

**IN THE MATTER OF A REGULATORY COMMISSION OF THE FOOTBALL ASSOCIATION**

**WEDNESDAY 11 SEPTEMBER 2024**

**BETWEEN:**

**THE FOOTBALL ASSOCIATION**

**And**

**MANSFIELD TOWN F.C.**

---

**WRITTEN REASONS**

---

**Background**

1. These are the written reasons for the decision made by a Regulatory Commission which sat on Wednesday 11 September 2024 to determine the Charge referred to below for a breach of FA Rule E21 in respect of events at the end of the Match between Mansfield Town F.C. and Accrington Stanley F.C. in League Two on 16 April 2024 (**“the Match”**). The Charge is admitted by Mansfield Town F.C. thereby restricting the Commission’s deliberations to those of considering the appropriate sanction.
2. The Regulatory Commission met via a Teams call on Wednesday 11 September 2024, commencing at 3pm. The Commission comprised Mr Christopher Stoner KC (Chair) (Independent Legal Panel Member), Mr Peter Fletcher (Independent Football Panel Member) and Mr Andrew Adie (Independent Football Panel Member). Mr Michael O’Connor, Judicial Services Assistant Manager acted as secretary to the Commission, and we record our thanks to him.

3. By a Charge Letter ("**the Charge**") dated 5 August 2024, Mansfield Town F.C. ("**Mansfield Town**") were charged with a breach of Rule E21. The Charge states:

*"It is alleged that Mansfield Town FC failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending the Match and do not use words or behave in a way which is improper, threatening or provocative; and/or not encroach on to the pitch or commit any form of pitch incursion, contrary to FA Rules E21.1 and E21.3."*

4. Having checked The FA Handbook for season 2024/25, the Regulatory Commission noted that the wording of Rule E21 has slightly changed for the 2024-25 season. Rule E.21 and E.21.1 now provide:

*"A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) attending any Match do not:*

*E21.1. behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative."*

Rule E21.3 remains unchanged.

5. The Commission considered this change but determined that the amendments were not relevant to the matters it had to consider. The removal of the reference in E21.1 to the use of words is immaterial, as there is no reference in the evidence to the use of words being an issue at the Match. Furthermore, the removal of the obligation that spectators '*conduct themselves in an orderly fashion*' in the Commission's view added nothing and was again not relevant to the issues it had to determine, which relate to unchanged words in E21.1 and the unchanged Rule E21.3.
6. The evidence relied upon by The FA in support of the Charge comprised:
- (a) Two pages of an extraordinary incident report form from the Match Referee, Mr C Breakspear dated 17 April 2024;
  - (b) Email correspondence between Mr J Gillett of The FA and Ms D Ceney the Club Secretary of Mansfield Town dated 24 April 2024;

- (c) Mansfield Town's Match Day Briefing and Risk Assessment for the Match dated 16 April 2024;
  - (d) A script for use by the PA announcer to be read 3 times before kick-off and once at half-time;
  - (e) A please do not enter the pitch sign;
  - (f) A Mansfield Town social media post "protect the game" dated 16 April 2024;
  - (g) An EFL Guidance document on 'Tackling Pitch Incursions'.
  - (h) Email correspondence between Mr J Gillett of The FA and Mr M Turner, Club Secretary of Accrington Stanley dated between 17 and 22 April 2024;
  - (i) Instructions to and the report of Mr G White, a Safety and Security Advisor, the report being dated 23<sup>rd</sup> July 2024 and
  - (j) Numerous video clips of the last few minutes of the Match and for some time after the Match had concluded.
7. It is convenient at this moment for the Commission to comment on a reservation we had as to the Report of Mr White dated 23 July 2024. The Commission is well aware of the terms of Part A, paragraph 9 of the FA Disciplinary Regulations and the flexibility to be afforded the admission of evidence. In that context the Commission has no issue with the admission of what is, essentially, expert evidence. Much of what Mr White says, in particular in respect of what his expertise leads him to have expected to have seen in preparation for the Match, was of assistance to the Commission.
8. However, the Commission feels compelled to note that there is a fine but important line between the provision of expert evidence on the one hand and, however inadvertently, seeking to usurp the function of the Commission on the other. Thus, although the Charge was ultimately admitted by Mansfield Town, whether or not it was proven is unquestionably a matter for the Commission, not for Mr White notwithstanding his statement "*I conclude that there has been clear breaches of FA Rule 21.1*" in paragraph 8.1. of his report. Equally, it would be for the Commission to determine whether or not the defence afforded to charges under E21.1 and E21.3, found in Rule E21.5. is established. Further, the Commission considers it is not for Mr White to make 'findings' (such as he purports to do in respect of steward numbers on page 44 of our bundle).

