

APPEAL BOARD OF THE FOOTBALL ASSOCIATION

BETWEEN:

HAREFIELD UNITED FC (Appellant)

-and-

COMBINED COUNTIES FOOTBALL LEAGUE (Respondent)

WRITTEN REASONS OF THE APPEAL BOARD

Appeal Board: Sally Davenport (Chair) – Independent Legal Panel Member

George Dorling – Former Council Panel Member

Daniel Mole – Independent Football Panel Member

Secretary: Conrad Gibbons – Senior Judicial Services Officer

Date: 31 March 2025

Venue: Held remotely via Microsoft Teams

INTRODUCTION

1. The Appeal Board was appointed to determine an appeal in accordance with The Football Association's Disciplinary Regulations – Appeals ("the Appeal Regulations"). No objection was raised regarding its composition.
2. The Appeal Board conducted a hearing on 31 March 2025 to determine an appeal submitted by Harefield United FC ("Harefield") against a decision of the Combined Counties Football League ("the League") to order the replay of a match because the match officials had wrongly allowed a player to be substituted after he had been shown a red card.
3. Harefield submitted a Notice of Appeal ("the Notice") on 24 February 2025. The League submitted a Response to the Notice ("the Response") and provided various documents and video footage.
4. The Appeal Board had before it a bundle ("the Appeal Bundle") containing the following:
 - Notice of Appeal
 - Response to Notice of Appeal
 - Overview
 - Match Video (Link) with Comments
 - Collection of Associated Documents
 - Decision Letter
 - Process used by Respondent Board to reach Decision
 - League Rules
5. The Appeal Board is grateful to both parties for their written submissions. This document constitutes the written reasons for the Appeal Board's decision. The Appeal Board considered the entirety of the materials and submissions that the parties put before it. If this document does not explicitly refer to a particular point, document or submission, it should not be inferred that the Appeal Board overlooked or ignored it.

BRIEF BACKGROUND FACTS AND TIMELINE

6. Harefield plays in the League. On 28 September 2024 Harefield played an away match (“the Match”) against Wembley FC (“Wembley”). Harefield won 3-2. In the second half one of the Harefield players was sent off for two yellow cards. After the first yellow card, Harefield decided to substitute the player. The substitution was made and Harefield played the rest of the Match with 11 players. Harefield scored two late goals to win the Match.
7. According to the League, it was contacted by the Referee Observer after the Match to say that the Match Officials had made a mistake because they had allowed a player who had received a red card to be substituted.
8. On 2 October 2024, the Referee sent an email to Wembley stating as follows:

“After I showed George the yellow card Harefield then started the substitute procedure and took him off the field of play, when i showed him the second yellow and subsequent red card I then asked the bench side assistant if the substitution procedure had been completed and the sub had come on and he said it had.

The match day observer confirmed that the sub had not come on at the time and an error was made by allowing Harefield to continue to play with 11 men. In law i know that if the sub had not come on to the field of play before the red card then they should have been reduced to ten men which is why i asked AR1 the question before hand.

I have completed an extraordinary incident report on the whole game system and made the league and my county fa aware of it.”
9. On 2 October 2024, Wembley sent an email to the League saying that it wished to file a complaint after viewing video footage of the Match. It stated that late in the Match the Referee had sent off a player for Harefield before he could be substituted, but then allowed Harefield to make the substitution.
10. On 4 October 2024, Middlesex FA (“MFA”) informed the League that it had charged the Senior Assistant Referee (referred to in these Written Reasons as the “Assistant Referee”) under Referee Regulation 7(a)(i) because the evidence showed that the substitute procedure was not completed before the dismissal of the Harefield player.

