

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

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FC UNITED OF MANCHESTER (APPELLANT)

-v-

NORTHERN PREMIER LEAGUE (RESPONDENT)

INTRODUCTION

1. These are written reasons for the findings of an FA Appeal Board which met via videoconference (Microsoft Teams) on 17 April 2026. The Appeal Board considered an appeal brought by FC United of Manchester (“FCUM” or “The Club”) against a decision of the Northern Premier League (“NPL” or “The League”).
2. The Appeal Board, all independent members of the FA’s Appeal Board, was Anthony Rock (Chair), Daniel Mole and Robert Purkiss.
3. Shane Comb, a member of the FA’s National Secretaries Panel, acted as Secretary to the Appeal Board.
4. The Appellant elected for a personal hearing and was represented by a Director of the Club, Paul Hurst (PH). The Respondent was represented by the Director of Sport Integrity Matters Ltd, Mark Ives (MI). In attendance as observers were Simon Preston, a Director of FCUM, and Angie Firth, CEO of the NPL.
5. This is the decision and written reasons of the Appeal Board. It is a summary document and is not intended to be a record of all submissions and evidence adduced. For the avoidance of doubt, the Appeal Board carefully considered all the evidence and submissions made in this case. Following notification of the Appeal Board’s findings, published on 19 April 2026, written reasons were requested by the Appellant.

BACKGROUND

6. FCUM’s home fixture against Stockton Town was postponed multiple times this season, first due to a scheduling clash with FA Challenge Trophy fixtures, and subsequently as a result of a series of extreme weather events.
7. Following a sixth postponement of the fixture on 24 March 2026, the League received an application from Stockton Town for the re-arranged fixture (agreed by both clubs to be played on 21 April 2026) to be played at a neutral ground rather than at Broadhurst Park, the home ground of

FCUM. Stockton Town also made an application under FA Standardised Rule 8.40 for the reimbursement of travel expenses in relation to the postponed game on 24 March 2026 (claim not disputed by FCUM).

8. Stockton Town's application was considered by the League's Executive Officers under FA Standardised Rule 8.7.2 (*"The Board shall have the power to decide whether a ground is suitable for Competition matches and to order a Club whose ground is deemed unsuitable to play its home matches at an alternative suitable ground"*).
9. The Executive determined that FCUM was to source a neutral ground meeting Grade 3 or above standards with a 3G surface, with the fixture to be played on 21 April 2026. This decision was communicated to FCUM on 1 April 2026. In response, FCUM stated they were not aware of Stockton Town's application until receiving the League's communication and sought clarification as to why the League had not engaged with the Club during the decision-making process, nor requested any evidence regarding the condition of the playing surface at Broadhurst Park.
10. Following email correspondence and telephone calls with the NPL, the Club submitted a request for the League to reconsider its decision. The submission included a proposal which, in the Club's opinion, set out a plan to address the League's primary concern regarding the timely completion of the season. The proposal also set out that Broadhurst Park should remain the venue for the fixture, that the Club would secure, at its own cost, Curzon Ashton FC's stadium as a back-up venue, and that a final decision on the venue would be made jointly between the League and the Club on 20 April 2026. The Club noted that it had previously played at Curzon Ashton's ground, was familiar with the set-up, and had maintained contact with Curzon Ashton staff regarding its proposed use.
11. The League CEO referred the matter to the full Board. The Board, having taken into consideration the Club's submission, determined that, other than the requirement to stage the re-arranged fixture on a 3G pitch, the original decision was to stand. As part of their decision, the Board deemed it unfair to delay the decision as to where the game was to be played until the week of the fixture and so made an 'early determination' that the game was to be played on 21 April 2026 at Curzon Ashton FC on their grass pitch, thus affording FCUM no possibility of playing the game at their home ground.
12. The Board's decision was communicated to the Club on 7 April 2026. It is that decision which the Club appealed.

