

IN THE MATTER OF AN APPEAL

Case ID : 12029666M

FROM THE DECISION OF A DISCIPLINARY COMMISSION

OF LONDON FOOTBALL ASSOCIATION

BETWEEN :

HILLTOP FC

Appellant

and

LONDON FA

Respondent

DECISION AND REASONS

Appeal Board constitution.

Abdul S. Iqbal KC (Chair – Independent Legal Panel member)

Daniel Mole (Independent Football Panel member)

Yunus Lunat (Independent Football Panel member)

Jack Mason (Secretary to the Appeal Board)

Attendees

Appellant – Hilltop FC

Mahad Omar – Secretary, Hilltop FC – Representative

Abdullah Mohamed – First Team Manager, Hilltop FC – Observer

Respondent – London FA

Megan Harley Buller – Football Services Manager, London FA – Representative

Jordan Crichlow – Football Services Manager, London FA – Observer

Melanie Armstrong – Head of Football Services, London FA – Observer

Date of appeal hearing : 19 March 2025

1. This document sets out the written reasons for the findings of an independent FA Appeal Board which sat on Wednesday 19 March 2025.
2. The Appeal Board met to hear an appeal brought by the Appellant Hilltop FC against a decision of a Disciplinary Commission (“the Commission”) sitting at a personal hearing in respect of disciplinary proceedings brought by London FA against Hilltop FC (“HFC”).
3. This is the decision and written reasons of the Appeal Board. Necessarily, this is a summary document. It is not intended to be a record of all submissions to the Appeal Board and/or all evidence adduced before the Commission.
4. For the avoidance of doubt, the Appeal Board carefully considered and took into account all the evidence and submissions made by the parties in this case.

(1) The charges.

5. By “*misconduct charge notification*” dated 3 January 2025¹ the London Football Association (“London FA”) alleged that HFC during a Combined Counties Football League match (“the match”) between Milton United FC (“MUFC”) and HFC on 14 December 2024, failed to ensure spectators and/or supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion whilst attending the match.
6. The particulars of the allegation within the Misconduct Charge Notification stated as follows²:

“This refers to the allegation that a Hilltop spectator shouted towards the Match Officials

¹ Pages 20 to 21 of the appeal bundle.

² Page 21 of the appeal bundle.

“You’re all stupid fucking cunts, fuck you. If you can’t take it, fuck off.” and/or “Fuck off then if you can’t take it you cunts” and/or “If you can’t deal with my shit then you shouldn’t be refereeing non-league football” or similar. Furthermore, when asked by Officials from Milton Utd & Hilltop the spectator refused to leave causing the Match to be abandoned.

The London FA intends to rely on the following information, included in the charge evidence document:

1. Report(s) and information supplied by the Match Official(s)

2. Statements from Milton Utd

3. Veo Footage Link incident from 65th minute onwards:
<https://app.veo.co/matches/20220106-2022-01-06-085218-82cd7485/>

7. HFC denied the charge by response dated 10 January 2025³ and requested a personal hearing.

(2) The Commission’s factual findings and sanction.

8. The totality of the evidence and submissions was considered by an independent Disciplinary Commission comprised of three members that sat on 21 January 2025.

9. The Appeal Board read the document entitled “THE *DECISION AND REASONS OF THE COMMISSION*” dated 31 January 2025 (“the decision”) that sets out the reasoning, factual findings and sanction imposed by the Commission in this case⁴.

10. The alleged breach of FA Rule E21 was founded on the basis of the following:

- i. It was not in dispute that a spectator present at the match was acting in a disorderly and abusive fashion as alleged in the Misconduct Charge Notification;
- ii. The evidence from match officials and video footage⁵ indicated that the abusive spectator was a HFC supporter or a spectator associated with HFC because he was

³ Page 40 of the appeal bundle.

⁴ Pages 106 to 117 of the appeal bundle.

