

**IN THE MATTER OF AN ALLEGED BREACH OF FA RULE E21**  
**BEFORE**  
**THE FA REGULATORY COMMISSION**

5 February 2026

Mr David Phillips KC FCIArb  
Ms Alison O'Dowd  
Mr Peter Fletcher

BETWEEN –

THE FOOTBALL ASSOCIATION

Complainant

and

CRYSTAL PALACE FC

Respondent

**WRITTEN REASONS**

**INTRODUCTION**

1. The Regulatory Commission was appointed on 21 January 2026 to determine the charge brought against Crystal Palace FC by the FA. The allegation was of a breach of FA Rule E21.1 on 24 August 2025 during the Premier League match between Crystal Palace and Nottingham Forest FC. Crystal Palace denied the charge, which was heard by the Commission on paper on 4 February 2026. Crystal Palace relied on its written submissions dated 11 November 2025. The FA relied on its Response dated 15 December 2025.

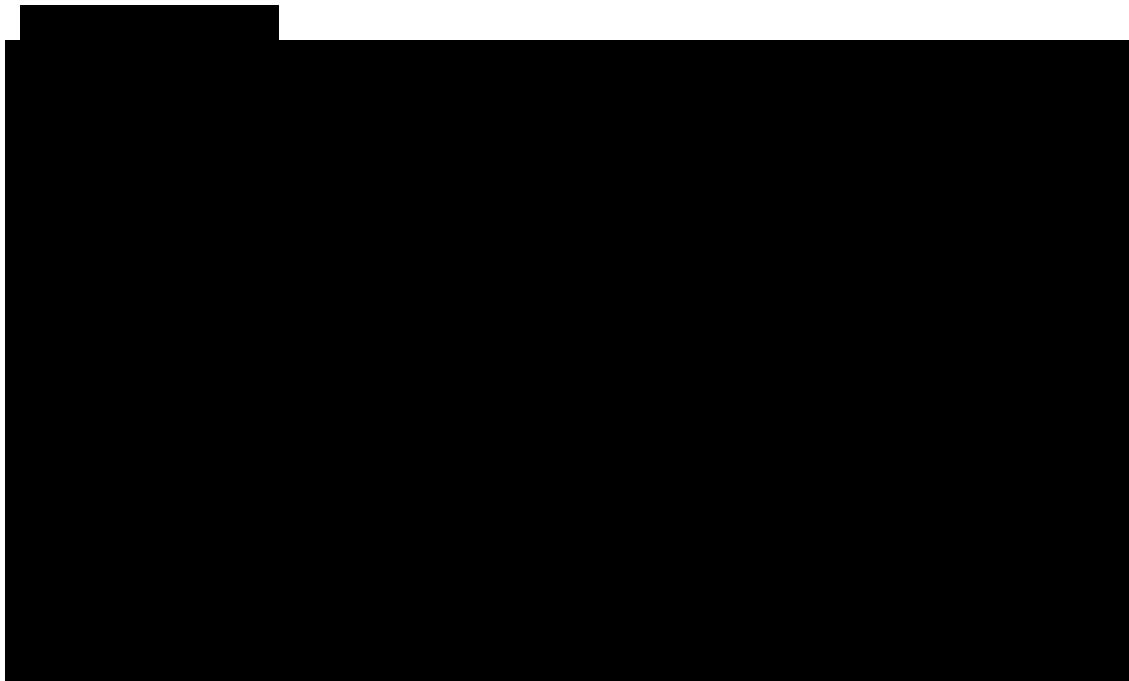
**THE CHARGE**

2. The charge is contained in the FA's letter dated 3 November 2025 –

Crystal Palace FC is hereby charged with Misconduct for a breach of FA Rule E21 in relation to the behaviour of its spectators and/or supporters during the above fixture.

It is alleged that during the fixture, Crystal Palace FC failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) attending any Match do not behave in a way which is improper, offensive, abusive, insulting and/or provocative, contrary to FA Rule E21.1.

3. The facts are largely not in dispute. Fans in the Holmesdale Stand erected a banner measuring about 8/10 metres in height and 12/15 metres in width. The banner was immediately seen by the control room, which despatched stewards to the area. The stewards were on site within about 30 seconds. The banner was voluntarily taken down within about 2 minutes. It remained on the ground in the stand until half time when it was removed. [REDACTED]



4. Crystal Palace does not admit that the banner was of a character prohibited by Rule E21.1. Further, it relies upon the E21.5 due diligence defence, arguing that it had taken all steps that could reasonably be taken by it. The FA disputes these arguments. It relies on the expert report written by Steve Graham, an FA Safety and Security Advisor. Mr Graham concludes that Crystal Palace cannot establish the due diligence defence.
5. Mr Graham's conclusion is summarised by the following sentence (paragraph 8.3)  
*Ultimately, there is a proven failing in the integrity of the stadium's search regime, and this was exploited by HF to display this large unauthorised banner.* Mr Graham is not, however, only critical of Crystal Palace's systems. He says (also in paragraph 8.3) *...it is difficult to identify any failings in CPFC's planning and preparation.* Mr Graham accepts that stewards were on the stand within 30 seconds of the banner being unfurled, that the banner was on display for only 2 minutes, and that it was removed by half time.

