

**THE FA CHALLENGE CUP
SECOND ROUND PROPER
MILTON KEYNES DONS v CHESTERFIELD
SATURDAY 6 DECEMBER 2014**

**THE FA CHALLENGE CUP
SUB-COMMITTEE MEETING
HELD AT THE FA OFFICES
WEMBLEY STADIUM, LONDON, HA9 0WS
ON MONDAY 15 DECEMBER 2014
COMMENCING AT 12.00PM**

Present: Messrs Andy Ambler (in the Chair), Keith Lamb and Jeff Mostyn
Messrs Steve Clark, Chris Darnell representing The FA Competitions Department
Chris Turner, Sally Swain, Paul Cook and Graham Bean representing Chesterfield
FC

Purpose of Hearing

To adjudicate on the Second Round Proper tie, Milton Keynes Dons v Chesterfield, played at Milton Keynes Dons on Saturday 6 December 2014, following a charge issued against Chesterfield in relation to the eligibility of Georg Margreitter, who played in the tie for Chesterfield without being correctly qualified in accordance with FA Challenge Cup Rule 15(j).

In accordance with FA Challenge Cup Competition Rule 16(a), the Professional Game Board shall have the power to call upon a player, and/or the Club to which he is registered, or for which he played, to prove that the player is qualified according to the Competition Rules. Pursuant to Rule 1(d) of the Rules of The FA Challenge Cup, and under the provisions of Rule 1(g), the Sub Committee has the power to exercise all powers of the Professional Game Board of The FA in relation to this matter.

In addition, pursuant to Rule 16(b), where an ineligible player plays for a Club in a Competition match, the Professional Game Board shall remove the Club from the Competition, and may impose further penalties against the Club.

And subject to Rule 16(c), where the Club satisfies the Professional Game Board that the Club (or any of its officers) did not know and could not reasonably have known, even had it made every reasonable enquiry (with the exercise of the utmost caution), that the player was ineligible, the Club shall not be removed from the Competition but may still be subject to any other penalty (e.g. fine, ordered to replay the match).

Having given careful consideration to the submissions of Chesterfield, The FA Challenge Cup Sub-Committee made the following findings of fact and on the basis of those findings reached its decision.

Findings of Fact

1. That Georg Margreitter was named on the Chesterfield Team Sheet and Match Report Form as playing at number 29 in the Second Round Proper against Milton Keynes Dons on Saturday 6 December 2014.
2. That the matter came to the attention of The FA by phone call notification from Chesterfield received on Monday 8 December 2014.
3. That Georg Margreitter was on emergency loan to Chesterfield from Wolverhampton Wanderers, for the period of 12 September 2014 to 13 December 2014 inclusive.

4. That written permission was given for the player to play in The FA Cup by Wolverhampton Wanderers to Chesterfield via text message on Monday 1 December 2014 prior to the 12 noon deadline for the 2nd Rd Proper on Friday 5 December 2014.
5. That a copy of the written permission was not received by The FA by the 12 noon deadline for the 2nd Rd Proper on Friday 5 December 2014 meaning that Georg Margreitter was not correctly registered in accordance with FA Cup Rule 15(j) and was therefore not eligible to play in the tie on Saturday 6 December 2014 for Chesterfield.
6. That on Monday 1 December 2014 and Friday 5 December 2014, The FA sent a notification by email to all clubs in the Second Round Proper, including Chesterfield, reminding all clubs (in bold, large-font capitals) that:

CLUBS MUST ENSURE THAT ALL PLAYERS ARE ELIGIBLE TO PLAY IN THE COMPETITION BY CHECKING THEY ARE NOT UNDER SUSPENSION AND TO MAKE SURE THEY ARE CORRECTLY REGISTERED IN ACCORDANCE WITH COMPETITION RULE 15

Decision

1. On the Second Round Proper tie, Milton Keynes Dons v Chesterfield, played at Milton Keynes Dons on Saturday 6 December 2014, following a charge issued against Chesterfield, in relation to the eligibility of Georg Margreitter who played in the tie for Chesterfield without being correctly qualified in accordance with FA Challenge Cup Rule 15(j).
2. The Sub-Committee noted that pursuant to FA Challenge Cup Rule 16(a) they had the power to call upon a player, and/or the Club to which he is registered, or for which he played, to prove that the player was qualified according to the Competition Rules.

In addition, pursuant to Rule 1(d):

“take such action and make such decisions, orders, rulings and impose such penalties as it deems necessary and following such procedures as it considers appropriate and such shall, subject to Rule 31, be final and binding on all Participants.”

And, additionally pursuant to Rule 1(g):

“in addition to any other action or penalty, the Professional Game Board shall have the power to disqualify any competing Club, or Player for any competing Club(s), which it determines to have breached the Rules of The Association or the Competition Rules (and any rules or regulations issued pursuant to the Competition Rules), and the decision of the Professional Game Board shall be final and binding.”

And, that this position is reinforced by the provisions of FA Challenge Cup Rule 16(b):

“subject to Rule 16(c) below, where an ineligible player plays for a Club in a Competition match, the Professional Game Board shall remove the Club from the Competition, and may impose further penalties against the Club.”

“however, where the Club satisfies the National Game Board that the Club (or any of its officers) did not know and could not reasonably have known, even had it made every reasonable enquiry (with the exercise of the utmost caution), that the player was ineligible, the Club shall not be removed from the Competition but may still be subject to any other penalty (e.g. fine, ordered to replay the match).

3. The Sub-Committee considered submissions made on behalf of Chesterfield and the grounds of mitigation put forward by Chesterfield that included:

- a. that Chesterfield understood the rules relating to The FA Challenge Cup Competition and believed that Georg Margreitter was registered correctly.
- b. that, whilst Chesterfield acknowledged that the rules of the Competition had been breached, Chesterfield made a plea for leniency on the grounds that they saw the matter as a technical breach as permission had been granted for the player to play from his loaning club but just not submitted to The FA in accordance with the Competition Rules.
- c. that no deliberate intent to deceive or gain advantage had been shown by Chesterfield.
- d. that Chesterfield had acted before and during the hearing with honesty, integrity and transparency at all times.

Further to the above, the Sub-Committee concluded that as permission had been provided by Wolverhampton Wanderers to Chesterfield prior to 12 noon on Friday 5 December 2014 and that because Chesterfield did not deliberately act in an underhand way so as to circumvent the rules of the Competition by bringing the matter to the attention of The FA, the Sub-Committee decided that Chesterfield should not be removed from the Competition and ordered the tie to be replayed at Milton Keynes Dons on the earliest available date as directed by The FA.

And, whilst the Sub-Committee were satisfied with the evidence submitted by Chesterfield, the decision to order the tie to be replayed was deemed to be the fairest outcome in this unique situation in order to protect the integrity of the world's oldest and most prestigious cup competition.

4. Furthermore, Chesterfield were made responsible for the costs of the hearing but no further punishment was awarded as ordering a replay was deemed sufficient punishment.
5. The Sub-Committee noted that the decision of the Sub-Committee was final and binding on all parties.

The meeting ended at 1.45pm