APPEAL GROUNDS/APPEAL BUNDLE

13. In their Notice of Appeal, the Appellant stated that they wished to appeal on all four available grounds but provided detailed submissions in respect of only three; they did not pursue the ground that the League had reached a decision to which no reasonable body could have come. In their response to the Notice of Appeal, the Respondent said that, in the interests of fairness, they would address all four grounds. Prior to the appeal hearing the Appeal Board issued clarity that they would consider all four grounds: (1) failed to give the Participant a fair hearing, (2) misinterpreted or failed to comply with the Rules and/or Regulations of the Association relevant to its decision, (3) came to a decision to which no reasonable such body could have come to and (4) imposed a penalty, award, order or sanction that was excessive.
14. The bundle of documents before the Appeal Board, some 223 pages, included:
- a. Notice of Appeal.
 - b. Response to Notice of Appeal.
 - c. Various correspondence between the League and the Club, which were included as attachments to the Respondents response to the Notice of Appeal.
 - d. Written reasons from a previous appeal case - Dunston FC v NPL on 23 April 2024.
 - e. Standardised/NPL League Rules - NPL 2025/26 Handbook.
15. The Appeal Board papers are not replicated in these written reasons but were sent to all parties as part of the appeal process. If required, the papers can be obtained direct from the FA.
16. The Appeal Board noted the following within the FA's Disciplinary Regulations, Appeals, Non-Fast Track (page 183 of the FA Handbook 2025/2026):
- a. Regulation 12: *“An appeal shall be by way of a review on documents only and shall not involve a rehearing of the evidence considered by the body appealed against. 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.”*
 - b. Regulation 21: *“sets out the powers of the Appeal Board, including the power to allow or dismiss the appeal”*.
17. The following sections set out both the written and oral submissions provided by both parties.

FIRST GROUND OF APPEAL - 2.1 - FAILED TO GIVE THE PARTICIPANT A FAIR HEARING

Appellant's submission:

18. In their Notice of Appeal, the Appellant raised a number of concerns around how the NPL had made the decision and argued that there had been a systematic failure of governance. The first time they were aware of the League's initial decision was on 1 April 2026. By that stage the League had already engaged with Stockton Town on multiple occasions in the process. The fact that the decision was reconsidered, at which point the Club were finally able to engage with the process, did not resolve that failure. In the Club's view, the second decision made by the Board did not amount to a full reconsideration of the matter, but rather one which, by the League's own admission, was undertaken solely due to unspecified concerns regarding sporting integrity. The Club argued that this clearly implied the Board believed the original decision, reached without any engagement with the Club, was correct.
19. The Club also raised concerns regarding the composition of the 'panel' that made the reconsidered decision. After conversations with the League Chair, the Club understood that the original decision was made by a panel consisting of independent and club-aligned directors of Step 4 clubs; consistent with what would be expected of a disciplinary hearing. In contrast, the reconsideration was put before the full Board, including club-aligned directors from clubs in the same division as FCUM. The League stated that the panel was acceptable because '*no directors....were involved with clubs involved in either the play-offs or the title race*'. The Club argued that such a composition would not be permitted for a disciplinary hearing and therefore it should not have been permitted in this scenario. The Club further stated that, as a basic principle of good governance, organisations must seek to avoid any perceived conflict of interest, not just any proven conflict. The Club referred to two issues of serious concern which have come to light since the League's decision. [REDACTED]

Respondent's submission:

20. The Respondent stated that the Board's decision was operational and not disciplinary. Operational decisions are properly taken under delegated authority and ratified by the Board. The Club were consulted and had its proposal considered by the full Board. There was no procedural unfairness, the composition of the Board was appropriate and their approach was consistent with governance practice.
21. The Respondent made reference to the separate complaint concerning an individual director but said this was an unrelated issue to this appeal and should be disregarded.

