

In the Matter of
The Football Association

-v-
Chelsea FC and Everton FC

(Consolidated pursuant to Regulation 3.3 of the FA Disciplinary Procedures Regulations)

Reasons for Regulatory Commission Decision

Friday 27th February 2015

The Regulatory Commission members were Messrs. B. M. Jones, R. Pawley and M. Kearns appointed by the Football Association. Mr. R. Marsh the Judicial Services Manager of the Football Association acted as Secretary to the Commission.

1. By letters of the 12th February 2015 both Chelsea FC and Everton FC were charged with misconduct for a breach of FA Rule E20(a) arising out of incidents in the fixture Chelsea FC v Everton FC in the Premier League on the 11th February 2015.
2. It was alleged that in or around the 86th minute of the fixture Chelsea FC failed to ensure that its players conducted themselves in an orderly fashion and/or refrained from provocative behaviour in that they surrounded the referee and/or became involved in a mass confrontation.
3. The Football Association designated the case as a Non Standard Case due to the cumulative nature of the conduct; and/or the sustained nature of the breach; and/or the duration of the incident; and/or the number of players involved.
4. It was alleged that in or around the 86th minute of the fixture Everton FC failed to ensure that its players conducted themselves in an orderly fashion and/or refrained from provocative behaviour.
5. The Football Association designated the case as a Non Standard Case due to the duration of the incident; and/or as Everton were charged with a breach of FA Rule E20(a) in the preceding twelve months, following a fixture against West Ham United FC on 22nd November 2014.
6. Both charges were consolidated pursuant to Regulation 3.3 of the Disciplinary Procedures Regulations 2014-15 at page 336 of the FA Handbook Season 2014-15.
7. Both Clubs returned the Forms of Acknowledgment duly signed on behalf of Chelsea FC, by the Club Secretary Mr. D. Barnard, dated the 18th February 2015, and on behalf of Everton FC, by the Club Secretary Mr. D. Harrison dated the 16th February 2015.

8. By those Forms of Acknowledgment both clubs admitted the charge but did not request a Personal Hearing and confirmed that they understood that the matter would be dealt with at a paper hearing.
9. The members of the Regulatory Commission had before them the following; Charge Letters dated 12th February 2015; two Referee's reports by Jonathan Moss dated 12th February 2015; Forms of Acknowledgment as referred to in paragraphs 7 and 8 above; Submission on behalf of Chelsea FC by James Bonnington Head of Legal (undated); a letter from David Harrison of Everton FC dated 16th February 2015; letter from the FA to both Clubs dated 19th February 2015 with enclosures (exchanging evidence); Chelsea FC's Response to Everton FC's Submissions, emails between the FA and Everton FC and twelve (12) video clips of the incident. All such documentation was carefully considered.
10. The Regulatory Commission members had the opportunity of viewing the video clips before the hearing and again at the hearing. In particular they paid particular attention to video clip ten as requested by Chelsea FC and video clip one as requested by Everton FC, with each being viewed on more than one occasion.

CHELSEA FC

11. Chelsea FC had two previous E20 charges when in March 2010 following a match against Blackburn Rovers FC they were fined £7,500 (but that was before the Standard Penalty system was introduced) and in October 2011 following a match against Queens Park Rangers FC when they were fined £20,000 which equated to the Standard Penalty fine.
12. Effectively there are two arms to the charge, namely surrounding the match official and mass confrontation.
13. The Regulatory Commission considered the criteria to be applied to such charges and considered whether three or more players approached the referee in a confrontational manner. No club officials/bench personnel were involved; there was no clear incitement of the crowd; the incident did not take place near to the crowd; there was no violent behaviour, and the police and/or stewards were not involved.
14. The video clips clearly show that there was disorderly and provocative behaviour by the players of Chelsea FC and that three or more of their players surrounded the referee and that thereafter they engaged in a mass confrontation, such being described as "*where 2 or more players and/or club officials from a team are involved in a confrontation with opposing players and/or club officials*".
15. As indicated above it can be argued that there are two separate incidents but realistically they flow in to one incident.

16. The Standard Penalty applicable would have been £20,000 per an incident making a penalty of £40,000. The maximum penalty for confronting the referee is a fine of £250,000 and the same for mass confrontation.
17. However the Commission noted that Chelsea FC had admitted the charge at the earliest opportunity and considered that although the behaviour of the players was not to be condoned, at any level of the game let alone the Premier League, this was not the worst example of such misconduct and that after considering their record a reasonable, fair and proportionate penalty in totality would be a fine of £30,000. In addition they would be warned as to their future conduct.

EVERTON FC

18. The charge against Everton FC was different to that against Chelsea FC in that Everton FC were only charged with failing to ensure that its players conducted themselves in an orderly fashion and /or refrained from provocative behaviour in relation to the mass confrontation.
19. Everton FC had a previous E20(a) charge when, as recently as November 2014, following a match against West Ham United FC, they accepted the charge and were fined £20,000.
20. Again the video clips clearly show that there was disorderly and provocative behaviour by the players of Everton FC and that they equally engaged in a mass confrontation, such being described in paragraph 14 above.
21. Again the Commission remembered that like Chelsea FC, Everton FC had also admitted the charge at the earliest opportunity and considered that although the behaviour of the players was not to be condoned, at any level of the game let alone the Premier League, this was not the worst example of such misconduct and that after considering their very recent record of a similar offence a reasonable, fair and proportionate penalty would be a fine of £30,000 and they are to be warned as to their future conduct.
22. The level of the fine reflects that this was Everton FC's second breach within a period of three months and that this was a non-standard charge. The Commission members were mindful of the maximum penalty as referred to in paragraph 16 above.
23. The decision is subject to the relevant Appeal Regulations.

Brian M Jones (Chairman)

Mr. R. Pawley

Mr. M. Kearns.

27th February 2015.