⁵ The “Veo” video at 7 minutes 11 seconds onwards (the offending spectator outside the HFC dressing room speaking to 2 people in HFC tracksuits) and 18 minutes 28 seconds onwards (the offending spectator in dialogue with a HFC player during a stoppage in play).

associating with HFC players and/or officials at material times and the outbursts from the spectator towards the match officials were linked to a decision to allow a MUFC goal in the 42nd minute of the match⁶ and/or to “sin-bin” a HFC player who showed dissent in relation to that decision.

11. The Commission found the charge proved on all of the evidence placed before it.
12. The Commission concluded factually in relation to the issue of liability on the entirety of the evidence before it as follows⁷:

“28. The Commission reminded itself that the burden of proving a charge falls upon London FA. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission to consider. We have to assess the credibility of the witnesses (that is whether a witness is attempting to tell the truth) and the reliability of the witness (that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon).

29. Where there are discrepancies between witnesses, it is for us to decide which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness’s own evidence, it is for us to assess if the discrepancy is important. Having considered which evidence we accept and reject, we then have to decide if, on the balance of probabilities, the alleged breach of the FA Rules is established.

30. The Commission noted that the actions and language used by the spectator were not denied as outlined in the charge notice and the Veo evidence supports that. The Commission was also satisfied that there was sufficient evidence on the balance of probability to support the claims that the spectator was associated with Hilltop, this being based on:-

30.1. He was clearly seen in conversation with Hilltop Officials and players during the game;

30.2. He was positioned outside of the Hilltop changing rooms when confronting the Match Officials at Half-Time, his actions in response to a decision by those Officials

⁶ The written reasons at paragraph 11 (page 111 of the appeal bundle) are factually incorrect when they state that the misconduct was linked to a HFC goal being disallowed.

⁷ Paragraphs 28 to 31 of the decision at pages 115 to 116 of the appeal bundle.

against Hilltop just prior to the interval;

30.3. He entered the ground using a League pass, which the Commission noted are only allocated to officials of the league teams

30.4. A Hilltop player was seen on the Veo (video) trying to usher him away at Half-Time from the Milton officials;

30.5. The Hilltop player who had been sin binned stating to the Match Referee that this spectator has caused issues previously at their games;

30.6. The spectator was still at the ground 30 minutes after the game had been abandoned and in conversation with Hilltop players, this placed considerable doubt on the claim he was simply a ground hopper;

30.7. The Milton Officials stating that he was last to leave the ground with the Hilltop Management Team.

31. The Commission unanimously found that the charge for breach of Rule E2.1 *[sic]* Supporter Behavior *[sic]*, was found **Proven.**"

13. The Commission imposed the following sanction:

- i. A fine of £100;
- ii. 6 Club Disciplinary Points.

(3) The regulatory framework as to liability and sanction.

14. FA Rule E21⁸ provides as follows:

"Supporter behaviour

E21 *A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:*

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

E21.2 *throw missiles or other potentially harmful or dangerous objects at or on to the*

⁸ Page 144 of the FA Handbook 2024/25.

pitch;

E21.3 *encroach on to the pitch or commit any form of pitch incursion;*

E21.4 *conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.*

E21.5 *it shall be a defence to a Charge in relation to Rules E21.1 to E21.3 (only) if a Club can show that all events, incidents or occurrences complained of were the result of circumstances over which it had no control, or for reasons of crowd safety, and that its responsible officers or agents had used all due diligence to ensure that its said responsibility was discharged. However, when considering whether this defence is made out a Regulatory Commission will have regard to all relevant factors including:*

- *The extent to which the Club has discharged its duty;*
- *The severity of the issues involved;*
- *The extent to which similar issues have occurred previously in which case whether the Club took sufficient action in preventing further such incidences.*

E21.6 *For the avoidance of doubt Rule E21 shall apply to the conduct of both a Club's home and/or away supporters."*

15. Regulation 8 of the FA Disciplinary Regulations⁹ (General Provisions) provides:

"General

8. *Save where otherwise stated, the applicable standard of proof shall be the civil standard of the balance of probabilities."*

16. Regulation 41 of the FA Disciplinary Regulations¹⁰ (General Provisions) provides:

"General

- 41 *Save where expressly stated otherwise, a Regulatory Commission shall have the power to impose any one or more of the following penalties or orders on the Participant*

⁹ Page 172, FA Handbook 2024 – 25. This regulation applies to Disciplinary Commissions as provided for by Regulation 1.1 of the 'General Provisions' at page 172 of The FA Handbook.

