

DECISION OF THE APPEALS COMMITTEE* RELATING TO THE APPEAL BY PHAR RANGERS AGAINST THE DECISION OF THE DISCIPLINARY COMMITTEE.

DATE: 21st JULY, 2021.

The Appeals Committee of the Ghana Football Association has considered the appeal filed by Phar Rangers against the decision of the Disciplinary Committee dated 30th June, 2021.

In arriving at our decision we have reviewed all the documents submitted to the Disciplinary Committee as well as the ruling and the submissions in support of the appeal by Phar Rangers. The facts leading to the charges against Phar Rangers are contained in a letter dated 7th June, 2021 which stated in part as follows;

“WITHDRAWAL FROM ALL GFA COMPETITIONS FORTHWITH

The Management and Directors of the Phar Rangers FC have resolved to withdraw from all GFA competitions including the Division One Zone 3 League and the FA Cup with immediate effect...”

The Prosecutor of the GFA charged Phar Rangers under Article 13 of the Division One League Regulations and Article 7(d) of the GFA FA Cup Regulations 2021.

Articles 13(1) of the Division One League Regulations provides as follows;

“A club shall be liable for misconduct if it withdraws from a competition after the competition has started without just cause.”

It is not in dispute that at the time Phar Rangers sent the 7th June, 2021 letter to the Ghana Football Association the Division One League had started. We are of the view that a charge against Phar Rangers under Article 13(1) of the Division One Regulations is proper.



We notice from the documentation made available to us that upon being served with the charges the Club pleaded not guilty and indicated in the response that it had in a letter sent to the GFA on 9th June, 2021 rescinded its decision to withdraw from all competitions and that the said letter was submitted before the charge sheet was served on the Club. We are of the view that the subsequent letter dated 9th June, 2021 does not invalidate the charges preferred against the Club. It is not open to a Club to write to the GFA to withdraw from a competition after it has started and raise a withdrawal of the said letter as invalidating the charges. That will lead to absurdity. The competitions of the GFA are planned and officials are assigned to matches days before fixtures are played and it is not open to a participating Club to pick and choose when to participate or not to participate in a competition.

This Committee is of the view that notwithstanding the rescission letter from Phar Rangers dated 9th June, 2021, the offence under Article 13(1) of the Division One League Regulations was committed when Phar Rangers submitted the letter dated 7th June, 2021 to the Ghana Football Association.

Phar Rangers pleaded not guilty to the charges in an undated letter and attached its letter dated 9th June, 2021 which stated in part as follows;

“Upon several stakeholder engagements and calls for us to reconsider our position in the public interest, we hereby rescind our earlier decision and withdraw the previous letter.

We are aware of the repercussions to the other Clubs and the league as a whole. These and other factors have resulted in the need to rescind the decision in the interest of Ghana Football. This letter supersedes the earlier one sent to the GFA...”



In the circumstances, we are of the view that ground C of the appeal filed by Phar Rangers is not tenable. The charge sheet required Phar Rangers to ask for a personal Hearing if it so wished but the Club elected to plead simply as ‘*not guilty*’ and attached its rescission letter to the letter containing its plea to the charges. We are of the view that the hearing relating to the charges by Disciplinary Committee was proper. The Club was served with the charges and it responded with a plea and indicated that it had withdrawn the letter dated 7th June, 2021. The Disciplinary Committee was properly seised with the matter and we are of the view that the rules of natural justice were not breached in respect of the hearing of the charges against the Club.

We note from the appeal record that the Disciplinary Committee has in addition to imposing sanctions on Phar Rangers as a Club, also imposed sanctions on its Directors and .shareholders on the basis of Article 13 (3) of the GFA Division One League Regulations.

Article 13 (3) provides as follows;

“without prejudice to any provision in these Regulations, the Disciplinary Committee shall have the right to take appropriate disciplinary decision, including but not limited to an imposition of a ban or a demotion against any Club which withdraws from a competition or fails to honour any match without just cause and may also ban officials of the Club from taking part in football activities for a specified period”

Firstly, we do not see any reference to shareholders in this provision at all. Officials of a football Club cannot be interpreted to include shareholders. Football Clubs in Ghana are corporate entities with distinct shareholders and Directors. It is possible for a shareholder to be a Director but in applying Article 13(3) of the Division One League Regulations, it is only the capacity of a Director that can be the subject of sanctions. In our view, the sanctions

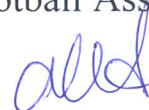
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against the shareholders of Phar Rangers is without any basis in the Regulations of the Division One League and we hereby set same aside.

