

**IN THE MATTER OF AN APPEAL  
UNDER THE RULES OF THE RYMAN FOOTBALL LEAGUE  
AND THE REGULATIONS FOR FOOTBALL ASSOCIATION  
APPEALS**

**FA APPEAL BOARD:**

**Nicholas Stewart QC (Chairman)**

**Ms Elaine Oram**

**Mr Roger Pawley**

**BETWEEN:**

**FARNBOROUGH FOOTBALL CLUB**

**Appellant**

**-and-**

**THE ISTHMIAN FOOTBALL LEAGUE LIMITED**

**trading as THE RYMAN FOOTBALL LEAGUE**

**Respondent**

## Reasons for Appeal Board Decision 5 November 2015

### Introduction

1. This is an appeal by Farnborough Football Club (“the Club”)<sup>1</sup> against a decision of the Board of The Isthmian Football League Limited on 27 August 2015. That company runs the former Isthmian League, which is now called the Ryman League. The Club plays in the Ryman League Premier Division. The effect of the decision under appeal is that the Club will be automatically relegated from the Ryman League before the start of the 2016-17 season unless before the League’s next AGM in June 2016 the Club has paid in full creditors’ claims of £1,254,263. That is a slightly simplified version of the order made against the Club but we shall explain and consider its full terms below.
2. Under 17.4 of the League’s rules an appeal against the Board’s decision lies to a Football Association Appeal Board in accordance with the FA’s *Regulations for Football Association Appeals*<sup>2</sup>.
3. The Appeal Board, whose members are Mr Nicholas Stewart QC (Chairman), Ms Elaine Oram and Mr Roger Pawley, held an oral hearing of the Club’s appeal at Wembley Stadium on Monday 26 October 2015. Mr Mark Ives, the FA Head of Judicial Services, acted as secretary to the Appeal Board. The Appellant was represented by counsel Mr Tim Nesbitt, accompanied by Mr Rob Prince, the owner of the Club, and Mr Spencer Day, the Club’s first team manager. The case for the League as respondent was presented by its chairman Mr Nick Robinson, accompanied by one of the League’s directors, Mr Kevin Newell.
4. On the previous Friday 23 October 2015 there had been a written application by the Club for the hearing fixed for Monday 26 October 2015 to be postponed. That application was refused but was renewed at the beginning of the hearing. The basis of the application was that Mr Nesbitt was a late replacement for the Club’s counsel who had long been involved in this

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<sup>1</sup> The respondent says that the appeal should be by Boro FC Limited but as the decision under appeal was sent and directed to Farnborough FC and the relevant rules refer to “the Club” we consider the position to be sufficiently clear not to concern ourselves with that question.

<sup>2</sup> FA Handbook Season 2015-2016, pp. 343-347

matter and was therefore very familiar with the background and details of the case. The Club preferred its appeal to be presented by its original counsel. However, we saw no serious risk of prejudice to the Club if the appeal proceeded in Mr Nesbitt's hands and our view was vindicated by his able and thorough presentation of the Club's case.

5. Our decision is to reject the main thrust of the Club's appeal and uphold the decision of the League's Board, though (as we shall explain) we do make two adjustments to the terms of the original order to ensure that overall it does operate fairly towards the Club. These written reasons for our decision are requested under 3.7 of the *FA Regulations for Football Association Appeals*. The Appeal Board is unanimous on both the decision and the reasons.
6. The Board's decision and this appeal turn largely on rule 14 of the League's rules, which deals with sporting and other sanctions in cases of insolvency of a member club. As it is not feasible to follow our decision and reasons without reference to the detailed and quite lengthy provisions of rule 14B (General Insolvency), we annex rule 14B to these reasons. It is particularly 14.B.1 and 14.B.4 which come into play here.

## **Recent history and ownership of the Club**

7. The Club was owned and run until after the end of the 2013-14 football season by Farnborough Football & Social Club Limited ("OldCo"). It was then playing in the Conference South<sup>3</sup>, which is a level above the Ryman League and with different ownership and membership. OldCo went into administration on 26 April 2013 and a creditors' voluntary arrangement ("CVA") followed on 7 June 2013. Under the rules of the Conference the Club had 10 points deducted for the 2013-14 season for having gone into administration, although even with another 4 points deduction for an unrelated breach of the rules it just avoided relegation.
8. OldCo was and now remains hopelessly insolvent. On 9 August 2013 a new company Boro FC Limited ("NewCo") was incorporated and acquired the football affiliations of OldCo – in practical terms, Farnborough FC was going to continue as the same football club but under different ownership and control. It was a condition of that change that NewCo agreed to satisfy

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<sup>3</sup> Since renamed National League South

the liabilities which OldCo had accepted under its 7 June 2013 CVA. The important point to note is that under the CVA OldCo was to pay all accepted claims of creditors in full within a period of three years, i.e. 100 pence in the pound. That was to meet requirements of the Conference which closely match those found in Ryman League Rule 14B.