¹⁰ Pages 176 to 177, FA Handbook 2024 – 25. This regulation applies to Disciplinary Commissions as provided for by Regulation 1.1 of the 'General Provisions' at page 172 of The FA Handbook.

Charged:

41.1 a reprimand and/or warning as to future conduct;

41.2 a fine;

41.3 suspension from all or any specified football activity from a date that the Regulatory Commission shall order, permanently or for a stated period or number of Matches;

41.4 the closure of a ground permanently or for a stated period;

41.5 the playing of a Match or Matches without spectators being present, and/or at a specific ground;

41.6 any order which may be made under the rules and regulations of a Competition in which the Participant Charged participates or is associated, which shall be deemed to include the deduction of points and removal from a Competition at any stage of any playing season;

41.7 expulsion from a Competition;

41.8 expulsion from membership of The Association or an Affiliated Association;

41.9 such further or other penalty or order as it considers appropriate.”

17. Regulation 42 of the FA Disciplinary Regulations¹¹ provides:

“42 In imposing penalties, a Regulatory Commission must apply any:

42.1 applicable standard sanctions as may be communicated by The Association from time to time. A Regulatory Commission may only depart from such standard sanctions where it deems it appropriate having regard to the facts of an individual case (for example, where a particular act of Misconduct is sufficiently serious that the guideline sanction would not constitute a sufficient penalty for the Misconduct that has taken place);

42.2 mitigating and/or aggravating factors, to include but not limited to the disciplinary record of the Participant and other factors that may be communicated by The Association from time to time.”

¹¹ Page 177, FA Handbook 2023 – 24. This regulation applies to Disciplinary Commissions as provided for by Regulation 1.1 of the ‘General Provisions’ at page 172 of The FA Handbook.

18. The regulations under the title *“Disciplinary proceedings before Disciplinary Commissions”* apply to this charge contrary to FA rule E21¹².

19. Regulation 115¹³ under the said heading provides:

“115. A Disciplinary Commission shall comprise of no less than three and no more than five members, save for nonpersonal hearings where The Association may appoint a single Chair to determine the case alone. The Disciplinary Commission shall have no previous personal knowledge of the events or any involvement with any of the Participants concerned.”

20. Regulation 127¹⁴ provides:

“127. Where the Charge is found proven the Disciplinary Commission will decide what punishment, if any, is to be imposed. In so doing, the Disciplinary Commission must consider the overall nature and effect of the offence(s) and the Player’s disciplinary record during the current playing season and the previous five playing seasons and any plea in mitigation.”

21. The *Grassroots Disciplinary Guide* and the *General County FA Sanction Guidelines* are available on the London FA website¹⁵ which specifically states that the links to the guides are to assist clubs, and other interested parties.

(4) The regulatory framework as to appeal.

22. Regulation 135 of the regulations under the title *“Appeals from Disciplinary Commission Decisions”*¹⁶ provides:

“135. Participants shall have the right to appeal decisions of a Disciplinary Commission to an Appeal Board in accordance with Part C: Appeals – Non-Fast Track. A Participant wishing to appeal must:

135.1 lodge notification of an intention to appeal within seven days of notification of the

¹² Page 223 of The FA Handbook onwards.

¹³ Page 223 of The FA Handbook.

¹⁴ Page 224 of The FA Handbook.

