

Disputes **R**esolution **A**uthority

An Córas Eadrána

IN THE MATTER OF THE ARBITRATION ACTS 1954 and 1980

Record No: DRA/15/2007

Between:

Micheál Ó Duibhidhir (mar Ionadaí Ar Son Naomh Pádraig Cill Mhantáin)

Claimant

-and-

Tomás Ó Broin (mar ionadaí ar son Coiste Condae Chill Mhantáin) agus Micheál Mac Raghnaill (mar ionadaí ar son Comhairle Laighean)

Respondent

Decision given at Citywest Hotel, Saggart, County Dublin on the 20th August 2007

This case is concerned with a Senior Championship match played in County Wicklow on the 10th June 2007 between Naomh Pádraig (St Patrick's) and Siol Éalaigh (Shillelagh). It appears some confusion arose in the course of the game because on one view an incorrect score was displayed on the scoreboard at a certain stage in the match.

Mr. Jonathan Doyle who was one of the linesman on that occasion gave an account of what had happened. He gave this account on the 21st June. He said that he was the linesman for this match. He continued:

“During the game I kept score of the match. At the end of the first half my score card read St. Patricks 1gl – 4pts Shillelagh 0-2pts. In the Final Quarter of the game I noticed the score board was showing an extra point to Shillelagh. I signalled the

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Referee Liam Cullen and brought this to his attention (sic). He then told me that the score board was displaying the correct score. At the end of the game my score card read St. Patricks 2gl – 7pts, Shillelagh 1 gl – 9 pts”.

The other linesman, Mr. Gerry Corbett, recounted

“During the course of the second half of this game I called the referees attention that the wrong score was on the scoreboard he immediately pointed to the scoreboard and asked it to be rectified which was corrected straight away. I do not keep the score of match unless I am refereeing”.

The referee’s report recorded that the score was St. Patrick’s 2-7 Shillelagh 1-10. The procedural defect that is called in question in relation to the County Board Hearing was that the St. Patrick’s representatives were not shown Mr. Doyle’s second recounting of events which was given on the 7th July when he said, in reply to a request,

“(1) I did not keep a written account of the score

(2) At the best of my recollection nobody spoke to me concerning the score before I signalled the referee”.

It appears that there is a contradiction between that and his first statement where he said that he had a score card.

At the hearing at the County Board level Mr. Mark Kennedy, who was the journalist with the Wicklow People newspaper, gave what is accepted on all sides as being very clear evidence that he had noted all the scores, the time of the scores and the scorers. It was accepted that Mr. Kennedy “had no axe to grind”, that he was a very impartial individual and very

experienced and so this is capable (and we emphasise ‘capable’) of being compelling evidence which is admissible under Rule 144(z)(vi)

“A Referee’s Report, including any Clarification thereto, shall be presumed to be correct in all factual matters and may only be rebutted where unedited video or other compelling evidence contradicts it.”

The relevant rule, as far as the main point in contention, is Rule 151(n) at page 107 of the Official Guide

“An Objection or Counter-Objection may only be upheld on the grounds (i) that an Infraction has been committed rendering the Defending Party liable to the penalty of Forfeiture, with Award of the Game to the Objector, or (ii) that a score allowed by the referee was not recorded by him or that a score was incorrectly recorded by him, thereby affecting the result of the Game; however no Objection or Counter-Objection may be submitted on grounds that a referee had incorrectly allowed or failed to allow a score”.

The dichotomy between those two matters is clear and has been fully accepted by Mr. Logan for the Claimant that if a referee deemed a ball to have gone wide, although everybody behind the goal was of the view that it had gone over the bar for a point, the referee’s verdict on that would have to stand and there could be no appeal from it. But if, on the other hand, there is a failure to record a score or a recording of an incorrect score the rule anticipates that it is something that can be tested.

We are of the opinion that an injustice might occur in the circumstances of this case and the prevention of the possibility of this must prevail over any argument that this case might open the “floodgates”. In any event we are not convinced that this case will open any floodgates.

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If an error was made, and we are making no such finding at this hearing, it is understandable that, being human, a mistake in the *recording* of scores may occur on occasion. Our decision is that the matter should be remitted for rehearing before the County Board when Mr. Kennedy should be again invited to give his account of events and the referee and the linesmen, having been furnished with an outline of Mr. Kennedy's evidence, should also be invited to attend but we want to lay very heavy emphasis on the fact that they may be invited to attend but it should be made clear to them that they are not to be compelled or obliged to attend. This is clear from rule 144(z)(1)(vii) of the Official Guide which states

“A Referee or other Official shall not be required to give oral evidence or to appear for cross-examination.”

The reason we are suggesting that they should be invited to attend is that, in a sense, their judgements might be regarded as being impugned so it is in justice to them as well as to making sure that justice is done in the case that we make that suggestion. We emphasise that we are not deciding the rights and wrongs of this matter. That will be a matter for the County Board to consider in the light of the guidance that we trust we have given them in this decision.

The question was mooted at the conclusion of the hearing: might the best solution be to have a replay of the match? We do not have the power to ORDER such but, obviously, if all sides agree it would represent a very sporting outcome. And, it need hardly be said, CLG is first and foremost a sporting organisation. At the re-hearing (if the proposal of a re-match does not find acceptance) it should be emphasised that the match officials - should they attend, which they are not obliged to do - further are not required to answer any questions from any side but may volunteer any information as they think right.

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Representatives of the other team involved, Síol Éalaigh, should be invited to be present at the re-hearing as they have an interest in the outcome.

There is no difficulty about same committee of the County Board re-hearing the matter.

Hugh O'Flaherty

Jim Murphy

Aoife Farrelly

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