11. The Referee was also charged by his County FA, Amateur FA (“AFA”). The details of that charge were not available to the Appeal Board. On 7 February 2025, AFA informed the League that the case against the Referee had been heard and found not proven.
12. On 12 February 2025, MFA informed the League that the Assistant Referee had acknowledged his error immediately after the Match, had admitted the charge against him and had served his suspension.
13. On 17 February 2025, the Board of the League (“the League Board”) unanimously resolved to declare the Match void under League Rule 8.2. By a letter of the same date headed “Notice of Decision”, the League wrote to Harefield and Wembley to inform them of that decision. It also provided three further documents to them, as set out below:
- A document referred to as an “Overview”, which set out the background, what had happened since the Match, the decisions of MFA and AFA and the Board’s analysis of the evidence and the Laws of the Game.
 - A document headed “Match Video and Comments” which included a link to video footage of the Match (“the VEO footage”) and a timeline focusing on the red card incident.
 - A document headed “Document Collection” which reproduced various documents and emails said to be pertinent to the case:
 - Referee’s Report 29.09.2024
 - FA Disciplinary Report extract 10.10.2024
 - Complaint from Wembley 02.10.2024
 - Email from Match Referee to Wembley 02.10.2024
 - Email from MFA 04.10.2024
 - Email from AFA 07.02.2025
 - Email from MFA 12.02.2025

THE APPEAL REGULATIONS

14. Paragraph 2 of the Appeals - Non-Fast Track Regulations (“the Appeal Regulations”) sets out the grounds upon which a participant may appeal a first instance decision. 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.”

15. Paragraph 12 of the Appeal Regulations 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.”

16. Paragraph 21 of the Appeal Regulations sets out the powers of the Appeal Board, including the power to allow or dismiss the appeal.

THE RULE RELIED ON BY THE LEAGUE

17. Rule 8.2 of the League Rules states as follows:

“All matches shall be played under the Rules and Regulations of The FA and in accordance with the Laws of the Game as determined by the International Football Association Board.”

HAREFIELD'S SUBMISSIONS

18. In the Notice, Harefield indicated that it was appealing on the ground that the League had come to a decision to which no reasonable such body could have come.

19. In summary, the Notice submitted that:

- Harefield was not permitted to have any input before the Board made its decision.
- AFA (referred to in the Notice as London AFA) had heard an appeal from the Referee and decided that it was not proven that he had made a mistake.
- The Match Observer had informed Harefield that in his opinion the Referee had booked the wrong player. Having recently received the VEO Footage, it was “very clearly apparent” that a mistake had been made.
- As the Senior Assistant Referee had admitted the charge against him, MFA did not review the VEO footage.

20. The Notice also set out a timeline from the time of the first yellow card, commenting on and disagreeing in some respects with the timeline prepared by the League.

THE LEAGUE'S SUBMISSIONS

21. In the Response, the League commented on the points raised by Harefield as follows:

- Harefield was not charged with any breach of the League Rules. In such circumstances the League does not require a club to make representations.
- The League had been surprised that the charge against the Referee had been found not proven. Nevertheless, the Referee had told Wembley that a mistake had been made and the Assistant Referee had admitted the mistake and had admitted the charge against him.
- Wembley had considered the VEO footage before making a complaint and MFA had reviewed it before charging the Assistant Referee.

- The issue of whether or not the wrong player had received a yellow card was not relevant to the appeal.
- There was no dispute that the Match had continued with Harefield having 11 players.

LEGAL TEST

22. Paragraph 12 of the Appeal Regulations, cited in paragraph 14 above, makes it clear that the task of the Appeal Board is to conduct a review of the first instance decision rather than a *de novo* hearing. The Appeal Board noted that this was an appeal against a decision of a league and that the decision-maker was the board of that league rather than a disciplinary commission. As such, there had been no hearing. Nonetheless, the same principle applied.