9. The provision of a report, such as that from Mr White, should not be seen, if it is so viewed, as a substitute for any submissions The FA may wish to make. Any report should be confined to factual matters, including opinion evidence on what matters might reasonably be expected of a club, whether those matters have been addressed and, if not, what the impact of that omission might be.
10. Having said this, in the present case the Commission has considered Mr White's report and indeed we have found much of it to be of assistance. The admission of the Charge subsequent to his Report and the fact there are plainly no grounds to engage the defence in Rule E21.5, allied to the fact Mansfield Town rightly did not expressly seek to invoke the Defence, mean we need state no more on the issue.
11. Mansfield Town provided its Reply to the Charge on 13 August 2024. In that Reply Mansfield Town admitted the Charge and requested a paper hearing.
12. Accompanying the Reply Form was an email also dated 13 August 2024 from Diane Ceney, the Club Secretary of Mansfield Town, which identified points advanced as mitigation. We shall return to this below.
13. Prior to the Commission hearing, all the members of the Commission had carefully read all the papers in the bundle and viewed all the video clips supplied. The fact that a particular piece of evidence is not referred to in these Written Reasons does not mean that it was not read or viewed as appropriate, nor that it was not taken into account.
14. The Commission were not provided with any submissions on sanction by either The FA or Mansfield Town (save in so far as Mansfield Town provided the mitigation email dated 13 August 2024 as previously referred to).

### **Factual Background – the Match and events immediately after the Match**

15. The Match was an important one in the history of Mansfield Town. The 2-1 victory achieved over Accrington Stanley secured promotion for Mansfield Town from League 2 to League 1. The Match Day Briefing and Risk Assessment suggests that the expected crowd was 7300, although nowhere in the hearing bundle has the Commission been able to identify the actual number of spectators in attendance.

Further, whilst the Match Day Briefing and Risk Assessment document identifies sales of 7300, the document does not state when it was compiled.

16. The Commission understands from the papers that Mansfield Town had led the game 2-0 but Accrington Stanley had pulled a goal back in the 85<sup>th</sup> minute. The 6 video clips with which we have been provided do not have any timing indicators on the screen, but from the references they have been given, allied to the fact we have been told there was only a couple of minutes of extra time played, they would appear to commence in or just before the last minute of normal time.
17. The Commission understands that spectators were present on 3 sides of the One-Call Stadium, with no spectators on the camera side of the pitch. It appears that one camera, which appears to have been a match footage camera, provides all the footage provided to the Commission. If it were more than one camera, they were co-located. In contrast, although in her email dated 24 April 2024 Mansfield Town's Club Secretary states that the clubs CCTV "*was scrutinised following the fixture*" no CCTV has been provided to the Commission for its consideration.
18. The first footage which shows spectators is from approximately 10 seconds into the first video clip. It is evident that some spectators had already crossed over the pitch side advertising hoardings and others were amassing behind the hoardings. Match Stewards are standing in a line facing the spectators but it is clear that their insufficiency in numbers means they had no prospect of stopping the majority of the spectators from passing onto the pitch if, as subsequently proved to be the case, those spectators were intent on a pitch incursion.
19. Just after 2 minutes into the video clip, the number of spectators who have reached pitch side of the advertising hoardings has increased considerably with a number of spectators crowding onto the touchline and goal line. This becomes especially evident when Accrington Stanley are awarded a corner kick. The Match Referee in his extraordinary incident report notes:  
  