¹⁵ <https://www.londonfa.com/about/rules-and-regulations/discipline>

¹⁶ Page 225, FA Handbook 2024 – 25.

decision being appeal against;

135.2 submit their appeal within 14 days of notification of the decision being appeal against.”

23. Regulation 2 to Part C “Appeals – Non-Fast Track”¹⁷ provides:

“2 The grounds of appeal available to Participants shall be that 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.”

24. Regulation 21 to Part C “Appeals – Non-Fast Track”¹⁸ provides:

“21 The Appeal Board shall have power to:

21.1 allow or dismiss the appeal;

21.2 exercise any power which the body against whose decision the appeal was made could have exercised, whether the effect is to increase or decrease any penalty, award, order or sanction originally imposed;

21.3 remit the matter for re-hearing;

21.4 order that any appeal fee be forfeited or returned as it considers appropriate;

21.5 make such further or other order as it considers appropriate, generally or for the purpose of giving effect to its decision.

21.6 order that any costs, or part thereof, incurred by the Appeal Board be paid by either party or be shared by both parties in a manner determined by the Appeal

¹⁷ Page 189, FA Handbook 2024 - 25

¹⁸ Page 192, FA Handbook 2024 - 25

Board.”

(5) HFC’s grounds of appeal.

25. The Appeal Board had before it the following documents in relation to the lodged grounds of appeal:

- i. “*Notice of Appeal*”¹⁹ and associated documents;
- ii. “*Key updates to the Appeal*” document dated 2 March 2025.

26. The Appeal Board read all of the above material and considered it with care.

27. HFC appeals against the finding by the Commission of liability for breach of FA Rule E21.

28. HFC relies upon Regulation 2.3 (only) to Part C “*Appeals – Non-Fast Track*”²⁰ namely that the Commission “*came to a decision to which no reasonable such body could have come.*”

29. In summary, HFC relies upon the following matters in support of the grounds of appeal in relation to the sanction imposed.

Ground 1. “The Commission came to a decision to which no reasonable such body could have come.”

30. In summary, HFC makes the following written and/or oral submissions in support of the appeal:

- i. The individual’s lack of affiliation with HFC.
 - a. The individual whose actions led to the abandonment of the match was not a registered supporter, member, or official of Hilltop FC
 - b. Hilltop FC does not have a formal membership system, and the individual was not known to any players, staff, or committee members.
 - c. Hilltop FC is a football club representing the Somali community in and around Brent,

¹⁹ Pages 2 to 12 of the appeal bundle.

²⁰ Page 189, FA Handbook 2024 - 25

London. All its members are of Somali origin or descent, adhere to the Muslim faith, and do not consume alcohol. The spectator at Milton United was a white male of Caucasian origin who was also drinking alcohol. This makes it highly unlikely that he was affiliated with Hilltop FC.

- d. The assumption that the individual was a Hilltop FC supporter is based purely on circumstantial evidence rather than concrete proof.
- e. The decision is based on the balance of probabilities rather than concrete evidence, which unfairly prejudices Hilltop FC.
- f. Both Milton United and Hilltop personnel approached and spoke with this individual to try and get him to leave, yet only Hilltop's attempts were taken as confirmation that they knew him, while Milton United's attempts were disregarded. This appears to be a biased assessment.

ii. Weak and Contradictory Testimony.

- a. The commission relied on statements from match officials and Milton representatives, despite inconsistencies:
- b. No direct evidence links the individual to Hilltop FC.
- c. The claim that a Hilltop player tried to usher the individual away does not confirm an affiliation.
- d. Several Hilltop players took it upon themselves, or were directed, to speak with the individual and plead with him to leave. This was an act of cooperation, not confirmation of association.
- e. The decision of the London FA Commission suggests that any future attempt by Hilltop to remove an unruly spectator may lead to the club being unfairly associated with that individual. To avoid such outcomes, Hilltop may have no choice but to refrain from getting involved in similar incidents, leaving the home club to handle such matters alone.
- f. The spectator was standing near the Hilltop changing room, but this area was also close to Milton United's changing facilities. The ground was not segregated, and spectators were free to move around. His location does not indicate affiliation.
- g. The spectator was also seen conversing with Milton United's management, supporters,

and players, yet the committee did not factor this into its assessment, demonstrating an imbalanced evaluation.