THE APPEAL BOARD'S DECISION

23. Although Harefield had not expressly indicated that it wished to appeal under Paragraph 2.1 of the Appeal Regulations, the Appeal Board noted that it had stated in the Notice that it felt that the League's decision that the Match should be replayed was wholly unfair as it had had no input and had not had the chance to question the other reports or the interpretation of the VEO Footage. The Appeal Board therefore gave consideration to this point. It had some sympathy for Harefield's position, particularly given the delay in the matter being considered by the Board. However, Harefield had not pointed to anything in the League Rules to suggest that it should have been offered a hearing before a decision was reached. The Appeal Board noted that when the League receives a protest or complaint from a club, Rule 16 applies. Rule 16.1 gives the Board of the League the right to determine and regulate its own procedure. There is nothing in the Rule that states that the other team must be informed, nor does the Rule indicate that the other team must be invited to a hearing before a decision is made. In the view of the Appeal Board, best practice would have been to invite submissions from both Wembley and Harefield, but absent any requirement to do so, the failure to consult Harefield did not render the decision unfair.

24. The Appeal Board then moved on to consider whether the League Board had come to a decision to which no reasonable such body could have come. It reminded itself that its role was to review the League's decision, not decide the case afresh, and that the test is essentially the Wednesbury unreasonableness test applied in administrative law to cases of judicial review. If an appellant is to succeed, it must show that the decision-making body acted irrationally and/or perversely in coming to its decision.
25. The Appeal Board agreed with the League that the question of whether the first yellow card had been issued to the wrong player was not a matter for the League and was not relevant to the appeal before it. The Appeal Board carefully considered all the evidence regarding the sending off and substitution. It noted the differences in the timelines of Harefield and the League. It agreed that not everything could be seen clearly on the VEO Footage. The Appeal Board referred itself to Law 3.3 of the Laws of the Game, which states that "*the substitution is completed when a substitute enters the field of play*" (our emphasis). Having viewed the VEO footage repeatedly, the Appeal Board considered that it provided strong evidence that the Harefield substitute had not entered the pitch until around 15 seconds after the red card had been shown. Moreover, the League had not relied on the VEO Footage alone. The Referee Observer had said that a mistake had been made. The Assistant Referee had admitted making the mistake. The Referee had said that he had wrongly been informed that the substitution had been completed before he issued the red card and that he would not have allowed the substitution if he had been given the correct information. On that basis, the Appeal Board could not conclude that the League Board's decision had been unreasonable.
26. The Appeal Board then moved on to consider whether the League had the power to order the Match to be replayed. Neither party referred the Appeal Board to anything in the Laws of the Game or the League Rules that directly related to the circumstances of this case, other than Rule 8.2 of the League Rules, cited in paragraph 17 above. The Appeal Board noted that the League Board had expressly considered whether it had the authority under the League Rules to order a replay and had concluded that it did by virtue of Rule 4.2. The Appeal Board referred itself to Rule 4.2, which provides that "*the Board shall have power to apply, act upon and enforce these Rules and shall have jurisdiction over all matters affecting the*

Company or the Competition including any not provided for in these Rules". It noted that in the case cited by the League as a precedent, a replay had been ordered due to a failure to apply the Laws of the Game correctly (not allowing a player who had been sin-binned to take a penalty in a penalty shoot-out). The Appeal Board was satisfied that the League Board had the power to order a replay.

27. Finally the Appeal Board considered whether the League Board had acted unreasonably in ordering the Match to be replayed. It noted that Harefield had played the remainder of the Match with eleven players. That had given it a clear advantage because Wembley had subsequently had a player sent off. Harefield had been drawing at the time its player had been sent off and the substitution had been made. It had gone on to score two goals when it should have been down to ten players. The League Board had been entitled to conclude that Harefield had had an unfair advantage. It could not be said that it had come to a decision to which no reasonable body would have come in ordering a replay. There was therefore no basis for interfering with the League Board's decision.

CONCLUSION

28. The Appeal Board dismissed the Appellant's appeal.
29. The Appeal Board made no order as to costs. The appeal fee was ordered to be retained.
30. The decision of the Appeal Board is final and binding and there is no further right of challenge.

Sally Davenport

George Dorling

Daniel Mole

4 April 2025