

**IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION**

BETWEEN:

BRUNEL FUTSAL CLUB

Appellant

and

LNFS ENGLAND

Respondent

WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The appeal board (**‘the Appeal Board’**) was appointed under The Football Association’s (**‘The FA’**) Disciplinary Regulations – Appeals 2021/22 (**‘the Appeal Regulations’**)¹ to determine an appeal brought by the Appellant against the decision of the LNFS (**‘the League’**).
2. The appeal was heard on 24 May 2022 by way of MS Teams.
3. The Appeal Board had before it (1) the LNFS decision; (2) emails between the management committee leading to the decision; (3) the Appellant’s Grounds of Appeal and (4) the LNFS response.

The Appeal Board

4. The members of the Board were:
 - Yunus Lunat (Chair);
 - David Crick;
 - Dennis Strudwick.
5. No objection was raised concerning the composition of the Appeal Board.

¹ The FA Handbook 2021/22

6. The Secretary of the Appeal Board was Conrad Gibbons, the Judicial Services Officer and whose assistance was greatly appreciated.

Attendees

7. The Appellant was represented at the hearing by its director Mr Pouria Barvand, who was accompanied by Mr Antonio Abreu.
8. The Respondent was represented by its Secretary Ewan Minter, who was accompanied by Mr Mark Crane (adviser to the Board).
9. The Appeal Board is grateful to all parties for their submissions and assistance both during the appeal hearing, and in the documents within the Appeal Bundle.

First Instance Decision

10. On 15 May 2022 the Appellants Brunel Futsal played Enfield in a play off in the LNFS League. The Appellants lost the fixture. The Appellants immediately lodged a complaint with the Respondent on grounds that Enfield gained an unfair advantage by fielding four players who were concurrently registered with other clubs but in different Leagues. The players concerned were Ivan Dju (concurrently registered with London Helvecia Futsal Club); Claudio Goncalves (also concurrently registered with London Helvecia Futsal Club); Tiago Santos (concurrently registered with Loughborough Students Futsal Club) and Reuben Santos (also concurrently registered with Loughborough Students Futsal Club). London Helvecia Futsal Club and Loughborough Students Futsal Club play in the National Futsal League
11. The LNFS rejected the complaint.
12. The Appellants appealed the decision on the ground that the Respondent:
 - (i) Misinterpreted or failed to comply with the Rules and/or Regulations of the Association relevant to its decision; and
 - (ii) Came to a decision which no reasonable such body could have come.

The Appeal Regulations

13. Regulation 2², of the Regulations, sets out the grounds upon which the Appellant may appeal the first instance decision(s) – they are:
- “... the body whose decision is appealed against:*
- 2.1 failed to give that Participant a fair hearing; and/or*
- 2.2 misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision; and/or*
- 2.3 came to a decision to which no reasonable such body could have come; and/or*
- 2.4 imposed a penalty, award, order or sanction that was excessive.”*
14. Regulation 12³ states:
- “An appeal shall be by way of a review on documents only. The parties shall however be entitled to make oral submissions to the Appeal Board. Oral evidence will not be permitted, except where the Appeal Board gives leave to present new evidence under paragraph 10 above.”*

Submissions

15. The following is a summary of the principal submissions made to the Appeal Board.
16. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that the Appeal Board did not take such point, or submission, into consideration when it considered the matter.
17. For the avoidance of doubt, the Appeal Board carefully considered all the materials provided, and submissions made, with regard to this case.
18. On behalf of the Appellant, Mr Barvand submitted that the Commission failed to fully take into account the unfair advantage gained by Enfield by playing dual registered players, which was contrary to FIFA Regulation Article 4.2 which provides that a player may only be registered with one futsal club at a time. The Enfield players were correctly registered with the Respondent League but were dual registered with another club in another Competition.
19. On behalf of the Respondents Mr Minter submitted that the League Rules (approved by the FA) allows for a player to be registered with two clubs at the same time (Rule 18H). Further, the players concerned played in different Competitions. The rule only prevented players playing for more than one

² FA Handbook 2021/2022, p.166

³ Ibid, p. 166.

team in the same Competition. Further, the Appellants themselves have players registered with them that play in different competitions (namely the University League).

The Legal Test

20. As is clear from Regulation 12⁴, the task of the Appeal Board is to conduct a review of the first instance decision, and not a de novo hearing. In other words, the Appeal Board is not considering the matter afresh but, instead, reviewing the first instance decision.
21. In accordance with the above the Appeal Board retired to consider the parties' submissions.
22. The Appeal Board considered the Regulations and the submissions made.

Conclusion

23. In summary, the Appeal Board unanimously rejected the Appeal on both grounds. The Appeal Board unanimously concluded that the Respondent's Rules do not prohibit dual registration of players so long as the respective clubs do not play in the same Competition.
24. The Appeal Board made no order as to costs and the appeal fee is to be forfeited.
25. Accordingly, this decision of the Appeal Board shall be final and binding and there shall be no right of further challenge.

31 May 2022

Yunus Lunat (Appeal Board Chair)

David Crick

Dennis Strudwick

⁴ Ibid. P.168