## **CRYSTAL PALACE'S CASE**

6. Crystal Palace does not accept that the character of the banner is as alleged. It argues (paragraph 5.3) –  
As to the “offensive, abusive, insulting and/or provocative” nature of the Unapproved Banner, given the Club has strict policies and systems in place to prevent the display of offensive material (through the CPFC Ground Regulations and the guide for supporters visiting Selhurst Park, copies of which are appended to the Observations Letter) and such policies were deployed effectively, the Club cannot see clear grounds for definitively determining this

banner as “offensive, abusive, insulting and/or provocative”; rather, it is submitted that – despite the contents of the banner which the Club does not propose it can correctly characterise (nor can any objective bystander) – it is, in any event, clearly an expression of the exercise of the right to freedom of speech from the Crystal Palace supporters, and whilst the Club acknowledges there are guardrails around freedom of expression that the Club will always police, there must be a general presumption of freedom of expression. The contents of this banner do not veer into territory nor step over acceptable boundaries such that the general right to freedom of expression of the Club’s supporters should be restricted or rebutted.

7. In support of its due diligence argument Crystal Palace points to its creditable policies of stadium control. It explains its policy in relation to banners. It explains that the entirety of the Holmesdale Stand supporters are searched. Crystal Palace acknowledges that it cannot say how the banner was introduced to the Holmesdale Stand but argues that *it meets the standard of the due diligence defence in that it neither sanctioned nor approved the Unapproved Banner.*

## THE FA’s CASE

8. The FA argues that the banner is plainly of a character that is prohibited by Rule E21. Its objectionable nature is self-evident. Adopting Mr Graham’s reasoning, the FA says that the fact a banner of this size could have been smuggled into the ground demonstrates a failure to exercise due diligence.

## LIABILITY

9. Whether the banner was of a character prohibited by Rule E21 is a question of fact to be determined objectively. The question which is to be answered by ordinary, common-sense standards is whether the banner was *improper, offensive, abusive, insulting and/or provocative*. The Commission has no hesitation in answering that question in the positive. We find that the character of the banner was prohibited.
10. The due diligence defence is not a counsel of perfection. A club is not expected to eliminate all risk. It is, however, required to demonstrate that it has used *all due diligence* (emphasis added). The test is an objective one: the question is whether the Club had taken all reasonable steps to prevent the conduct complained of.
11. We note that Mr Graham recognised the planning and preparation prior to the fixture was thorough. However we would have expected to see a match specific risk assessment document in the Club’s response, together with a document

containing the pre match-day safety checks identifying that the stadium had been thoroughly searched prior to the opening of the turnstiles. Such a search should have included the storage room that the Club had set aside for the supporters' banners. Given that Crystal Palace had identified the Holmesdale Stand fans as being higher risk, and therefore had a policy that all fans entering into that stand should be searched prior to admission, it seems to us to be a significant oversight not to have included the contents of the storage room in the search policy.

12. The Commission has no hesitation in finding that the due diligence defence fails. We accept Mr Graham's opinion that with a more effective search policy the banner would have been identified and would not have entered the stadium. The fact that Crystal Palace had a policy to prevent banners being smuggled into the stadium demonstrates that it was aware of the risk. Crystal Palace believed that its policy was effective. The fact that it proved possible for the banner to be brought into the stadium demonstrates that it had no such effective policy. The failure to implement an effective policy means that Crystal Palace cannot establish the due diligence defence.
13. We therefore find the charge proved.

## **SANCTION**

14. There is mitigation. Crystal Palace is a responsible club that had introduced responsible planning and preparation. We accept Mr Graham's opinion that that it was difficult to identify any failings in the planning and preparation – although the plain fact is that on this occasion that planning and preparation failed. Such a failure is not what Crystal Palace had intended. Its behaviour was responsible, not cavalier or unthinking.
15. When determining sanction the Commission is required to have regard to four separate factors.
  - (1) The seriousness of the breach. There are no aggravating features such as are frequently seen in Rule E21 charges – physical violence between supporters, discriminatory chanting, disruption of the match, pitch invasion. The banner was unfurled for only a short period and was taken down with the cooperation of those who had erected it. The seriousness of the breach is at the lower level of the scale.
  - (2) The culpability of the Club. Crystal Palace is a responsible club which

takes matters such as this seriously. This breach is not reflective of its attitude or normal achievements. The culpability is at level 4 – negligence.

(3) The harm caused by the incident. The banner was removed speedily, without confrontation. The harm was relatively minor.

(4) The mitigation available to the Club. There is substantial mitigation available to Crystal Palace. We have already referred to Mr Graham's recognition of the Club's planning and preparation, which we find to be reflective of Crystal Palace's attitude to compliance issues generally.

16. Breaches of this nature attract a financial penalty. The mitigation means that we are able to reduce the penalty from what it would otherwise have been. Nevertheless, this incident demonstrates a significant failure, and the charge was denied by the Club. We consider the appropriate penalty in this case to be a fine of £50,000.

## **CONCLUSION**

17. Crystal Palace must pay a fine of £50,000. In addition, it must pay the costs of Commission. Each party shall bear its own costs.



David Phillips KC FCIArb  
Alison O'Dowd  
Peter Fletcher

5 February 2026