SECOND GROUND OF APPEAL - 2.2 - MISINTERPRETED OR FAILED TO COMPLY WITH THE RULES AND/OR REGULATIONS OF THE ASSOCIATION

Appellant's submission:

22. The Appellant contended that the League, when considering FA Standardised Rule 8.7.2, had given undue weight to factors which were not relevant to a proper determination. The League's first and, in the opinion of the Club, primary decision referred to the number of days holiday the Stockton Town players had taken in relation to the previous postponements of the fixture. The Club contended that, whilst they acknowledged and sympathised with Stockton Town's position, it was improper for the League to hold this as a material concern when making a decision under Rule 8.7.2. In the Club's opinion, Rule 8.7.2 is concerned with, and only with, whether a ground is either suitable or unsuitable to host a fixture.
23. Following the original decision on 1 April 2026, the Club was scheduled to play at home in league fixtures on the 6th and 18th April 2026. The League made no determination that Broadhurst Park was unsuitable to host either of those fixtures. In the case of Stockton Town, the League had determined, 3 weeks in advance, that the ground was unsuitable to host the game. Their decision was not led by any deterioration nor any inspection led trigger of the Club's home pitch.
24. One of the main reasons cited by the League was that it was unfair to delay the decision on where the game would be played until the week of the fixture. The Club contested that the League had deviated significantly from various precedents and cited examples of them approving a change of venue within less than 24 hours of kick off. These examples demonstrated that the League was willing to apply a significant level of discretion, even when the last possible rearrangement date in the season is involved.
25. The Club said that the League had sought to portray Broadhurst Park as having a fundamental issue with being able to fulfil fixtures. The Club provided evidence, which was not opposed by the League, that such a portrayal was inaccurate, and that the Club had kept pace with the remainder of clubs in the league in regard to the number of home fixtures played. The Club had put forward a proposal aimed at ensuring that the league fixtures would be completed '*on time*', a proposal which included a back-up plan to play the fixture at Curzon Ashton FC in the event that their home pitch was unplayable. The League, rather than engaging with the Club on a fact-finding basis, relied on bare assertions throughout much of the decision-making process.
26. The Club acknowledged that the League had placed significant weight on '*competition integrity*', accepting that it was entitled to do so. However, the Club said that the League's total focus had been entirely on the requirement to complete the season on time. In rejecting the Club's proposal, the League had discarded other relevant factors related to competition integrity, such as the impact

of home advantage and the impact on other clubs in the league. The Club said that it was a generally accepted principle, supported by statistical evidence, that playing a fixture at home was a sporting advantage to the home team. That principle was put forward by the League in the 2024 appeal involving Dunston FC and was accepted by the appeal board sitting to consider that case. The Club said that the League's decision to order their game to be played at a neutral ground not only affected the two clubs involved but had an impact on those clubs challenging for play off positions, all of whom have had to play their away fixtures against FCUM at Broadhurst Park.

Respondent's submission:

27. The Respondent said that the Appellant was reliant on Rule 8.7.2 and incorrectly sought to narrow the Rule to an existing pitch inspection. The Respondent stated that the Rule conferred a broader evaluative discretion, including the reliability and suitability of the ground to fulfil fixtures when required. The League's decision was based on a clear evidential foundation and they were entitled to conclude that the ground was not sufficiently reliable for a fixture in the final week of the season. The League's primary obligation was to ensure the orderly completion of the competition.
28. The Respondent submitted that they must also have consideration of fixture congestion and fairness to other clubs. That approach is supported by the Dunston appeal findings, and the Appellant's reliance on other cases was misplaced and should be dismissed. On 7 April 2026, the League didn't have a detailed weather forecast and so made a decision based on the best interests of the competition. The League's priority was to ensure that the competition was concluded on the pitch. They accepted that there were operational challenges involved and that no detailed pitch inspection of Broadhurst Park had taken place before making their decision on the 7 April 2026. During questions from the Appeal Board, MI said that it was not unreasonable for the League to have directed that the game be played at a neutral ground. He also clarified that the ground grading system does not include a report on the standard of the pitch which remains the responsibility of the Club and the League to monitor.