*"In 90 + 1 minute of play, Accrington Stanley FC tried to take a corner from the corner arc located between the Ian Greaves Stand and North Stand, but there were a large number of Mansfield Town FC spectators that had left [their] respective stands and encroached over the barrier, standing a yard from the field of play interfering with the Accrington Stanley FC player who tried to take the corner."*

*I left my position on the corner of the penalty area and moved to the Accrington Stanley FC player who was due to take the corner kick, to check that he was ok and asked the Mansfield Town FC stewards and Police to move the Mansfield Town FC spectators away, to enable the game to continue. After a short delay to the game, Accrington Stanley FC took the corner and the game proceeded.”*

20. We interpose to mention two points. The first is that we would not wish the reference to the Police to give a misleading impression. Of considerable surprise to the Commission, given the possibility of promotion at its end, the Match had been identified as ‘low – risk’. Mr White’s report states that no police officers were present other than the regular dedicated Football Liaison Officers, although we have no independent verification of this. What is plain from the video clips, however, is that there was a minimal police presence.

21. The second point is to observe that whilst, with the benefit of hindsight, the pitch invasion which subsequently occurred was one undertaken by joyous fans, with no reports of injuries, **any** pitch incursion is unacceptable given the associated potential dangers to the players, Match Officials and officials of both participating clubs. This is reflected in Rule E21.3. We shall return to this point below. At present, however, we wish to observe that whilst we do not know whether a point would have been sufficient for Mansfield Town to secure promotion, given the presence of so many spectators on the wrong side of the advertising hoardings, if Accrington Stanley F.C. had equalised, whether from their corner or otherwise, that could have been a trigger for a very sudden, dramatic and unfortunate change of mood amongst supporters who were plainly not under the control of Mansfield Town or its stewards.

22. The Match Referee’s extraordinary incident form continues:

*“As I blew the final whistle of the fixture, thousands of Mansfield Town FC spectators located in the North Stand, Ian Greaves Stand and Quarry Lane End Stand, left their respective stands and entered the field of play to celebrate Mansfield Town FC promotion with the Mansfield Town players.*

*Mansfield Town FC ensured stewards escorted the match officials off the field of play safely, which was greatly appreciated.”*

23. The Commission has viewed the video clips which show the mass pitch incursion. We were not able to identify how the Match Officials or the players of Accrington Stanley left the pitch.

24. It is not possible to be accurate as to how many spectators came onto the pitch, but the Commission consider it is likely to have been properly measured in the thousands as opposed to the hundreds. We note that Mr White estimates between 1000 and 2000 spectators were on the pitch. Whilst this is only an estimate, it accords with our own view.

25. We do not feel it is necessary to detail all of the video clips we have seen. It is simply relevant to record:

25.1. There is a pitch incursion by Mansfield Town supporters which we estimate to be numbered, approximately, as being up to around 2000 supporters.

25.2. Although it is difficult to tell from the video clips provided, it seemed there was a delay of some time before announcements were made asking spectators to leave the pitch. We wholly accept, however, that ultimately a number of announcements were made which appear to have included statements to the effect the players would not return to the pitch until all spectators were back in the stands. This, together with the apparent peer pressure of booing from those spectators remaining in the stands, did lead to many of those on the pitch leaving and returning to the stands, although not all.

25.3. However, a mixed message was being provided as celebratory music was also being played. Furthermore, there was some form of interview on the pitch, which was relayed, presumably over the public address system. With whom we do not know, but the interviewee did not ask spectators to leave the pitch but instead was clearly overjoyed at the fact of promotion and asked for particular music to be played.

