and it was noted by the Commission that he did not give oral evidence despite being present) nor was there any evidence that any Nottingham Forest player was afraid of being pushed into the Derby County fans. However, even if either or both of the explanations above had been accepted by the Commission as proven they would have gone to mitigation rather than liability. That is to say neither would have been considered an excuse for the disorderly behaviour of the players and officials.

It was clear to the Commission from the DVD evidence that the incident took place and that players and officials of both teams took part. It is difficult to envisage how an incident, described as

- (a) “both Clubs confronting each other” (the Referee);
- (b) “a melee between the players from which it was obvious that the players had lost control of their actions during the ugly confrontation” (the Match Assessor);
- (c) “a mass brawl” (Superintendent Holland – police commander for the fixture);
- (d) “a lot of pushing and shoving” (Mr Fairclough for Nottingham Forest);

(e) “the ugly and prolonged scenes we saw” (Mr Davies for Nottingham Forest)

could mean anything other than both Clubs are guilty of breaching Rule E20(a). Derby have admitted their liability.

In fact there seemed no evidence before the Commission that the Nottingham Forest players and officials conducted themselves in an orderly fashion and their case seemed simply to be that while there was obviously disorder from their players and officials there were clear reasons therefore but as stated above those reasons were not accepted by the Commission and even if they were, in the Commission’s view, they were not sufficient to avoid liability albeit that they may mitigate any penalty.

### **PENALTY**

In accordance with the guidelines sent to Clubs pre-season, the Commission were informed by its secretary that a breach of Rule E20(a) could result in a fine for a Championship Club of up to £50,000.

The Commission took into account Nottingham Forest’s exemplary record, they having no previous charges under Rule E20(a); the evidence of Mr Bexon, Nottingham Forest’s Safety Officer, and indeed the evidence of the FA’s witness, Superintendent Holland, regarding their general attitude to discipline and safety matters; and the apologies received from Nathan Tyson, the player responsible for sparking the incident and from Billy Davies, the Nottingham Forest Manager, and in those circumstances decided upon a fine of £25,000 of which £10,000 is suspended until the end of the Season 2010/2011 but to be imposed should there be any further proven charge under Rule E20(a) during that period.

In relation to costs, it was considered appropriate that Nottingham Forest, being the only participants to request a personal hearing should take the larger share of the costs of the hearing. The actual total costs of the hearing were in excess of £2,000 and the Regulatory Commission ordered the Club to pay £1,200 towards the cost of the Hearing

Nottingham Forest have a right of appeal to this decision in accordance with FA Regulations.

Signed \_\_\_\_\_  
P Powell (Chairman)

Date \_\_\_\_\_