THIRD GROUND OF APPEAL - 2.3 - CAME TO A DECISION TO WHICH NO REASONABLE SUCH BODY COULD HAVE COME

Appellant's submission:

29. The Appellant submitted no specific written or verbal evidence in regard to this ground of appeal.

Respondent's submission:

30. MI reminded the Appeal Board of the test facing them with this ground of appeal. The League submitted that given the repeated postponements of this fixture, known reliability concerns with the pitch at Broadhurst Park, the absence of any contingency dates and a risk to the completion of the season on time, the decision was plainly reasonable. The decision was made in good faith and based on the requirement to have the best possible opportunity to secure completion of the fixture. MI referred to the Dunston appeal in 2024, stating that decisions taken to mitigate postponement risk and fixture congestion are rational and proper.

FOURTH GROUND OF APPEAL - 2.4 - IMPOSED A PENALTY, AWARD, ORDER OR SANCTION THAT WAS EXCESSIVE

Appellant's submission:

31. The decision means that the Club loses a home fixture. The Club contested that it was being given a '*quasi-sporting sanction*', notwithstanding the fact that it has not breached any rules. The Club quoted Premier League statistical evidence showing that clubs earn 1.63 points per match at home, compared with 1.1 points per away match. They submitted that the League has an obligation to be fair in ensuring that teams play each other home and away. Any attempt to compel a club to play fewer home games than they are entitled to must be limited to whether their home ground is suitable to host games. Any attempt by the League to bring other factors to bear, as the League has done in this case, goes against the rules of the League and is unfair to the Club and its stakeholders.

Respondent's submission:

32. The Respondent submitted that the other three grounds of appeal carried no weight. The League had made a fair and reasonable operational decision and had acted correctly under FA Regulations, Chapter 9, Rule 4. It was open to the Appeal Board to determine if the sanction was excessive and to make findings on this specific ground of appeal. The Respondent submitted that the League's decision was not a punitive sanction, but an order to maintain the integrity of the League and to ensure the best possible opportunity of completing a game that has been postponed many times. On first viewing, the Appellant's proposed alternative solution introduced no assurance of the fixture being completed. The League wanted to minimise the risk of either the game being postponed in the last week of the season and needing to be rearranged within 24 hours, or for the season to be extended with the associated impact on play-off games.

33. The League rejected the proposal in good faith, accepting that the preference was for all its teams to play their home games at their home venue. The League contested that the contingency put in place was not excessive but accepted that it was a matter for the Appeal Board to consider. In doing so,

was there an alternative solution ensuring a greater possibility of the fixture being completed on the scheduled date? The League said that there must be operational balance between playing games at home and surety of the season being completed ‘on time’. If that could be secured, then there can be no argument that the game should be played at FCUM’s home ground, Broadhurst Park.

LEGAL TEST FOR GROUND OF APPEAL/ROLE OF THE APPEAL BOARD

34. As stated in Regulation 12 of the Non- Fast Track Appeal Regulations, the task of the Appeal Board is to conduct a review of the Disciplinary Commission’s/League’s decisions. It is not a new hearing or an opportunity to consider the matter afresh. Guidance on how this review should be carried out is to be found in:

- The FA v Bradley Wood, 20 June 2018, which states: *“when considering evidential assessments, factual findings and the exercise of a judicial discretion in the context of an appeal by way of review, a Commission must be accorded a significant margin of appreciation. Accordingly, such evidential assessments and factual findings should only be disturbed if they are clearly wrong or wrong principles have been applied. That threshold is high and deliberately so. When assessing whether a sanction is unreasonable, the same margin of appreciation applies. It is not for the Appeal Board to substitute its own opinion or sanction unless it finds that the Commission’s decision was unreasonable.”*

35. When deliberating on their findings the Appeal Board applied the following principles in its approach to the ground(s) of appeal:

- a. An appeal such as this proceeds by way of a review of the decision of the Respondent/League. It is not a rehearing of the evidence and arguments at first instance.
- b. It is not open to the Appeal Board to substitute their decision for that of the League simply because the Appeal Board might themselves have reached a different decision. If the League has reached a decision which it was open to them to reach, the fact that the Appeal Board might have reached a different decision is irrelevant.
- c. The Appeal Board should be slow to intervene with evidential assessments and factual findings made by the League. Evidential assessments should only be interfered with if they are clearly wrong or if the wrong legal principles were applied to the making of those factual findings.
- d. Any Appellant who pursues an appeal on the ground that a Regulatory/Disciplinary Commission/League has come to a decision to which no reasonable such body could have come has a high hurdle to clear or a high threshold to pass.