25.4. The players were brought back onto the pitch for celebratory photos before all spectators had been cleared back to the stands. Unfortunately, this caused a further mass pitch invasion, albeit of a smaller scale, probably measured in the hundreds.

26. It is right to record that, as stated in the Match Referee's Extraordinary Report Form, the Match Officials were escorted safely from the pitch and the comments received from Accrington Stanley F.C. confirm there were no incidents with their players or staff. It is, however, of concern to the Commission that one of the comments from Accrington Stanley's kit man was:

*"Fans from the main stand were allowed to enter the area next to the away dugouts from around 85 minutes when a pitch side gate was opened ..."*

We are disturbed to hear this, which seems somewhat at odds with the following statement from the Match Day Briefing and Risk Assessment:

*"Be alert around the dug out area and at the tunnel area at all times but specifically around half time and full time."*

### **Factual Background – pre-match planning**

27. This should be the most detailed section of these Written Reasons. Sadly, it is not because the Commission finds Mansfield Town simply did not plan for the possibility of a pitch invasion, even though we consider that it was highly likely given the possibility of promotion at the end of the game.

28. We have already commented that we are most surprised that the Match was categorised as 'low-risk' given what was at stake. The basis of that decision is difficult to discern.

29. When the Commission came to consider the Match Day Briefing & Risk Assessment there is simply no contemplation of a pitch invasion. The Commission would have expected to see a specific pitch invasion plan, but instead we have been prevented with what appears to be a generic document which has very, very limited Match specific planning included within it, save for some rather superficial comments regarding the away support.



30. Three phases are included within the document, Phase 2 relating to “KO to FT” and Phase 3 relating to “FT to stand down command given”. The Commission is most disappointed to note there is not one single word in the Phase 2 and Phase 3 periods, covering the period from kick-off until the stand down command is given, which addresses the possibility of a pitch invasion, most notably upon the full-time whistle, let alone how it might be prevented.
31. Within the documents provided is one headed ‘End of Game Positions: Everyone in position 15 minutes pre-full time’. Again, this contains not a single word relating to *prevention* of spectators entering the pitch. We remind ourselves that Mansfield Town are under a duty, pursuant to Rule E21.3 to ensure that spectators do not “*encroach on the pitch or commit any form of pitch incursion.*” Save for the script for a public address announcement, referred to below, all the documentation has some rather weak comments relating to what to do if spectators have entered the pitch already: thus –
- (a) The 10 north stand stewards are directed to “*walk any home supporters on the pitch towards the South Stand.*”
  - (b) The 19 IGS lower stand stewards are advised “*if supporters enter the pitch then all to form funnel around entrance to tunnel.*”
  - (c) The 12 south stand stewards are advised “*if supporters enter the pitch prevent movement towards north stand, 2 to prevent access to South Stand goal mouth.*” Of the 12, 2 stewards are actually directed to go to the car park, so with the 2 protecting the goal mouth that leaves 8 stewards to prevent movement toward the north stand.
  - (d) A generic comment is made: “*If supporters on the pitch are celebrating, we do not act in an aggressive manner. If any supporters on the pitch approach away players or match officials or approach the North Stand, we react appropriately and encourage them to act responsibly.*”
32. We have also been provided with the text of an announcement to be read over the public address system 3 times prior to kick off and once at half time. It provides:
- “*Ladies & gentlemen ... A reminder for all fans attending tonight’s match.*”

*Both clubs are hugely grateful for your support this season, and the noise and atmosphere you create is a fundamental part of what makes football so great.*

*But in the interests of safety for everyone inside our stadium, we remind all fans that the pitch is for managers, players and match officials, while the stands are there for you to support the team.*

*Pitch incursions are dangerous and it is a criminal offence to enter the pitch.*

