

**In the Matter of the Appeal Board of
The Football Association (the FA)**

BETWEEN

SKELMERSDALE UTD (APPELLANT)

v

NORTH WEST COUNTIES FOOTBALL LEAGUE (RESPONDENT)

WRITTEN REASONS OF THE APPEAL BOARD

1. These are the written reasons for the decision made by an FA Appeal Board that heard the above mentioned case by "Teams" video conference on Tuesday 27 February 2024.
2. The Appeal Board members were Christopher Reeves (Chair), Dennis Strudwick and Robert Purkiss.
3. Alastair Kay, Berks and Bucks FA, FA National Secretary acted as Secretary to the hearing.
4. The Appellant was represented by Daniel Roberts, Club Secretary.
5. The Respondent was represented by John Deal Secretary and Treasurer North West Counties Football League.
6. By email (the charge letter) dated 1 January 2024 the Appellant was charged pursuant to rule 6.9 of the North West Counties Football League rules with fielding an ineligible player namely Andy Kanga Shalom Mandjoba (the player) in the league fixture played on 26 December 2023 against Burscough FC which the Appellant won 4-3.
7. The Appeal Board noted that the relevant rule of the Respondent upon which the charge was based was rule 6.9 as below:

Rule 6.9

*6.9 Any Club found to have played an ineligible Player, in a match or matches **shall**, have any points gained from that match or matches deducted from its record, up to a maximum of 12 points, and have levied upon it a fine. The Board may also order that such match or matches be replayed on such terms as are decided by the Board which may also levy penalty points against the Club in default.*

The Board may vary its decision in respect of the points gained in circumstances where:

(a) the ineligibility is due to the failure to obtain an International Transfer Certificate or

(b) where the ineligibility is related to a change in the Player's status with the Club for whom he is registered or

(c) where the Board determined that exceptional circumstances exist

8. The Appeal Board noted that:

- (i) The charge letter stated that the Appellant would be charged with playing an ineligible Player v Burscough on 26 December 2023, and also submitting a registration form for a player already registered.
- (ii) The charge letter further stated that a protest (the protest) had been received from Burscough and confirmed that the matter would be considered by the Disciplinary Committee (the DC) on the 10 January 2024.
- (iii) The Appellant was informed that if the charge was found proven that the penalty would be the points gained from the match and a fine in accordance with the tariff between £50 and £200.
- (iv) The Appellant was also told that if the charge was found proven that the game would be replayed.

9. The Appeal Board noted that:

The Appellant in response by email dated 2 January 2024 expressed the hope that the DC would recognise that they had made a "genuine and honest error with no intent to buck the system". The Appellant stated that they did not intend to ask for a personal hearing.

10. The Appeal Board noted that at the meeting of the Disciplinary Panel on 10 January 2024 to consider the matter its decision was that the charge was proven and that having considered the mitigation submitted by the Appellant that the points gained (3) from the fixture v Burscough were to be removed from the club's playing record and that the minimum fine of £50 was applied to be suspended for the remainder of the season.

The Disciplinary Panel further upheld the protest and ordered the game to be replayed and the initial result to be removed from the league table.

11. (a) The Appeal Board noted that as a consequence of the order that the fixture v Burscough be replayed that a further three points were deducted by the Respondent from the Appellant's playing record.

In its submission to the Appeal Board the Appellant argued that the additional three points deduction was harsh. They had no intention to cheat or hoodwink the system. The Appellant did not ask for a personal hearing in the belief that they would lose the three points from the game and receive a fine. They had no knowledge of the potential for any further points deduction.

(b) Whilst the Appeal Board noted that the Respondent argued that the three points deduction for the breach of rule 6.9 and the three points deducted as a consequence of the match being ordered to be replayed are independent of each other the Appeal Board noted that as a consequence of the decision of the disciplinary Committee six points were deducted from the Appellant's playing record as a result of a single breach of rule 6.9.

12. The Appeal Board noted:

- (a) that the Appellant makes no complaint about the deduction of the three points gained in the fixture against Burscough on 26 December 2023 nor the imposition of the £50 fine suspended for the remainder of the season
- (b) that the basis of the Appellant's appeal was the further deduction of three points by reason of the game being ordered to be replayed.

13. The Appeal Board noted:

- (a) That the Respondent in answer to questioning by Mr Purkiss confirmed that in terms of the points deduction following the hearing on 10 January 2024 that six points were removed from the Appellant's playing record being three points for the sanction of fielding an ineligible player and three points because of the order that the game be replayed
- (b) The Respondent confirmed its belief that rule 6.9 had been applied correctly and that it "had no choice" to do other than what it did.

14. The Appeal Board having given the Appeal Bundle careful consideration and having heard oral submissions from both parties unanimously allowed the appeal on the basis that in the

opinion of the Appeal Board to reduce the playing record of the Appellant by six points constituted an excessive penalty.

15. Whilst the Appeal Board took note of the fact that the replaying of the game presented the Appellant with the opportunity to “win back” the three points earned in the first fixture the Appeal Board took the view that this was at the instance of the opposing Club which was then handed the opportunity of competing for the points in a fixture where there was no ineligible player fielded by the opposition.

16. The Appeal Board unanimously agreed that to deduct six points from the Appellant’s playing record gave rise to a double punishment and as such represented an excessive sanction.

17. In arriving at its decision the Appeal Board took into account the mitigation advanced by the Appellant before the Disciplinary Commission which the Appeal Board felt was reflected by the level of fine imposed being the minimum of the sanction range suspended for the remainder of the season.

18. There is no order as to costs and the appeal fee is to be returned

19. The Appeal Board’s decision is final and binding on all parties.

Christopher Reeves – Chair of Appeal Board

Dennis Strudwick

Robert Purkiss

29 February 2024