

PERSONAL HEARING

**THE FOOTBALL ASSOCIATION**

*and*

**SUTTON UNITED FC**

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THE DECISION AND REASONS  
OF THE FA REGULATORY COMMISSION

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## Introduction

1. On 05 March 2016, Sutton United FC (“Sutton United”, the “Club”) played a National League South away fixture against St. Alban City FC with a kick-off time of 3.00pm (collectively, the “match”).
2. Sutton United won the match 3-0 and Mr Jamie Slabber (Sutton United player #12, who was a named substitute at the start of the match) played the last 23 minutes of the match, replacing Mr Dan Fitchett (Sutton United player #10) at the 67<sup>th</sup> minute of the match.
3. Mr Slabber was on loan from Hemel Hempstead Town FC and temporarily transferred to Sutton United. The National League (the “League”) received the loan form from Sutton United and registered Mr Slabber with the Club on 04 March 2016 (until 07 May 2016). However, The Football Association did not receive the loan documents until 06 March 2016 and had not authorised the temporary transfer until 08 March 2016.

## The Charge

4. On 13 April 2016, The Football Association (“The FA”) charged Sutton United with misconduct for a breach of FA Rule E1(b) by alleging the Club failed to comply with FA Rule C1(g)(x) in that Mr Slabber played in the aforementioned match before his temporary transfer had been authorised by the Association (the “Charge”).
5. The FA Rule E1(b) (p.112 of The FA Handbook Season 2015-2016) states:

“1 The Association may act against a Participant in respect of any ‘Misconduct’, which is defined as being a breach of the following:

...

(b) the Rules and regulations of The Association and in particular Rules E3 to E28 below;

...”
6. The FA Rule C1(g)(x) (p.101 of The FA Handbook Season 2015-2016) states:

*“(x) A Player subject to temporary transfer must not play until such transfer has been authorised by the Association.  
...”*

7. The FA enclosed the following evidence that it intended to rely on:
  - 7.1. Witness statement of Ms Lucy Hamshere, FA Registrations, dated 11 April 2016;
  - 7.2. Temporary Transfer Form of Mr Jamie Slabber;
  - 7.3. Team Sheet for Sutton United, dated 05 March 2016;
  - 7.4. EMail correspondence between Ms Lucy Hamshere and Mr Ray Ward, Club Secretary of Sutton United, dated 06 March 2016 – 11 April 2016;
  - 7.5. Letter from Ms Hamshere to Mr Ward, dated 08 March 2016; and
  - 7.6. Letter including attachments from Mr Ward to Ms Hamshere, dated 11 April 2016.
8. The Club was required to reply to the Charge by 15 April 2016.

### **The Reply**

9. On 14 April 2016, the Club replied by admitting the Charge and requested an opportunity to attend a Commission for a Personal Hearing.
10. Mr Ward also submitted further correspondence from the Club including:
  - 10.1. A printout of a list of players registered for the Club from the Football Conference Members Area, as at 08 April 2016;
  - 10.2. A letter from Ms Marilyn Jeffrey, the partner of Mr Ward, dated 14 April 2016 on her medical conditions and explaining Mr Ward’s unusually busy family commitments at the time;
  - 10.3. In support of Ms Jeffrey’s medical conditions: letters from Epsom and St. Helier University Hospitals, Ashted Hospital, and Ms Jeffrey’s Medical

Record from Ashlea Medical Practice;

- 10.4. EMail, dated 14 April 2016, from Redstone Cemetery, in Redhill, confirming the funeral of Mr Ward's father-in-law on 01 March 2016;
- 10.5. EMail from Mr Ward, dated 03 March 2016, to Ms Louise Edwards and Ms Michaela Lock at The National League enquiring if a Loan Form for Mr Slabber faxed over by the Team Manager had been received and if Mr Slabber could be selected for the match on Saturday;
- 10.6. EMail from Ms Edwards of the National League, dated 04 March 2016, confirming Mr Slabber was now registered on loan; and
- 10.7. Sample National League Form FC2 (Temporary Transfer of a Player Registration of a Contract Player) and sample National League YL Form (Youth Loan of a Scholarship/Contract Player).

### **The Regulatory Commission**

11. The following members were appointed to the Regulatory Commission (the "Commission", "We/us") to hear this case:

Mr Thura KT Win JP (Chairman);

Mr Chris Reeves; and

Mr Marvin Robinson.

Mr Paddy McCormack, The FA Judicial Services Manager, acted as Secretary to the Commission.

### **The Hearing & Evidence**

12. We convened at 2pm on 18 April 2016 at Wembley for this Personal Hearing (the "Hearing").
13. Prior to the Hearing, we had read the bundle of case papers submitted by both parties.