- h. The video evidence presented was a selectively edited segment provided by Milton United, focusing only on the interaction with Hilltop players and management. If the footage had instead shown Milton United engaging with the spectator, the committee's decision might have been different.
 - i. The referee and assistant referees provided conflicting statements, suggesting possible bias.
 - j. When the referee asked Abdul²¹ if he knew the spectator, Abdul explicitly denied it. However, the committee used Abdul's attempt to comply with the referee's request to remove the spectator as an indication that he knew the individual. This is misleading and unjust.
 - k. If Abdul had refused to comply with the referee's request to ask the spectator to leave, would the charge have still been made? Milton United also confronted the spectator, but they have not been similarly implicated.
 - l. The claim that the spectator left the ground with Hilltop's management team is untrue and should be corrected in the records.
- iii. Speculative and Unverified League Pass Claim.
- a. There is no proof that Hilltop FC issued this pass to the individual.
 - b. If the individual used a league-issued pass, it may have belonged to another club. Milton United should be required to confirm which club issued the pass.
 - c. The claim is purely speculative, with no supporting evidence to verify that the pass belonged to the individual in question.
 - d. League Passes can be borrowed or misused by unaffiliated individuals.
 - e. Hilltop FC can account for all its issued passes and verify who holds them.
- iv. Hilltop FC's Proactive Efforts Were Overlooked.

²¹ The HFC "Manager" or representative.

- a. Hilltop FC took all reasonable steps to assist officials and remove the individual.
- b. The club cooperated fully with match officials and Milton United.
- c. It now appears that Hilltop FC should not have attempted to persuade the spectator to leave, as this was used against the club.
- d. The commission failed to apply FA Regulation 21.5 properly, which provides a defence when a club takes all reasonable measures to ensure compliance. This is particularly relevant as spectator control is primarily the responsibility of the home club.
- v. Unjust Burden of Proof and Decision Based on Probability.
 - a. The Commission applied a balance of probability standard, resulting in a decision unsupported by substantial proof:
 - b. The ruling suggests that any individual at a match who reacts to a decision could be presumed a supporter.
 - c. This sets an unreasonable precedent for club liability and unfairly penalises clubs for the actions of unaffiliated spectators.

(6) London FA's response to the appeal grounds.

- 31. The Appeal Board had before it the following documents in response to the lodged grounds of appeal:
 - i. *"Observations from the London FA"*²²;
 - ii. *"Further Observations from the London FA"* dated 7 March 2025.
- 32. The Appeal Board read all of the above material and considered it with care.
- 33. In summary, London FA contends:
 - i. The FA Handbook, page 172, paragraph 8 states: *"Save where otherwise stated, the applicable standard of proof shall be the civil standard of the balance of probabilities."*
 - ii. The Disciplinary Commission can only consider the evidence and responses as

²² Pages 14 to 15 of the appeal bundle.

presented to them during the hearing. It is on such that the commission concluded that the charge be found proven.

- iii. Paragraphs 28 to 31 of the written reasons state clearly how and why the Commission have provided their reasoning as to why they came to the decision.
- iv. Based on the evidence that was provided to the Commission, another reasonable body would have come to this decision.
- v. In summary, the Commission's decision to find the charges proven, based on the evidence available to them, was one that such a reasonable body would come to.
- vi. The Commission followed the FA Regulations correctly.

(7) The oral appeal submissions.

34. The Appeal Board gave the representatives for HFC and London FA the opportunity to make further oral submissions they wished to make to support the written submissions before the Appeal Board.

35. Each representative did so.

36. Those oral submissions in essence emphasised certain aspects of the written submissions.

37. The oral submissions are not rehearsed in this judgment but have been fully taken into account and fully considered by the Appeal Board.