Secondly, In respect of the Directors or Officers of the Club, they can be sanctioned under Article 13(3) of the Division One League Regulations. However, there must be condition precedent for impositions of such sanctions. The Prosecutor should have preferred charges against the Officers and Directors and given them an opportunity to respond to the charges before the Disciplinary Committee imposes any sanctions on them if the Committee finds them guilty. Accordingly, we shall set aside the decision relating to the imposition of sanctions on the Directors of the Club by the Disciplinary Committee. Our decision does not preclude the Prosecutor from charging the Directors if he is of the view that they have breached Article 13(1) of the Division One League Regulations.

In effect, the Appeals Committee agrees with the Disciplinary Committee in respect of the decision by the Disciplinary Committee that the club has breached Article 13(1) of the Division One League Regulations. We have reviewed all the letters from Phar Rangers to the Ghana Football Association relating to this matter and do not find any justification in its decision to withdraw from the Division One League and the FA Cup competition.

We note from the sanctions imposed on the Club that the Disciplinary Committee imposed a ban on the Club for a period of Five (5) years and directed further that the Club shall only be allowed to join at the Regional Football Association League at the lowest level after the 5 year ban. We are of the view that a demotion to two levels below Division One, which is Division Three in the Eastern Region is harsh enough to serve as a deterrent to all Clubs participating in the competitions organized by Ghana Football Association.



Consequently, the decision to grant floating status to all Players of the Club is also vacated. If any Player of the Club is of the view that the conduct of the Club leading to its demotion to Division Three provides grounds for the termination of his contract he may apply to the Player Status Committee.

The Club has a contract with the Players and they must fulfill the financial obligations relating to these contracts.

We endorse the decision of the Disciplinary Committee indicating that the Club shall not be relieved from its financial obligations to the Ghana Football Association and its members as a result of the demotion to Division Three.

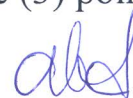
In our previous decision dated 7th May, 2021 relating to Amidaus Professionals, we demoted the Club to just a level below. The circumstances relating to the said case are completely different from the instant case as Amidaus did not write to the Ghana Football Association to withdraw after the league had started which is the case with Phar Rangers. In the Amidaus case, the Club failed to register Players to participate in the league. This is why we held that points relating to the subsequent games they played after they registered Players should be expunged to protect the integrity of the competition.

The GFA in its wisdom has enacted regulations to deal with the case involving Phar Rangers relating to its withdrawal from the Division One League.

Article 13(5) of the Division One League Regulations provides as follows;

“Where a Club withdraws from the league after it has started, any match which that Club is scheduled to play shall be considered forfeited and accordingly three (3) points and three (3) goals shall be awarded in favor of the opposing Club”

There is no discretion in this matter and therefore we endorse the decision of the Disciplinary Committee in deciding that all the Clubs who are yet to play Phar Rangers should be awarded three (3) goals and three (3) points. We urge



the Ghana Football Association to consider reviewing Article 13(5) at the earliest opportunity to promote fairness.

In the circumstances, we dismiss the appeal relating to the breach of Article 13(1) of the Division One League Regulations by Phar Rangers but vacate the sanctions imposed on the Directors and shareholders of the Club and the directive to grant the Players of the Club floating status. We have further substituted the sanctions imposed on the Club for the breach of Article 13(1) and in its stead demote the Club to Division Three in the Eastern Region.

In accordance with Article 7(d) of the FA Cup Regulations, we hereby ban the Club from applying to enter the FA Cup competition for two years. If the Ghana Football Association has incurred any expenses as a result of the withdrawal of the Club from the FA Cup, the Club should be directed to pay same to the Ghana Football Association in accordance with Article 7(b) of the FA Cup Regulations. This is the unanimous decision of the Committee.


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