14. The FA was represented by Mr Joel Wallace and supported by Ms Amina Graham, Head of Regulatory Advocates Department.
15. Sutton United was represented by Mr Bruce Elliott, the Chairman & President of the Club, and supported by Mr Ray Ward, the Club Secretary.
16. It is a matter of fact that Mr Slabber played for the Club before his temporary transfer was authorised by the Association, and the Club admitted the Charge.
17. As the Club accepted the Charge, we were advised by Mr McCormack that the Club has no relevant previous disciplinary record.
18. The summary of relevant chronological events was:
  - 18.1. 03 March 2016, during the day: the Club faxed Mr Slabber's Loan Form to the League;
  - 18.2. 03 March 2016 at 5.52pm: Mr Ward sent an EMail to Ms Edwards and Ms Lock of the League enquiring if the faxed Loan Form had been received and Mr Slabber would be okay to be selected for Saturday;
  - 18.3. 04 March 2016 at 10.52am: Ms Edwards of the League replied to Mr Ward's EMail stating that Mr Slabber is now registered on loan until 07 May 2016;
  - 18.4. 05 March 2016: Mr Slabber was named as a substitute at the match and came on to at the 67<sup>th</sup> minute of the match – from the Team Sheet, Mr Slabber did not score any goal and Mr Elliott told us that the Club was already winning 3-0 prior to Mr Slabber coming on to the field of play;
  - 18.5. 06 March 2016 at 8.19am: Mr Ward send an EMail to the Registrations Department of The FA with Mr Slabber's Loan Form;
  - 18.6. 07 March 2016 at 10.50am: Ms Hamshere of The FA enquired with the League when the Loan Form was received; and
  - 18.7. 08 March 2016 at 11.49am: Ms Hamshere sent an EMail to Mr Ward

confirming Mr Slabber's temporary transfer to the Club and included a letter seeking the Club's written observations for playing Mr Slabber on 05 March 2016 without prior authorisation from the Association.

19. We had already noted the submissions made by both parties in the bundle of case papers and received the following verbal submissions.

20. Mr Wallace for The FA told us that:

20.1. The FA had expedited the matters due to the impact on the League;

20.2. Sutton United had been co-operative with the process, admitted to the Charge and made themselves available;

20.3. The FA was willing to accept that this was an oversight by the Club and not an intentional act; and

20.4. The FA would suggest that the sanction would range from a warning to a fine as we deem appropriate.

21. Mr Elliott for the Club told us that:

21.1. The Club always tries to act responsibly;

21.2. This was the first time the Club falling foul of FA Registrations rules;

21.3. This was Mr Ward's first time dealing with the loan form and he was not aware of the Loan Form needing to be sent to The FA. Mr Ward sent it to The FA as a matter of courtesy;

21.4. Mr Ward worked previously with the Surrey County FA and he is now a volunteer at the Club. Mr Ward had tendered his resignation as a matter of principle but his resignation had been refused by the Club;

21.5. Mr Ward had family priorities at the time;

21.6. The League had confirmed Mr Slabber's registration prior to the match and the Club had checked the Members Area on the League's website

where Mr Slabber was shown as a registered player for the Club;

- 21.7. Mr Elliott was not blaming anyone but he felt it would have been an assistance to the Club, and would have acted as a reminder, if it had said the transfer was subject to The FA's confirmation or approval;
- 21.8. The League Form FC2 has no mention of the need to send the form to The FA, which would be helpful, like it is indicated on the YL Form; and
- 21.9. Mr Slabber played the last 23 minutes of the match and Mr Elliott stated that there was no advantage or impact on the game.
22. We thanked both parties for their submissions and assistance.

### **Our Decision**

23. We accepted that this was a *strict liability* and the Club had played Mr Slabber prior to receiving an authorisation from the Association, contrary to FA Rule C1(g)(x).
24. We noted that the Loan Form was submitted to, and confirmation received from, the League prior to the match in which Mr Slabber took part.
25. We received evidence that Mr Ward had pressing family commitments at the time that took him away from his volunteering role at the Club. The task of submitting Mr Slabber's Loan Form was delegated to the Team Manager but Mr Ward followed up with an EMail to the League to confirm receipt and that Mr Slabber would be eligible for selection for the match. Mr Ward received the confirmation from the League that Mr Slabber was registered with the Club prior to the match in which he played.
26. We also accepted that this was the first time Mr Ward had dealt with a player loan and he was not aware of the need to seek The FA's authorisation but he had sent the Loan Form to The FA as a matter of courtesy. However, this took place after Mr Slabber had played in the match.



27. Whilst the ignorance of the rules is not a defence, we understood the points made by Mr Elliott that there was no indication on the League Form FC2, like on League YL Form, of the need to submit the Form to The FA or that it would be helpful for the Club if it was indicated in the confirmation from the League that Mr Slabber's eligibility was subject to approval from The FA. We felt that this was a matter for the League and not for us.
28. We also noted that the Club had admitted to the Charge, co-operated with The FA and made themselves available (in para 20.2).
29. After taking everything into consideration, like The FA (in para 20.3), we accepted that it was an oversight by the Club and not a deliberate or intentional act to deceive or breach the rules.
30. We assessed the level of seriousness and culpability of this offence to be at a low level.

### **The Sanction**

31. After admitting the Charge for a breach of FA Rule E1(b), and taking into consideration of the factors mentioned above, we order that Sutton United be:
  - 31.1. Warned as to their future conduct;
  - 31.2. No fine or any other sanctions;
  - 31.3. £250 (two hundred and fifty pounds) contribution towards the cost of the Personal Hearing; and
  - 31.4. Their Personal Hearing fee to be retained.
32. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

**Thura KT Win JP (Chairman)**

**Chris Reeves**

**Marvin Robinson**

18 April 2016