*Keep the pitch for players and stands for spectators.*

*Enjoy the game.”*

33. While this message is encouraging, and we are prepared to assume (although we have no direct evidence) that it was read out as planned, the Commission is left wondering why no message, perhaps in shorter and clearer terms, had not been prepared to be delivered close to the end of the Match. We note that the Club Secretary, in her email to Mr Gillett of The FA dated 24 April 2024 also says that “*countless verbal messages/warnings were announced over our tannoy system during the game and whilst the fans were on the pitch.*” We are not sure if this refers to the announcement referred to above, which was not intended to be relayed during the game (as distinct from before it and at half time), but we have already commented that we did hear on the video clips a number of messages after the Match asking spectators to leave the pitch.
34. We have also been provided with a screen shot of a social media message posted by Mansfield Town at 14:33 on the day of the Match. It has received 8300 views by the time of the screenshot, with 6 likes and refers to the EFL’s messaging on Tackling Pitch incursions.
35. The Commission notes that in her email dated 24 April 2024 to Mr Gillett of The FA, the Mansfield Town club secretary states “*Messages and assets provided by the EFL were posted on all social medial platforms to deter supporters from entering the pitch, before and on the day of the match.*” We are prepared to accept that this occurred, however aside from the post referred to in the foregoing paragraph and a ‘Please do not enter the pitch’ asset, we have absolutely no evidence of how many postings were made, at what times and whether any signs were visible on the night of the Match, nor

whether the messaging was included in any match day programme produced, whether physical or digital. There is also no evidence whatsoever of engagement with fan groups before the Match to promote the message of not leaving the stands and going on to the pitch.

## Discussion

36. A previous Regulatory Commission in the case of *The FA v Bristol Rovers*<sup>1</sup> commented:

*“Times have changed since Kenneth Wolstenholme’s famous observation. The starting point is that any mass pitch incursion or invasion by supporter, whether celebratory, friendly or hostile has an associated risks and danger to the players, match officials and spectators.”*

37. As a Commission we wholeheartedly endorse this statement. We also endorse the following statements taken from the EFL’s Guidance document ‘Tackling Pitch Incursions’ which was included within the bundle:

*“It is pretty clear that players and match officials, alongside their professional bodies are deeply concerned that it is only a matter of time before one of them is seriously hurt as a consequence of the actions of a spectator unlawfully entering the pitch area.”*

*“It is vitally important that Clubs deploy proportionate and necessary steps to deal with pitch incursions ...”*

*“Where pitch incursions are predicted and informed by risk assessments, Clubs should ensure they engage fully with their fans and fan groups, to proactively influence fan behaviours, to help deter any infringement of the playing surface.*

***We need to move away from almost an acquiescence, that pitch incursions at the conclusion of the season are celebratory in nature and to be expected.”***  
(emboldening added for emphasis).

---

<sup>1</sup> Written Reasons 28 July 2022, Chair Christopher Quinlan Q.C.

38. As a Commission we consider, for the reasons given in these Written Reasons, that the words cited above in bold could have been specifically directed at Mansfield Town. We find on the totality of the evidence presented not only a complete lack of *any* steps being taken by Mansfield Town to address what was an obvious risk of a pitch invasion given the importance of the Match in the context of promotion, but even in responding to this Charge an approach which is redolent of the pitch incursion being expected and acquiesced in given the circumstances.

39. We shall return to mitigation below, but in addition to the complete lack of planning for a pitch invasion we find the following statements advanced by Mansfield Town's club secretary as mitigation to evidence this approach:

*"... as was the case at every other promoted club at the conclusion of last season, the supporters were eager to celebrate and this was the match that we were confirmed promoted."*

*"Following an overwhelming victory away at MK Dons on 13<sup>th</sup> April, other results and this rearranged low-risk match with Accrington Stanley on the following Tuesday 16<sup>th</sup> meant we had very limited time to prepare and bring in the mass number of stewards that would have been required to prevent an incursion."*

40. The Commission considers the last statement contains an implied admission that planning could have been undertaken to bring in more stewards, over and above the 68 stewards actually deployed, which could have prevented a pitch incursion. As stated, however, on the evidence we have seen no steps *whatsoever* were actually taken seeking to prevent a pitch incursion.

