

DISPUTES REGULATION AUTHORITY
Record Number: Dra 11/2009

Between

Applicant

Proinsias O Coinne on behalf of Coiste Chontae Antroma GLC, Coiste Chontae An Clar CLG, Coiste Chontae Loch Gorman GLC agus Coiste Chontae Uibh Fhaili CLG

-and-

An Lar Choiste Cheannais na gComortaisi CCC agus Ard Comhairle GLC

Respondents

Decision of the Tribunal and Statement of Reasons

Background:

1. The Claimant is a member of the Gaelic Athletic Association and brings this application on behalf of Counties Antrim, Clare, Offaly and Wexford.
2. In October 2008 Special Congress passed a Motion whereby the All Ireland Senior Hurling Championship was reconstructed. This Motion became Rule 122(b) T.O 2008. This Rule stated in effect that the promotion and relegation would involve a Play-Off game between the four teams defeated in the first Rounds of Phases 1 and 2 of the Qualifiers, over two rounds, on a knock-out format, with the losing team contesting a Play-Off with

the winner of the Christy Ring Cup the eventual winners playing in the Liam McCarthy Cup and the losers playing in the Christy Ring Cup in the following year (2010).

3. At Annual Congress in April 2009 a further Motion (Motion 35) was tabled by County Westmeath and subsequently passed . Motion 35 sought to amend Rule 122(b) of the GAA Official Guide 2008 by in effect automatically promoting the winners of the Christy Ring Cup to the Liam McCarthy Cup competition for the following year (without the necessity of a Play-Off, the loser of the Qualifier Play-Off automatically being relegated).
4. The relegation games which were scheduled to take place on Saturday 18th of July 2009 were postponed by the Central Competitions Control Committee (CCCC) pending clarification from An Coiste Bainisti as to the correct relegation process.
5. An Coiste Bainisti decided that Motion 35 (“the Westmeath Motion”) superceded the Motion passed by Special Congress in October 2008 and could not be revisited or amended until Annual Congress 2010. This was stated to the Applicant by An Coiste Bainisti on the 21st July 2009.
6. The Applicant sought a meeting with Ard Comhairle on or before the 22nd July 2009 it having been informed that the Play-Off games had been re-scheduled for Saturday the 25th July 2009. The Applicant claimed that no response was received to this request. The Respondent claims that no request was received following which the Applicant made a request for Arbitration was made by the Applicant.
7. The Hearing was duly convened and heard at the Carrickdale Hotel Dundalk on Friday the 24th July 2009.

What the Applicant Sought by way of reference to Arbitration:

8. The Claimant by way of reference to Arbitration sought an Interim Order postponing the Play-Off games until a solution to the promotion /relegation issue had been agreed by all parties concerned.
9. The Respondent in its response objected on the basis that temporary Interim relief was not an appropriate remedy in the circumstances.

Preliminary Objection by the Respondent:

10. Mr Larry Fenlon, Solicitor, on behalf of the Respondents raised a preliminary objection by claiming that the Claimants had not exhausted all internal avenues prior to the request for Arbitration.
11. Having heard submissions for both parties the Tribunal decided that the Claimants had in fact exhausted all internal avenues prior to the request for Arbitration on the basis that An Coiste Bainisti is in effect a sub-committee of Ard Comhairle (Rule 89 (b) and (e) applies).

The Substantive issue:

12. Mr Fergal Logan, Solicitor appearing on behalf of the Claimant submitted that any Motion passed at Annual Congress could not come into effect for 4 weeks after Congress and that as the draws for the 2009 Championship had already been made and on the basis that the Christy Ring Competition had already commenced prior to the Rule changes coming into effect that Motion 35 could have no effect until 2010(even if the Motion was in order).

13. The Claimant further submitted that in any event Congress Motion 35 was null and void in that it failed to comply with the requirements of Rule 83(c) of the GAA Official Guide 2008 by giving the full text of the proposed addition or amendment or by quoting the numbers of any rules affected thereby.
14. The Respondent stated that it was not in a position to oppose the submissions being put forward by the Claimant.

Decision of the Tribunal:

15. Having heard what was urged by both parties the Tribunal accepts the submissions made by the Applicant in relation to the applicability of Rule 122(b) passed at Annual Congress in April 2009. The tribunal therefore finds as follows:
 - (a) That Rule 122(b) as passed at Annual Congress in April 2009 is declared void ab initio on the basis that Congress Motion 35 (“The Westmeath Motion”) sought to amend an existing Rule which had already been changed by Special Congress in October 2008 (ie the Motion was drafted by reference to the existing Rule in The Official Guide 2008 June edition and not by reference to the Rule as amended at Special Congress in October 2008) and that Motion 35 did not comply with Rule 83 (c) of the GAA Official Guide 2008 by giving the full text of the proposed addition or amendment or by quoting the numbers of any rules affected thereby.
 - (b) The consequences of those findings are that Rule 122(b) as passed at Special Congress in October 2008 stands.

- (c) The Tribunal further directs that the play-off games already scheduled go ahead subject to County Carlow's participation in the Liam McCarthy Competition.
- (d) It is further recommended that the Association devise a mechanism to accommodate the participation of County Carlow in the Liam McCarthy Cup competition in 2010.
- (e) That the final relegation game shall not be fixed pending the implementation of the recommendation at (d) above.
- (f) Each Party to bear its own costs of the Hearing. The Parties however will equally share the costs associated with the providing of facilities for the Hearing.
- (g) Liberty given to apply.

Made this the 25th day of July 2009.

Signed:

Pat Purcell Chairman

Peter Quinn

Brian Rennick