(8) The Appeal Board's findings.

38. The Appeal Board considered the submissions made on behalf of the Appellant and the Respondent.

39. The function of the Appeal Board is to exercise a supervisory jurisdiction in relation to the Disciplinary Commission.

40. The appeal proceeded on the single ground as to whether the Commission came to a decision to which no reasonable such body could have come.

41. Accordingly, the Appeal Board applies the following principles in its approach to any

findings of fact reached by the Commission insofar as relevant to the pursued grounds of appeal:

- i. An appeal such as this proceeds by way of review of the decision of the Commission. It is not a rehearing of the evidence and arguments at first instance;
- ii. It is not open to the Appeal Board to substitute its own decision for that of the Commission simply because the Appeal Board might themselves have reached a different decision at first instance if seized of the case at first instance;
- iii. If the Commission has reached findings of fact which it was reasonably open to the Commission to reach, the fact that the Appeal Board might have reached a different factual finding is irrelevant;
- iv. The Appeal Board will be slow to intervene in evidential assessments and factual findings made by the Commission. Evidential assessments of the Commission should only be interfered with if they are clearly wrong (“Wednesbury” unreasonable²³ and/or irrational and/or perverse) or if wrong legal principles were applied to the making of those factual findings;
- v. The only likely scenario for the Appeal Board to interfere with factual findings of the Commission is where there is no proper evidential basis for a finding of fact that that has been made and/or where the evidence was overwhelmingly contrary to the finding of fact that has been made;
- vi. The test for the Appeal Board in determining whether the Commission acted irrationally and/or perversely and/or “Wednesbury” unreasonably, or came to a decision to which no reasonable such body could have come, is essentially the Wednesbury unreasonableness test applied in administrative law to cases of judicial review;
- vii. Any Appellant who pursues an appeal on the ground that a Regulatory / Disciplinary Commission 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 overcome;
- viii. The Appeal Board ought to accord the Commission a significant margin of appreciation when considering matters such as evidential assessments, factual findings and any

²³ A reasoning or decision is Wednesbury unreasonable (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it.

exercise of discretion by the Commission.

42. The Appeal Board reminds itself of the decision in **Associated Provincial Picture Houses Ltd v Wednesbury Corporation [1948] 1 KB 223** and the expression of the test for “*Wednesbury unreasonableness*” as “*a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.*”

Ground 1. “The Commission came to a decision to which no reasonable such body could have come.”

43. The reasoning for the decision of the Commission is encapsulated within paragraph 30 of the written reasons.

44. The Commission plainly applied the correct burden and standard of proof as provided for by FA disciplinary regulations, namely that the burden rests with London FA and is discharged upon proof of any factual issue upon the balance of probability.

45. The Appeal Board considered each of the individual sub-paragraphs within paragraph 30 of the written reasons to assess the strength of the evidence before the Commission in respect of each of them.

46. It was plain that some of those sub-paragraphs were not supported by oral evidence before the Commission but were supported by written evidence only. The Appeal Board is acutely aware that the weight to be attached to untested written evidence is invariably likely to be much lower than that to be attached to oral evidence that is subject to scrutiny and testing by questioning.

47. Nonetheless, the Appeal Board notes that the following aspects of the evidence were supported by oral evidence before the Commission from match officials and/or video footage and indeed from the oral evidence of Abdullah Mohammed²⁴ on behalf of HFC:

- i. The abusive spectator was positioned outside of the Hilltop changing rooms when confronting the Match Officials at Half-Time. His actions arose in response to a decision by those Officials against Hilltop just prior to the interval. The abusive spectator only began to be abusive at half-time as a reaction to a refereeing decision

²⁴ It was confirmed in oral submissions to the Appeal Board that this is the witness referred to as “Abdul” within the written reasons.

that was disputed by HFC and in respect of which a HFC player was disciplined during the match. The words spoken by the abusive spectator were heard directly by the match officials as were the interactions of that spectator with HFC players;