41. Given the admissions made by Mansfield Town, the only active consideration for the Commission relates to the appropriate sanction. However, we record that in the Commission's view the Charge was rightly admitted. The admission also removes the need to consider the defence that might have been available to Mansfield Town pursuant to Rule E21.5, although, for the reasons stated in these Written Reasons, the Commission considers that Mansfield Town were manifestly short of being in a position to properly advance the defence.

## Sanction

42. Although, as we have previously observed, no submissions were presented to the Commission by either The FA or Mansfield Town (save for Mansfield Town's email containing points of mitigation), the Commission is aware of the decision of a previous Regulatory Commission in *The FA v Birmingham City*<sup>2</sup>, which has been cited by subsequent Regulatory Commission's and which sets out a four-stage approach when considering sanction, which we adopt in the present instance. Those 4 stages are:

- (1) The seriousness of the breach committed by the Club
- (2) The culpability of the Club
- (3) The harm caused by the incident; and
- (4) The mitigation available to the Club.

### ***Seriousness of the Breach***

43. The Commission considers that the first two stages in this matter are closely related, but in turning to the first of the stages, what we have to consider is the seriousness of Mansfield Town's admitted breach of rules E21.1 and E21.3.

44. These Rules, for obvious and good reasons of protecting players, Match Officials and the staff of both clubs involved in a match, require and place a duty on each and every Club, in this instance Mansfield Town, to ensure that their supporters do not behave improperly and that they do not encroach on the pitch or commit any form of pitch incursion.

45. Accordingly, when considering the seriousness of the breach a forensic focus is placed on what steps are taken by the club, in the present instance Mansfield Town, to discharge that duty and ensure the Rules are observed such that, for example, no pitch incursion occurs.

46. The Commission is incredibly disappointed to conclude that in reality all that Mansfield Town can point to are the announcements that were pre-planned over the public address (together, we accept, with announcements after a period of delay for

---

<sup>2</sup> Written Reasons, 16 September 2019

spectators to return to the stands and possibly some announcements during the game) and at least one social media announcement.

47. Aside from that, Mansfield Town have simply failed to provide any evidence whatsoever of any planning to prevent a pitch invasion and indeed have provided what the Commission considered to be a flippant comment in suggesting there was not time to arrange the number of stewards to prevent any pitch incursion taking place.
48. Instead, Mansfield Town's evidence appears to suggest planning on the basis the game was an ordinary, low-risk game with no apparent risk of a pitch invasion and where no more stewards would be necessary than the 68 (including car park and front office stewards) for an expected crowd of 7300.
49. The Commission does not accept that planning for any match without any form of assessment as to the risk of a pitch invasion is acceptable, let alone planning for what is to happen in the event of such a pitch invasion being likely, which the circumstances of this fixture suggested was the case. However, ultimately the Commission is only considering the Match and as stated above, Mansfield Town have presented next to nothing in terms of evidence to suggest they took any or any proper steps to ensure their spectators did not behave in a manner which breached rules E21.1 and E21.3.
50. Accordingly, the Commission concludes that the failures on the part of Mansfield Town, save for some planned (and unplanned) announcements on the public address and improperly particularised social media posts, allied to some weak statements as to what was to happen if spectators were already on the pitch (which would mean that the rules had been breached by then in an event) place the current breach as being very serious.

### ***Culpability***

51. In the previously mentioned written reasons in *The FA v Birmingham*<sup>3</sup> the Regulatory Commission in that case identified a scale of culpability which we are grateful to adopt. That scale is (1) the most serious (for example a deliberate decision not to provide the necessary resources for financial reasons); (2) a reckless disregard in respect of the club's duties; (3) gross negligence; (4) negligence; and (5) a situation where a club has marginally failed to avail itself of the "due diligence" defence set out in Rule E 21.5.

