

**The Isthmian Football League ("the League")
two charges issued to Enfield Town FC ("the Club")
for breaches of League Rule 6.9**

These are the written reasons for the Isthmian League Commission decision made on Wednesday 29th April 2015.

Isthmian League Commission – Alan Turvey, League Chairman ("AT") (Chairman), Craig Johnson, League Director and Simon Cook, League Director, Kellie Discipline, League Secretary ("KD") (Secretary to the Commission).

Enfield Town FC – John Mehrzad (Barrister) ("JM"), Roger Reed, Club Director and Paul Millington, Vice Chairman ("PM")

The Commission was considering a charge raised by the Isthmian League for two breaches of League Rule 6.9, in that it was alleged that the Club played an ineligible player, Aryan Tajbakhsh, in the following two League matches:

Enfield Town FC v Hendon FC – 10th January 2015

Tonbridge Angels FC v Enfield Town FC – 17th January 2015

The Club had denied the charges and requested a personal hearing.

Details

KD confirmed to all parties that they had a copy of the charge notice issued to the Club Secretary, Dr Nigel Howard, and confirmed the Club had been charged with two breaches of League Rule 6.9.

JM then presented papers and requested that the Commission allow 20 minutes to read them. AT agreed this and the Club representatives left the room while the papers were read and noted.

The Club representatives returned and JM presented the Club's case by saying:

- It was not a breach of Rule 6.9 but the League should consider a charge under League Rule 8.2.
- If proved under Rule 8.2 the decision does not have to follow Rule 6.9 but the matter can be dealt with under Rule 4.2
- The Club had not played an ineligible player because under Rules 6.1.1 and 6.4.1 he was not ineligible; he was a registered Player by the rule, JM stated the player should not have played because he was suspended
- Under FA Rule the player was suspended not ineligible
- Confirmed the definition in the Rules to say what a "player" is
- There is no definition in the Rules to say what "ineligible" or "eligible" is
- There is no definition in the Rules to say what "status" is

- There is no consistency between the FA disciplinary Rules and FA Standard code Rules.
- Referred to the Forest Green Rovers FC papers presented.
- As The FA had dealt with the case and decided to take no further action the Commission could vary the 6.9 rule as per their summary.
- Options the Commission could follow: No points deducted, order the game to be replayed versus Hendon only. If this agreed, then no matter how many goals scored only one to be added to the table
- FA should have heard the case sooner
- Levy a minimum fine £100
- Referred to a case in the Southern League with Chippenham Town FC

Full details are in the statement summary presented by the Club. JM concluded all matters the Club wanted to be put forward had been done so presented.

AT offered the chance for other members of the Commission to ask questions, which no one did.

PM summed up the Club's case that the FA system was not fit for purpose, the Club in their opinion had done all they could to check the player's disciplinary records.

AT then asked if the Club were happy with what had been presented and did they wish to make any further comments. All replied they had no further comments to add.

Determination

- The player for receiving 10 cautions should have served a 2 match suspension and for failing to do so he and the Club were charged by the FA for Breach of FA Rule E10, therefore the League had correctly charged the Club under Rule 6.9 for playing an ineligible player.
- The suggestion that Rule 8.2 was appropriate was rejected because that simply provided that "matches" be played under the Rules and Regulations of The FA and in accordance with the Laws of the Game.
- The reference to Rule 4.2 was also rejected because that referred to matters "save where specifically provided otherwise in these Rules...". Rule 6.9 did specifically provide otherwise and the Commission was bound by Rule 6.9
- The suggestion that the player was not ineligible because of Rules 6.1.1 and 6.4.1 was rejected because the League operates subject to the Rules Regulations and Practices of The FA which take precedence over the League Rules
- The other cases were not precedents which bound this Commission but in any event were on different facts

- The suggestion that the game could be replayed and a result greater than 1.0 could be treated as a 1.0 win was not accepted
- It was accepted that the recommended minimum fine was £100
- That Rule 6.9 is clear, points gained SHALL be deducted and a fine levied -there is no latitude
- If the matches were replayed the non-offending Clubs involved could be disadvantaged, depending on the result of a replayed match and it could have harmful effects on the other Clubs in the Play-Off positions; the integrity of the League would be brought into question by their Member Clubs
- The effect of Rule 6.9 is one of strict liability, it did not require an intention or knowledge – or lack of knowledge
- The League was bound by the decision of The FA
- That in the view of the determination by The Football Association that the Club had played Aryan Tajbakhsh while he should have been suspended the Board found the charge against the Club of two breaches of Rule 6.9 proven.

Sanction

- The Commission noted the position of the Club and the effect of a deduction of three points and whilst feeling compassion for the Club the Commission felt that in view of the wording of Rule 6.9 it was the unanimous decision that the Club have three points deducted from its total, have a fine of £100 levied and pay a contribution towards the costs of the hearing as no fee was payable on requesting a personal hearing and usually such would have been forfeited.
- The Commission confirmed that the two matches as detailed in the charge notice issued on the 23rd April 2015 are not to be replayed.
- There is a right of appeal to The Football Association against this decision pursuant to League Rule 17.4

Alan C F Turvey
Chairman