

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL ASSOCIATION

ON 4th April 2025

David Reade KC, Roger Burden and Tony Rock

BETWEEN:

ROYAL BRITISH LEGION BLETCHLEY FC

Appellant

And

BERKS & BUCKS FA

Respondent

WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The Appeal Board (“the Board”) was appointed under The Football Association’s (“The FA”) Disciplinary Regulations- Appeals 2024/25 (“the Appeal Regulations”) to determine an appeal brought by Royal British Legion Bletchley FC (“the Appellant”) by Notice of Appeal dated 5th March 2025.
2. By the Notice the Appellant sought to appeal the decision of a Disciplinary Commission, held on 21st February 2025, convened on behalf of Berks & Bucks FA (“the Respondent”) to hear a charge that the Appellant was in breach of FA Rule E21 - Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative whilst attending.
3. The Appellant had chosen not to have an in person hearing.

4. The Disciplinary Commission found the Charge proven as recorded in a Result Letter dated 21st February 2025 and sent to the Appellant on that date. The Result Letter recorded the note “Proven – High” and imposed a sanction of 9 penalty points and a fine of £150. As the charge was not dealt with as a serious charge written reasons were not provided and were not requested by the Appellant. In the course of its preparation for the appeal hearing the Board directed the Disciplinary Commission to provide its written reasons, despite the late request, in order that it could better understand the reasons for the decision. The Commission provided those written reasons and the Board is grateful to the Commission for it having done so.
5. The Appellant’s notice of appeal was filed outside the prescribed period and at hearing the Board considered the Appellant’s application to appeal out of time.
6. The Appellant further identified new evidence which it wished to submit at the hearing of the appeal, if it was permitted to appeal.
7. The appeal was heard on 4th April 2025 by way of MS Teams. The Appellant attended through two representatives, Gemma Patey and Dan Stone. The Respondent appeared through Ryan Davies, its Football Services Manager.
8. The Board had before it:
 - a. The Notice, with supporting materials, including the application to extend time and the application to adduce new evidence;
 - b. The Respondent’s Responses; and
 - c. The Decision appealed and the written reasons for the Decision.
9. The Appellant, through Ms Patey and Mr Stone, made submissions and these were responded to by Mr Davies.
10. The Board considered the entirety of the materials which the parties put before us, and the submissions made. If we do not explicitly refer a particular point, document or submission, it should not be inferred that we have overlooked or ignored it. We have considered all of the matters placed before us.

Background

11. The Respondent was subject to disciplinary charge which arose out of a match played between the Appellant and Milton Keynes City FC Reserves (“MK City”) on 25th January 2025. The Match Official was Kyle Wells.
12. The match was abandoned by the Match Official after 65 minutes. The specific reasons for abandonment are addressed below.
13. Both the Appellant and MK City, following match reports from the Match Official, were charged with a breach of FA Rules. It appears that MK City admitted the charge. MK City filed statements in response to the Charge it is assumed in mitigation of penalty.
14. The Appellant denied the charge and filed statements in defence of the Charge.
15. The accounts advanced by the Appellant and MK City of circumstances leading to the abandonment of the game differed.
16. As noted the Appellant did not require an in person hearing and the Commission determined the Charge on the basis of the material before it. From the written reasons it appears the Commission relied on specific passages within the statements filed by MK City to conclude that the Appellant was guilty of the Charge.

Grounds of Appeal

17. The Appellant appealed, out of time, the articulated ground of appeal being relied upon being that the Commission had imposed an excessive penalty. However, the underlying narrative for the ground of appeal indicated that it had misdescribed the ground and that it should have been articulated to be that the Commission had come to a decision to which no reasonable body could have come. The Appellant sought to adduce new evidence including a copy of the first match report of the Match Official which had not been before the Commission