- ii. The Hilltop player who had been sin binned (confirmed to be Hussain Hussain during oral submissions to the Appeal Board) stated to the Match Referee that this abusive spectator has attended HFC matches in the past and has caused issues previously at their games. This assertion was directly supported by the Match Referee's oral evidence as words heard directly by the Match Referee²⁵. No evidence was adduced from Hussain Hussain that might possibly undermine the evidence of the match officials;
- iii. The abusive spectator was still at the ground 30 minutes after the game had been abandoned and was in conversation with Hilltop players. This placed considerable doubt on the claim he was simply a ground hopper. This assertion was also directly supported by the Match Referee's oral evidence as seen directly by the Match Referee²⁶.

48. In the circumstances of the above, the Appeal Board concludes it did not need to consider the state of the evidence on the other sub-paragraphs within paragraph 30 of the written reasons.

49. Although the Appeal Board concludes that the strength of the evidence in respect of those other sub-paragraphs was somewhat weaker than the sub-paragraphs outlined immediately above, nonetheless there was no evidence adduced by HFC that significantly undermined either the sub-paragraphs cited immediately above or the other sub-paragraphs within paragraph 30 of the written reasons.

50. The issue before the Commission was whether the abusive spectator was a HFC supporter or HFC spectator. HFC denied that the abusive spectator was associated with HFC. That was the sole issue before the Commission.

²⁵ See paragraph 15 of the written reasons at page 112 of the appeal bundle: "*SP did state that the player who he had sin binned entered into the Match Officials changing room following the abandonment to apologise for his actions, he also went on to say that the spectator was known to him, having attended several Hilltop fixtures and had caused issues before.*"

²⁶ See paragraph 16 of the written reasons at page 112 of the appeal bundle: "*SP mentioned that when he and his two other Match Officials left the ground the spectator was still present, and it was clearly visible that he was in conversation with 3 Hilltop players near the tea bar.*"

51. Any assertion by HFC (indeed if any such assertion was pursued) that it discharged the FA Rule E21.5 “due diligence” defence because HFC players and/or officials complied with match officials’ requests to remove the spectator during the match were misconceived.

52. The due diligence defence would only conceivably apply if HFC accepted the supporter was associated with the club and in circumstances where HFC could adduce evidence to discharge the burden placed upon HFC by FA Rule E21.5. That was not the factual or legal scenario that arose before the Commission.

53. The whole purpose and remit of the Commission was to consider and assess the oral and the written evidence before it. The judgment of the Commission set out in considerable detail its assessment of the state of the evidence before it.

54. The Commission plainly preferred the evidence of the match officials in respect of the central issue of whether the abusive spectator was linked to HFC.

55. HFC no doubt challenged the evidence of the match officials that was before the Commission. A formal challenge to that evidence does not necessarily significantly undermine the evidence itself.

56. The factual assessment of the state of the evidence was a matter for the Commission. The Appeal Board concludes unanimously that the Commission has carried out that assessment appropriately. The Commission simply preferred the evidence of the match officials when compared to the evidence of Abdullah Mohammed.

57. In these circumstances, the Appeal Board unanimously concludes that the Commission acted within the boundaries of reasonableness in reaching the conclusion that it did that the abusive spectator was associated with HFC. The Commission was entitled to reach the conclusions that it did.

58. The decision of the Commission certainly cannot properly be categorised as “*so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.*”

59. In these circumstances, the appeal is dismissed pursuant to regulation 21.1 of the disciplinary regulations relating to such an appeal and the decision of the Commission to find the breach of FA Rule E21 proven is upheld.

60. Accordingly, the sanction imposed by the Commission is confirmed.

61. The appeal fee is to be retained. There is no order as to costs.
62. The Appeal Board's decision is final and binding on all parties.

ABDUL S. IQBAL KC

DANIEL MOLE

YUUS LUNAT

20 March 2025