FINDINGS OF THE APPEAL BOARD

36. The Appeal Board, having considered the submissions of both parties and having given the Appeal Bundle careful consideration, make the following findings. For clarity, the Appeal Board has referenced each individual ground of appeal.
37. **First Ground - failed to give the Participant a fair hearing:** having received a submission from Stockton Town in late March for the game to be played at a neutral ground, the League should have sought observations from FCUM. That said, the Club, having eventually been notified of the League's '*first decision*', were given the opportunity to submit their proposal for the game to be played at Broadhurst Park, a proposal which the League rejected. The Appeal Board found no procedural unfairness and determined that the composition of the League's Board to consider the Club's proposal was appropriate. **This ground of appeal was dismissed.**
38. **Second Ground - misinterpreted or failed to comply with the Rules and/or Regulations of the Association relevant to its decision:** the Appeal Board concluded that the League, under the wider remit of Rule 8.7.2, had made a decision that they were entitled to make. **This ground of appeal was dismissed.**
39. **Third Ground - came to a decision to which no reasonable such body could have come:** in its submissions to the League, the Club advanced a practical solution which would have ensured that the fixture against Stockton Town was played at the Club's home ground, with relocation to Curzon Ashton only as a genuine contingency in the event that the pitch was unplayable. The League's decision disregarded that balanced approach and imposed a rigid requirement that lacked any proper justification. The effect of the decision was to undermine the core principle that clubs should, wherever possible, be afforded home advantage for home fixtures. In contrast to the Club's proportionate proposal, the League's approach was inflexible, effectively placing "all the eggs in one basket" without rational explanation. The irrationality of the decision is further exposed by its inconsistency. In the period immediately preceding the Stockton Town fixture on 21 April 2026, the Club was due to fulfil two further home league fixtures on 6 and 18 April 2026. At no point did the League suggest that those fixtures should be moved to neutral venues. Nor did it propose relocating the cup final scheduled at Broadhurst Park on 15 April 2026.
40. The League contended that it could not risk the fixture against Stockton Town being postponed in the final week of the competition. However, the Appeal Board found that there was minimal, if any, real risk in permitting the fixture to be moved to Curzon Ashton within 24 hours of the scheduled kick-off. The Appeal Board concluded that the League had placed disproportionate weight on the objective of ensuring completion of the competition, to the detriment of fairness to FCUM. The Board concluded that the League's decision to require the fixture to be played at a

neutral venue, without any proper assessment of the condition of FCUM's pitch at the time the decision was made, was unfair, illogical, and inconsistent with the principles of sporting integrity. The decision was one to which no reasonable such body could have come. **This ground of appeal therefore succeeds.**

41. **Fourth Ground - imposed a penalty, award, order or sanction that was excessive:** the Appeal Board accepted that there could be a financial penalty via a loss in revenue if the game was to be played at a neutral venue; a consequence of the decision. Whilst it could be argued that such a penalty was excessive, without a detailed financial forecast of such a loss the Appeal Board was unable to determine that any such loss would be excessive. **This ground of appeal was dismissed.**

OUTCOME

42. The Appeal Board determined that:

- a. The appeal is unanimously allowed on the ground that the League '*came to a decision to which no reasonable such body could have come*'.
- b. In order to give effect to their decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, order the fixture to be played at Broadhurst Park as the primary venue with Curzon Ashton as a back-up. A final decision on the venue is to be taken no later than noon on Monday 20 April 2026. If necessary, that decision is to be taken between the Club and the League, based on a full pitch report, a referee inspection in accordance with Standardised/League Rule 14 and a review of all applicable weather forecasts.
- c. There is no order as to costs and the appeal fee is to be returned.

43. The Appeal Board's decision is final and binding on all parties.

Anthony Rock (Chair)

22 April 2026

Daniel Mole

Robert Purkiss