The Board’s Reasoning

18. The Board addressed first the extension of time for the filing of the appeal. Whilst it found that the account given by the Appellant, that the email with the appeal had been missent through an error in the email address, to be confusing when previous emails had been correctly addressed it noted that the Respondent appeared to accept that the Appellant had been actively seeking to appeal the decision since it had been notified of the same. The Board therefore decided to exercise its discretion to allow the Appeal to proceed out of time.
19. The Board considered the application to adduce new evidence and permitted this only in so far as it related to the first match report of the Match Official. It appeared that the Appellant and the Respondent had sought a copy of this in response to the Charge in order that it could be placed before the Commission. The Appellant only obtained a copy after the decision. This appeared to be relevant and material and was evidence which, despite the Appellant's efforts to do so, it had not been possible to put before the Commission. The Board therefore decided to admit this new evidence. It refused the application as to the remainder of the application to adduce new evidence as it appeared to the Board both that the further evidence could have been obtained and submitted for the original hearing and further that it addressed issues which were not central to the Charge.
20. The Board turned then to the Commission's decision and the Charge. The Charge specifically related to the alleged conduct of the Appellant's spectators and/or its supporters that it alleged that they had behaved in a way which was improper, offensive, violent, threatening, abusive, indecent, insulting or provocative whilst attending the fixture. The Board noted that there were conflicting accounts between the Appellant and MK City as to the conduct of their respective supporters. The Commission in its written reasons, the Board noted, identified certain sections from the statements filed by MK City but made no reference to the conflicting account in the Appellant's response to the Charge. No reference in fact appears to be made to the Appellant's case at all.
21. In the circumstances of conflicting accounts it appeared to the Board that any reasonable decision making body would have particular regard to the reports of the only neutral witness the Match Official. There were in total three reports from the

Match Official, including the first report in time which was not before the Commission but was admitted as new evidence. In none of those reports did the Match Official report any conduct on the part of the Appellant's supporters that was improper, offensive, violent, threatening, abusive, indecent, insulting or provocative. It is clear the Match Official did not see what had occurred off the field of play other than being made aware of friction between the supporters and it is clear that he directed the MK City supporters to move to the opposite side of the pitch.

22. As to the abandonment of the match the explanation of the Match Official was consistent and clear. It was most clearly articulated in response to a direct question as to the reason for the abandonment, the question being posed by Lauren Halsey of Sport Integrity Matters, the Match Official's response was:

"I abandoned the match because MK City's supporters wouldn't move to the other side of the pitch, after the second time of asking the captain to comply with the request. In a game where I had a lot to watch out for on the pitch itself, I felt that I needed to minimise the risk of another off-field incident that could be worse and potentially would've caused injury."

23. It follows that on the Match Official's account had the MK City's supporters complied with the direction the indication is that the match would not have been abandoned. To the extent that there is any then independent evidence relating to misconduct on the part of supporters the only evidence there was related to the conduct of the MK City's supporters and not that of the Appellant's.

24. The Commission however concluded that:

"Royal British Legion Bletchley FC on the balance of probability were found guilty of breaching Rule E21. The evidence presented demonstrated that the behaviours of their spectators was indeed improper, offensive, violent, threatening, indecent, insulting, and provocative. This behaviour influenced the match officials' decision to abandon the game."

25. Properly analysed the evidence did not demonstrate that the behaviour of the Appellant's supporters was improper, offensive, violent, threatening, indecent, insulting, or provocative, when there were conflicting accounts from the Clubs as to the events, and still less for the last sentence when there was clear evidence from the

Match Official that it was the conduct of the MK City's supporters that led to the abandonment.

26. The Board therefore came to the unanimous conclusion that the Decision of the Commission was one to which no reasonable body could have come.

Conclusion

27. The Board therefore allows the appeal.

28. To give effect to this decision, the Appeal Board, in accordance with Regulation 21 of the Non-Fast Track Appeal Regulations, order the following:

- i. The sanction of a £150 fine is to be returned to the club.
- ii. The Board considers that in all the circumstances no order for costs is appropriate. There was no order as to costs and the appeal fee is to be returned.

David Reade KC

Tony Rock

Roger Burden

7th April 2025