---

<sup>3</sup> Written Reasons, 16 September 2019

52. The Commission considers in this case the degree of culpability to be between categories 2 and 3. Mansfield Town must be aware that if evidence is not produced, as a Commission we have to conclude that it is not produced because it does not exist. Accordingly, the overall planning was, as a minimum, grossly negligent, but the failure for there to be any planning whatsoever for a pitch invasion, which was clearly foreseeable given the importance of the fixture, falls in the Commission's view in category 2 with a reckless disregard to the club's duties.

### ***Harm***

53. 'Harm' in this sense, as also identified by the Regulatory Commission in *The FA v Birmingham*<sup>4</sup> and is not limited to just the immediate adverse consequences of the pitch invasion, but also encompasses a wider meaning including, as relevant in the Commission's view to the present instance, to:

- (a) The creation of a dangerous or hostile situation, even if that situation did not in fact escalate;
- (b) The creation of a risk of 'copycat incidents'; and
- (c) Any wider damage to the reputation of football.

54. In the Commission's view the harm in the present instance is significant. A large number of spectators found their way on to the pitch and the video clips show that during that incursion some smoke devices were used. Furthermore, the players being brought back on to the pitch before all spectators had been returned to the stands resulted in a secondary pitch invasion, with a smaller but still significant number of spectators. Until the Match Officials, and the players and officials of Accrington Stanley left the pitch there was clearly an attendant risk to those individuals which should not have been allowed to develop.

---

<sup>4</sup> Written Reasons, 16 September 2019

55. That the occasion was, thankfully, a wholly joyous one celebrating promotion to League 1 does not matter. A potentially dangerous and/or hostile situation was created with the fact that no incidents occurred being a happy outcome of happenstance, as opposed to being relevant to the club's duty to ensure the scenario did not develop in the first instance.
56. We have already noted what was said in the EFL's Guidance on Avoiding Pitch Incursions and the Commission considers that Mansfield Town's at best lackadaisical approach to the whole issue is redolent of the acquiescence in end of season pitch invasions that the EFL Guidance clearly states needs to be moved away from. In this respect, allied to the comments of the Mansfield Town club secretary when advancing mitigation (referred to below) that the supporters were eager to celebrate promotion, there is clear harm in the sense of promoting copycat incidents.

### **Mitigation**

57. Although not expressly advanced as mitigation, the Commission recognises that Mansfield Town properly and promptly admitted the Charge. The Commission gives credit for that.
58. A number of points were advanced by Mansfield Town, through the email of their Club Secretary dated 13 August 2024, for the Commission to take into account as mitigation. These points are the Commission's thoughts on them are as follows:

- (1) *"We must stress that every precaution was taken and every effort was made to avoid a pitch incursion, however, as was the case at every other promoted club at the conclusion of last season, the supporters were eager to celebrate and this was the match that we were confirmed promoted."*

The Commission rejects this. For the reasons already stated the Commission entirely rejects the suggestion that Mansfield Town took every precaution and made every effort to avoid a pitch incursion. The Commission finds that Mansfield Town took no substantive steps at all to avoid a pitch incursion, notwithstanding it was clear that such an eventuality was a possible outcome of securing promotion.



*(2) There was no pitch incursion at our following home match on 20th April.*

This is also rejected as mitigation of the Charge which relates to events on 16 April 2024. Furthermore, we are not in a position to comment on the match on 20<sup>th</sup> April, as we have been provided with absolutely no evidence as to that match, whether as to stewarding levels, messaging about not going onto the pitch or anything else.

