

AN APPEAL BOARD OF THE FOOTBALL ASSOCIATION

IN THE MATTER OF AN APPEAL

BETWEEN:

Walthamstow FC (Appellant)

-and-

The Isthmian Football League (Respondent)

DECISION OF THE FA APPEAL BOARD 5 FEBRUARY 2025

1. The Appeal Board comprised:

Roger Burden (Chair)
Daniel Mole
Dennis Strudwick

Conrad Gibbons, FA Senior Judicial Officer, was Secretary to the Appeal Board

2. The Appeal was held online as a paper hearing via Microsoft Teams
3. These written reasons do not purport to refer to all points made in the course of the Appeal, however, the fact that some points are not mentioned should not imply that they were not considered. The Appeal Board carefully read and considered, all the submissions.

Background and First Instance Decision

4. During the match Walthamstow FC v Wroxham FC played on 30/11/24, two sets of floodlights failed on one side of the pitch and the Referee abandoned the match after 60 minutes.
5. Wroxham FC subsequently submitted a claim for travel expenses of £1,075.
6. The Respondent discussed the matter at its Board meeting on 18/12/24 and had several submissions in front of it –
 - A claim from Wroxham which, amongst other things, referred to previous floodlight issues at the ground.
 - A report from the Referee that it was getting darker and he gave the Appellant 5 minutes to get the lights working.

After the 5 minutes, the Referee reported that a number of players complained about the lights and Assistant Referee 2 notified the Referee that he had

difficulty seeing. The Appellant tried to reboot the lights but after 15 minutes, confirmed that the lights would not work

The Referee said that he abandoned the match after 60 minutes play due to floodlight failure, having regard to the safety of the players.

- Submissions from the Appellant and from its photographer stating that the light was good enough to complete the game and suggesting that it was abandoned because the opposition put pressure on the Referee as the Appellant was winning by 3-0 at the time.

7. The Board ordered the match to be replayed and that the Appellant pay its opponents' travel costs of the abandoned game. The amount to be paid in accordance with The FA Cup Competition Rules (3.60 per coach mile). In making these decisions the Board referred to League Rules 8.40 and 8.37.

The Appeal

8. The Appellant appealed on the following grounds
 - The Respondent failed to give it a fair hearing and
 - The Respondent imposed a penalty, award, order or sanction that was excessive.

The Appellant's Written Submissions to the Appeal Board

9. The Appellant said that it was not given a fair hearing as it was not allowed to be present at the initial hearing, it was not made aware of all the evidence, no official charge was put to it and it did not see why the FA rules should be used as payment when Wroxham's mode of travel was not agreed between the Clubs, as in the FA competition rules.
10. Had it been allowed to be present, it would have challenged the Referee regarding his reasons for abandoning the match.
11. In using Rule 8.37, the Respondent is saying that the Appellant was not at fault yet the Appellant is having to pay costs and replay the game.
12. The sanction is excessive because the Respondent's assumptions regarding the Appellants' expenditure and income are erroneous, as are the assumptions regarding Wroxham's costs.

The Respondent's Written Submissions to the Appeal Board

13. The Respondent explained that its decision arose after a claim from Wroxham pursuant to Rule 8.40 following an abandonment over which neither club had any control (Rule 8.37).

14. The Rules do not make provision for the action to be taken in the event of a claim for compensation, but the Rules do provide for action to be taken in the event of a breach of Rule by a Club – Rules 4.3 and 4.4 refer.
15. Upon receipt of the claim, the Appellant was written to and asked for its comments. All comments were placed before the Board. Neither party asked for a personal hearing and the issue was dealt with on the papers submitted.
16. The Respondent's Chief Executive Officer has no recollection of being asked if the Appellant could attend the hearing and says that, if they had been asked, it would have been allowed.
17. The Respondent said that, with one third of the match remaining, its Board could not justify allowing the score to stand.
18. The decision to order the Appellant to pay the travel costs was a difficult one to make but Wroxham's cost would be high and could result in a loss. Although the Appellant gave out tickets for the replay, this is not required unless a match is abandoned before halftime. However, the Respondent suggested that this gesture indicated that the Respondent expected the match to be replayed.
19. It was felt that the neutral position for travel costs was to use the cost of £3.80 per mile, as per the Challenge Cup Rules.

