

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

An Córas Eadrána

Record No: DRA/1/2006

Between:

Tommie McManus and John Quilter as nominees on behalf of Cumann Peil agus Iomána
Naomh Oilibhéir Pluincéid/Eoghan Ruadh

Claimant

-and-

John Mc Nicholas mar ionadaí ar son Coiste Riaracháin na gCluichí Coiste Átha Cliath agus
Seán Mac Coisdealbha mar ionadaí ar son Coiste Átha Cliath

Respondents

INTERIM DECISION

Preliminary

1. The DRA received the Request for Arbitration in this matter at 3.30pm on 14th January 2006 by fax. Section 6.4 of the Disputes Resolution Code deems faxes received 12 hours after transmission. However, pursuant to the Code, I deem the document as having been received by the DRA at 3.30pm on 14th January 2006 and that is the Commencement Date as per Section 2.4 of the Code.
2. In Paragraph 10 of the Claim, the Claimant requests an interim temporary remedy under Section 8.1 of the Code. As no Tribunal is yet in existence and as the matter is urgent, given that it relates to a game which is fixed for 2p.m. today, I am hearing that application under Section 8.3 of the Code.
3. I have shortened the notice required for today's hearing for the same reason and I have notified the parties of today's hearing by telephone as permitted by Section 6.5 of the Code.

Background

4. Dublin County Committee organise Cup Competitions aimed at providing games for single code non inter-county footballers. The Claimants play in the AIB Cup. Notwithstanding the fact that they play in division two of the Dublin Senior League they have reached the final of the AIB Cup for the third year in a row.
5. On 21st December 2005 the Claimants received notice that the final of the AIB Cup was to be played on today 15th January 2006 versus St. Maurs. This caused problems

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for the Claimants which became apparent towards the end of December 2005 in that they have players due to play today in the O'Byrne Cup Competition with Dublin and with Dublin City University. In addition they have a number of players due to play a senior hurling challenge match with Dublin. There was also a difficulty with an under-21 hurling championship match but this latter game has been postponed.

6. The Claimants outlined their difficulties to the Respondents and sought a postponement of the game on 5th January 2006, being the earliest possible opportunity after the Christmas break. This request was refused and the Claimants were advised of this refusal verbally on Monday last 9th January 2006 and in writing on 12th January 2006.
7. Under Rule 151 (b) of the Official Guide the Claimants cannot appeal to Leinster Council against a decision in relation to fixtures. Therefore I am satisfied that all available avenues of appeal have been exhausted as required by the Arbitration Rule and by Section 2.2 of the Disputes Resolution Code. I reject the second Respondent's contention that the Claimants should have lodged an appeal in the certain knowledge that it could not succeed.
8. The Claimants contend:
 - a. that the decision of the Games Administration Committee (GAC) not to grant a postponement is unfair and unreasonable and should be overturned by the DRA;
 - b. that, notwithstanding the fact that clubs play in the AIB Cup without county players, a final is different and clubs should have their full teams available;
 - c. that the balance of convenience favours postponing the game as it would be disrespectful to play a final with a very weak team;
 - d. that there was no delay in replying to the DRA for an interim remedy.
9. The Respondents (and I take both Respondents' arguments together) say that:
 - a. this fixture relates to a minor competition established to provide games for non-hurling non-county footballers.
 - b. the GAC have powers to make fixtures;
 - c. the GAC considered the request to postpone and refused it and that they are entitled to do this;
 - d. the games in question are minor competitions, challenge matches and games involving college teams over which the Respondents have no jurisdiction;
 - e. the balance of convenience favours the playing of the game as fixed and;
 - f. the fact that the Respondents received very late notice of the application for relief means that players, the referee and supporters are already en route to the match.

Rules

10. Rule 57 of the Official Guide gives County Committees the power to control games, including the making of fixtures. Rule 59 of the Official Guide establishes the GAC as a sub-committee with delegated power to deal with fixtures. This structure is

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mirrored in Fodhlíthe Chontae Átha Cliath (the Dublin Bye-laws) where bye-law 4.5 gives the GAC power in relation to fixtures. The Bye-Law Book has two bye-laws dealing with the fulfilling of fixtures (17.5 and 17.6) as well as regulations dealing with League Competitions. However, none of these deal with Cup Competitions. There are also Competition Regulations contained in Fixture Booklet 2005 which have the same status as the Competition Regulations in the Bye-Law Book. Regulation 2 of the Competition Regulations contained in the Fixtures Booklet reads as follows:

“All games must be played as scheduled. No Cancellations or deferrals will be granted (by the Chairman of Coiste Riaracháin na gCluichí) except in exceptional circumstances. If clubs are agreeable a fixture may be played at an earlier date than scheduled by the GAC (as per Fixture Plan) but under no circumstances may games be played later than the scheduled date. Any rescheduled games which fail to take place for any reason, will be played on the original scheduled date or both clubs will lose the points.”

Conclusion

9. I am satisfied that the first Respondent had the power to make the fixture being challenged and that only it could change the fixture.
10. In order for the DRA to intervene, the Claimants must show an illegality in relation to a decision made or procedure used by the GAC. A simple allegation of unfairness is not enough. No such illegality has been established, even on a *prima facie* basis.
11. I am refusing the relief sought at paragraph 10 of the Claim where the Claimant seeks to have the fixture postponed.
12. I direct that each Respondent deliver their Reply on or before Wednesday next 18th January 2006 at 4.30p.m.
13. I am reserving the question of the parties' costs and the DRA expenses to the full hearing of the dispute.
14. If the matter does not proceed to full hearing I will direct the parties to make written submissions in relation to costs and expenses.
15. I recommend that Dublin County Committee publish regulations for their Cup Competitions and that they consolidate all Competition Regulations in one document.

Dated the 15th day of January 2006

Signed:

Liam Keane
Secretary DRA

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