*(3) The referee confirms that he and the other officials were safely escorted from the pitch, which he gratefully appreciated, he didn't report any issues; and*

*(4) There were no injuries at all and no negative feedback or issues from the opposition following the match*

We take these points together. Whilst the Commission accepts that there were no injuries and that the Match Officials were escorted off the pitch, whilst also noting there was some negative feedback from Accrington Stanley who commented on the lack of Stewards and the pitch side gate being opened near the away technical area, but whose players and staff left the pitch without incident, in any event the Commission does not accept these are properly considered as points of mitigation. It is mere happenstance that no-one was injured or attacked. That is a matter of relief, not mitigation of Rules which required Mansfield Town to ensure that the spectators did not enter the pitch area in any event.

*(5) Away supporters were protected and left without incident*

The Commission rejects this as mitigation. It is accepted the Commission has no evidence of any wrongdoing toward the away supporters, but it has no evidence of how they left the stadium. Furthermore, the Commission fails to see how what occurred to some spectators remaining where they should be is *mitigation* of the rules which are admitted as having been breached.

*(6) Following an overwhelming victory away at MK Dons on 13th April, other results and this rearranged low-risk match with Accrington Stanley on the following Tuesday 16th meant we had very limited time to prepare and bring in the mass number of stewards that would have been required to prevent an incursion.*

We have already passed comment on this point which we consider, far from mitigation, to be flippant and misunderstanding the seriousness of the matter. The Commission notes that the statement implies a recognition that additional stewards could have prevented the pitch incursion and rejects the suggestion there was a lack of time to engage such stewards in circumstances where there was no evidence whatsoever of any attempt to engage such stewards.

*(7) It is impossible to see how additional stewards could have prevented the mass incursion that occurred - estimated by their report, up to 2,000 people.*

The Commission notes that this comment appears to be at odds with the previous comment. It is rejected as mitigation. The Commission considers the suggestion to again be flippant and to wholly ignore or misunderstand the purpose of planning and the effect that such planning can have.

### **Guidance**

59. There is no guidance as to the appropriate sanction for a breach of the nature that has been admitted by Mansfield Town in this instance.
60. However, the Commission reminded itself of the Guidance on the Regulation of Discriminatory Conduct by Spectators for a breach of Rule E20.1. This is not a matter which engages those Guidelines and we do not for one moment suggest that it is. Rather, the **only** purpose of considering the Guidance was to remind ourselves of an illustration of the application of the principle of there being a difference in approach between fines in the various stages in the football pyramid in the context of crowd behaviour, as we were very mindful that Mansfield Town were a League 2 club at the time of the Match.
61. We should add that the Commission were informed by Mr O'Connor that there were no previous instances of Mansfield Town having breached rule E21 on the system.

## ***Conclusion***

62. The lack of any evidence of any planning to prevent a pitch incursion for a game where it was readily apparent that a pitch incursion, if not prevented, would be likely to occur given the prospect of promotion mean this is a serious breach of Rules E21.1 and E21.3 for which Mansfield Town have a serious degree of culpability.
63. In all the circumstances the Commission considered that a fine in the sum of £12,000 was appropriate, mitigated to the sum of £10,000.
64. Mansfield Town are also warned as to their future conduct and must pay the costs of the Regulatory Commission.
65. Furthermore, we consider that it is appropriate to direct Mansfield Town to publish the outcome of this Commission hearing on the Club's website and in the next matchday programme (if any such programme is produced), whether that be online or physical or both.
66. In summary, therefore, the Commission sanctions Mansfield Town as follows:
- (1) Mansfield Town will pay a fine of £10,000.
  - (2) Mansfield Town will pay the costs of the Regulatory Commission.
  - (3) Mansfield Town are warned as to their future conduct.
  - (4) Mansfield Town must publish the outcome of this Commission hearing on the Club's website and in the next matchday programme (if any such programme is produced), whether that be online or physical or both.
67. There is a right of appeal against the decision of the Commission as provided for by the Disciplinary Regulations.

.....  
**Christopher Stoner K.C. (Chair)**

.....  
**16 September 2024**

**For and on behalf of the Regulatory Commission**