Further Submission by the Appellant

20. After its initial submission, and having read the Respondent's reply, the Appellant made a further submission in which it set out its own costs and stating that, if the game is to be replayed, it will have incurred 2 sets of costs.
21. It claimed that Wroxham's coach costs were inflated as the coach company sponsors the club and, as a gesture of goodwill, the Appellant offered to pay £20 petrol money to each of 8 cars.
22. The Appellant again claimed that the Referee's decision was heavily influenced by the Wroxham players and officials.
23. The Appellant went on to express concern regarding the time that it was given to respond to the Respondent's decision, stating that it was given little time to give a full response.:
24. The Appellant went on to make the following additional points
 - Its own costs of the abandoned match were significant and estimated them to be approximately £1035 (but this included £250 for the cost of this Appeal). Total gate receipts for the match were £1265.
 - Disputed Wroxham's costs which, the Appellant suggested, did not include £450 contribution from the thirty supporters that travelled. All in all, the Appellant submitted that Wroxham's costs amounted to £295.20.

- The previous match mentioned by Wroxham re failing lights, took place 18 months ago, involving a team that ground-shares with the Appellant.

Further Submissions by the Respondent

25. Replying to the Appellant's later submission, the Respondent said :

- The Appellant shows an excess of income over expenditure for the abandoned match and any replay.
- Wroxham's coach costs are irrelevant as the Respondent used the Challenge Cup Rules to calculate the amount to be paid.
- The Referee's decision was nothing to do with the consideration for compensation.
- Re gate receipts – there is provision for a minimum charge and, unless both clubs agree and obtain Board approval, a gate must be taken and those in possession of a voucher will be required to pay.

The Appeal Board's Deliberations and Decisions

26. The Appellant submitted that the hearing was not fair as it had wished to attend the Respondent's meeting at which the decisions were made. The Appellant said that, if it had attended the meeting, it would have asked the Referee details about the reasons for abandoning the game as, in the Appellant's opinion, the Referee was unduly influenced by the opposition and would be closer to play than his Assistant so safety should not have been an issue.
27. The Referee had made it clear that players were complaining but stated he abandoned the game due to failing light, after advice from one of his Assistants and having waited 15 minutes for the lights to work. The Referee's decision on these matters is final and no amount of challenge by the Appellant could have changed that decision.
28. With the abandonment having occurred through no fault of either Club, and with at least 30 minutes of the game remaining, the Respondent correctly ordered the game to be replayed.
29. The Respondent explained that its decision arose after a claim from Wroxham pursuant to Rule 8.40 following an abandonment over which neither club had any control (Rule 8.37).
30. Rule 8.40 is specific in that it covers a match having been postponed and one Club to be found at fault. The visiting Club may claim expenses in such a case. This match was not postponed and neither Club was at fault. We were unsure why the Respondent referred to this Rule.

31. Rule 8.37 states

“In the event that a match is abandoned for reasons over which neither Club has control the Club playing at home shall retain the gate receipts for such uncompleted match and the Board shall determine the terms upon which any replayed match shall be played”.

32. The Rule does not give any examples of the terms on which the Board can decide and so gives the Board a wide remit regarding those terms. It falls to the Appeal Board to decide if the Rule gave the Board the authority to order the Appellant to pay the opposition’s expenses and, if it did, whether the amount of the expenses ordered was reasonable.

33. We were satisfied that the Rule did give the Board the authority to order that the Appellant should pay expenses.

34. The Appellant suggested that the Board should have taken account of its own relatively small profit from the first game, the fact that the Appellant’s coach company is also its sponsor, and the fact that some of its spectators would have contributed to the cost of the coach.

35. We assumed that the Board would have been aware of the normal costs, etc. for a home Club. We also noted that the Board had not taken the opponent’s claimed cost of its coach but had, instead, used the FA’s mileage calculation of £3.60 per mile.

36. The Respondent did not state the result of this calculation, but the Appellant suggested that it would be £828.

37. Whilst there is an argument that the Respondent might have reduced this amount in recognition that the abandonment was no fault of the Appellant, the Appeal Board agreed that the amount fell within the bounds of reasonableness, was not excessive, and that the Appeal Board should not interfere with it.

38. The Appeal Board unanimously dismissed the Appeal on both grounds.

39. The Appeal Fee is to be forfeited.

40. There is no order as to costs.

The Appeal Board’s decision is final and binding on all parties.

Roger Burden (Chair)
Daniel Mole
Dennis Strudwick

7 February 2025