

**IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL ASSOCIATION
IN THE MATTER OF A DECISION BY A DISCIPLINARY COMMISSION
SITTING ON BEHALF OF WEST RIDING COUNTY FOOTBALL ASSOCIATION
B E T W E E N:**

THE FOOTBALL ASSOCIATION

Appellant

- and -

OMAR KHAN

Respondent

WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The Appeal Board (Daniel Stilitz KC, Chair, Dennis Strudwick and Alec Berry) heard the Appellant's appeal against a decision of the Disciplinary Commission on sanction.
2. The West Riding FA, on 4 October 2024, charged the Respondent with a breach of FA Rule E3 - Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour). The Disciplinary Commission, in written reasons dated 25 October 2024, found the charge proven and imposed a 2-match suspension, a £20 fine and 5 Club penalty points. The Appellant submitted a Notice of Appeal against this decision on 27 November 2024.
3. The Appeal Board noted that the Appellant appealed on the grounds that the Disciplinary Commission had:
 - 3.1. Come to a decision to which no reasonable such body could have come; and
 - 3.2. Imposed a sanction that was so unduly lenient as to be unreasonable.

4. The Appeal Board unanimously allowed the appeal on both grounds, and made the following orders:
 - 4.1. The original sanction was quashed, and the sanction increased.
 - 4.2. The suspension was increased to 20-matches on the same terms as originally imposed.
 - 4.3. The fine was increased to £125 as payable to the County FA.
 - 4.4. The Club penalty points were increased to 10 penalty points.
5. The sanctions as amended were to be taken as including the original sanction, i.e. if the original 2-match suspension has been served then there remains 18-matches of suspension. Any remaining aspect of the sanction would come into force on the notification date of this decision.

The relevant background

6. On 7 September 2024, Allerton FC hosted Linthwaite Athletic. Early in the fixture, the Respondent was substituted due to an injury. He remained on the sideline of the field of play for the remainder of the fixture.
7. Following the conclusion of the fixture, there was a mass confrontation between the players. During this confrontation, the Respondent entered the field of play on his moped and was seen to be riding towards opposition players in an attempt to run them over. Whilst on his scooter he kicked an opposition player on the back of the leg. The player was knocked to the ground by another player, whereupon the Respondent kicked him in the head, whilst still riding his moped.
8. The Respondent was charged as follows:

“It is alleged that Omar Khan used violent conduct and threatening and/or abusive and/or behaviour contrary to FA Rule E3.1.

This refers to them entering the field of play on a motorbike (or similar) and attempting to run opposition players over.

This also refers to them, whilst on a motorbike (or similar) kicking an opposition player in the leg, or similar. This also refers to them, whilst on a motorbike (or similar), kicking an opposition player in the head whilst they were on the ground, or similar.”

9. The Respondent denied the charge, alleging that he had been mis-identified.
10. The Disciplinary Commission upheld the charge against the Respondent. It went on to suspend him for two matches, fine him £20 and impose five disciplinary points on the club.
11. The Appellant appealed on the ground that treating this misconduct as at a low level of seriousness was a decision which no reasonable body could reach, and on the ground that the sanction was unduly lenient.

Relevant Governance

12. FA Rule E3.1 provides that “A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.
13. Under the Disciplinary Regulations, the Disciplinary Commission must consider the overall nature and effect of the offence in deciding what punishment to impose.
14. In respect of breaches of FA Rule E3.1, the County FA Disciplinary Sanction Guidelines Season 2024/25 provide the following guidance on punishment for participants outside NLS:

	Low	Mid	High
Sporting Sanction (matches)	1/3	2/4	3/10
Monetary Sanction	£20-50	£40-80	£70-125

15. Guidance provided to the Disciplinary Commission provides that “A Commission does have the ability to increase or decrease the sanction depending on the aggravating or mitigating circumstances.”

Reasons for the decision

16. The conduct of the Respondent was on any view extremely serious. The members of the Appeal Board found it difficult to recall similarly serious examples. The Respondent had entered the field of play on a motorised scooter, in an area which was crowded. This was long after he had been substituted. He used his scooter effectively as a weapon and kicked another player in the leg and the head. This was highly dangerous conduct and totally unacceptable.
17. In the circumstances, the Disciplinary Commission had plainly been wrong to treat the conduct as within the "low" category for the offence (as was implicit in the sanctions which it imposed). It was obviously at the most serious end of the "high" category.
18. Moreover, the sanctions imposed failed to reflect the gravity of the offence. It was appropriate to substitute a penalty of £125 plus a 20 match ban, and increase the points penalty to the club to 10 points. It was appropriate to exceed the guidance for the player's ban because of the very serious, flagrant and dangerous nature of the misconduct. This took the offence beyond the usual run of offences in the "high" level of seriousness.

7 February 2025