



IN THE DISCIPLINARY COMMITTEE OF THE GHANA FOOTBALL ASSOCIATION (SITTING AS AN APPELLATE COMMITTEE)

Protest Case: No. A 121- 2017

CORAM

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| 1. Prosper Harrison Addo, Esq. | - | Chairman |
| 2. Eva Okyere, Esq. | - | Vice Chairperson |
| 3. Osei Kwadwo Addo, Esq. | - | Member |
| 4. Alex Kotey | - | Member |
| William Bossman | - | Secretary |
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NORTHERN CITY FC vrs TAMALE LIBERTY FC

AN APPEAL AGAINST THE DECISION OF THE DISCIPLINARY COMMITTEE OF THE NORTHERN REGIONAL FOOTBALL ASSOCIATION

PROCEEDINGS

In accordance with Article 41.6 of the GFA Statutes and Articles 37(10)(a) to 37(10)(h) of the Ghana Football Association (GFA) General Regulations, this Disciplinary Committee (the Appellate Committee) considered the depositions from Northern City FC (Appellant), Tamale Liberty FC (Respondent) and the record of proceedings from the Disciplinary Committee of the Northern Regional Football Association (NRFA DC).

SUMMARY OF FACTS

CASE OF NORTHERN CITY FC

Northern City FC (the Appellant) lodged this appeal to overturn the decision of the Disciplinary Committee of the Northern Regional Football Association which dismissed the protest of the club against Tamale Liberty FC after their Division Two League match played between the two clubs.

The Appellant stated that the NRFA DC erred when overlook an evidence tendered in in support of the case. The Appellant claimed that the Respondent owe the GFA officiating fees which still remain outstanding in breach of the GFA Regulations.

The Appellant subsequently urged the Appellate Committee to overturn the ruling of the NRFA DC and declare their club as the winner of the match played between the two clubs with a 3-0 scoreline.

RESPONSE OF TAMALE LIBERTY FC

The Respondent among others stated that the Petitioner had not discharged the burden of proof required to succeed in the matter.

The Respondent also stated that it was the understanding of the Respondent that the GFA is responsible for the payment of the officiating fees and that the evidence was only a threat to face the wrath of the GFA Prosecutor/GFA Disciplinary Committee.

The Respondent suggested that the club was yet to be brought before the Disciplinary Committee for a warning of forfeiture to be imposed on the club. The Respondent attached two cases in support of its position – Dunkwa United FC vrs Nzema Kotoko FC dated September 19, 2016 and GFA vrs Bfoakwa FC dated July 25, 2017.

FINDINGS AND GROUNDS OF THE DECISION

This Committee notes that this matter is before it in pursuant to the provision of Article 41(6) of the GFA Statute. The said regulation provides as follows:

“An appeal against a decision of the Disciplinary Committee of the Regional Football Association shall be heard by the GFA Disciplinary Committee as an appellate Committee whose decision shall be final”.

This Appellate Committee has considered all the documents and correspondence in this matter. This Appellate Committee will not fault the NRFA DC for the decision due to the evidence put before the NRFA DC.

The Appellate Committee notes the attempt by the Respondent to rely on the cases of Dunkwa United FC vrs Nzema Kotoko FC dated September 19, 2016 and GFA vrs Bofoakwa FC dated July 25, 2017 in support of its position that the case. The position of the Respondent that this matter had not come before the Disciplinary Committee and that the warning of forfeiture was not given and communicated if true would have exonerated the Respondent.

However, it is abundantly clear to this Appellant Committee that on **November 29, 2016** (story still on the GFA website) the GFA Disciplinary Committee decision on the charge against clubs for their failure to pay officiating fee was communicated to the defaulting clubs of which Tamale Liberty Babies FC was ninth on the list of defaulters.

The decision on November 29, 2016 stated as follows:

The following football clubs were charged before the Disciplinary Committee for non-payment of officiating fees for the 2015/16 GN Bank Division One League season. The Clubs were found guilty by the Disciplinary Committee and given a final deadline to pay the amount indicated in their names by 31st October, 2016; failure to pay will result in the deduction of points where necessary as indicated in Article 39(8)(b) of the General Regulations”

Below are the Clubs who have been found guilty of non-payment of their officiating fees:

9. Tamale Liberty Babies - GHc8,400.00

Article 39(8)(b) of the General Regulations requires that the fine be communicated to the party to trigger the reckoning of the 14 days deadline.

Article 39(8)(b) of the General Regulations of the GFA (as amended) states:

“Without prejudice to any provision in these Regulations to the contrary, a club shall pay all fines, costs, debts imposed on it by the GFA or the Judiciary bodies of the GFA not later than 14 days excluding Saturdays, Sundays and Public holidays after such fines or costs HAVE BEEN COMMUNICATED to it in writing by the Association on the GFA website, the GFA notice board, GFA newspaper, GFA newsletter, National Newspaper and/or through the GFA email to the official emails of the Club”.

Thus, for a protest to succeed under this provision, (supra) a club must prove:

- i. that a fine has been imposed on the defaulting club*
- ii. that the fine was communicated to the defaulting club using one of the modes of communication prescribed,*
- iii. that the 14 days deadline after the communicated had passed,*
- iv. that the defaulting club had not paid the fine, and*
- v. that the match in question was played at the time the fine remained unpaid.*

It is very clear to this Appellate Committee that the decision was communicated to Tamale Liberty FC and the club should have paid the said amount of GHc8,400 within 14 days after the communication date of November 29, 2016.

The record at the Accounts Department shows that the fine remains outstanding in the name of the Respondent. It is very clear to this Committee that Tamale Liberty FC had failed, refused or neglected to pay fully the fine and had breached Articles 39(8)(b) and 39(8)(d) of the General Regulations.

In this respect, this process being different from the forfeiture process under Article 34(1) of the General Regulations, we shall have recourse to Articles 31(1) and 31(2) of the GFA Disciplinary Code which are reproduced as follows:

31(1) "A team shall be sanctioned with forfeiture and as such deemed to have lost the match 3-0".

31(2) "if the goal difference at the end of the match is greater than three (sic - in favour of the benefiting club), the result on the pitch is upheld"

DECISIONS

The Committee therefore, makes the following decisions:

- 1. That for acting in violation of Article 39(8)(b) and 39(8)(d) of the General Regulations (as amended on December 30, 2014 by the GFA Congress) Tamale Liberty FC shall forfeit the match.***
- 2. That having been found to have forfeited the match, Tamale Liberty FC shall be deemed to have lost the match by three (3) goals to nil (0) to Northern City FC, in accordance with Articles 31(1) and 31(2) of the GFA Disciplinary Code.***
- 3. This Decision is final in accordance with Article 41(6) of the GFA Statutes.***



**Prosper Harrison Addo, Esq.
Chairman, Disciplinary Committee (A)
Wednesday, January 10, 2018**