9. The Club was also required by the Conference to provide a bond of £100,000 as a condition of playing in the 2013-14 season. It completed that season and the bond was returned on 14 May 2014. At the end of the next season 2014-15 the Club finished 20th in the Conference South and so was relegated to the Ryman League. During that season the FA Financial Regulation Department conducted a review of the Club's finances and we had their report dated 4 December 2014. We do not need to go into detail about that report. Overall the financial position was not at all healthy. It was noted that under the terms of the CVA it had been proposed to repay the liabilities of OldCo within 36 months and that NewCo had agreed to fund that arrangement. But at the time of the review the only amounts that NewCo had paid into the CVA, save for the supervisor's costs, were 12 monthly instalments of £1. While the Club had said that was because of the failure of the supervisor to agree the total CVA liabilities, it is obvious that overall the financial position of the Club under its new owner OldCo was very weak. The Club had not even been able to open a bank account in the name of NewCo because of the poor credit history of some current/past directors.

### **The Club's membership of the Ryman League and events June to August 2015**

10. The Club was admitted to membership of the Ryman League (which strictly means membership of the company The Isthmian Football League Limited) at the Ryman League AGM on 14 June 2015 and paid the required £1,200 registration fee. On 20 July 2015 the Club sent its cash flow forecasts to the Ryman League and on 23 July 2015 the Ryman League Board required a £30,000 bond before the Club would be able to participate in the Ryman League for the 2015-16 season. That decision was notified to the Club by letter 25 July 2015 and the Club was suspended pending provision of the bond.
11. By notice of appeal dated 4 August 2015 the Club appealed against that decision. We have been supplied with that notice of appeal and attachments, as part of the background to the appeal before us. That first appeal against the £30,000 bond was dismissed at a hearing on 19

August 2015. The bond has since been provided so the Club is fulfilling its fixtures in the Ryman League Premier Division.

12. While that first appeal was pending there were significant events relating to the financial position of the Club and OldCo. The supervisor appointed at the OldCo creditors' meeting on 7 June 2015 issued her report dated 6 August 2015 on the progress in the OldCo CVA. It was crystal clear from the report that:

- there remained no practical prospect of OldCo's own funds being able to pay its creditors in accordance with the CVA;
- attempts to enable NewCo to meet its obligation to pay OldCo's creditors (agreed as noted in paragraph 8 above) had failed.

Accordingly, a variation of the original CVA was proposed which, unlike the original CVA, would not provide for creditors eventually to be paid in full but would mean their accepting a tiny dividend of a few pence in the pound.

13. On 19 August 2015, a creditors' meeting agreed a variation of the OldCo CVA. We were provided with the supervisor's written report of that meeting, dated 24 August 2015. On reading that report and the supervisor's 6 August 2015 report, it can be seen that:

- Mr Prince's claim of £680,000 and Mr Day's claim of £1,043,000 were to be excluded from any dividend under the varied CVA
- Remaining creditors' claims amounted to £1,254,263
- Following the rejection of the Club's appeal against the £30,000 bond, there would be £3,000 paid into the CVA to be available for creditors
- It followed that without any further funds becoming available for creditors, their dividend would be less than 2.4 pence in the pound

14. The key point about that variation was that it changed what had been a “compliant CVA” for the purposes of the Ryman League rules, particularly rule 14B, into a “non-compliant CVA”. That is a fundamental difference from the point of view of the Ryman League and its rules. A compliant CVA is one which provides for all creditors to be paid in full within three years. It reflects the policy of the Ryman League (shared with other leagues in professional and semi-professional English football) that if a club becomes insolvent then whatever arrangements it is able to make in accordance with insolvency law, usually with the result that creditors would end up with a dividend well below their original claim, the club should nevertheless ensure that all its creditors are eventually paid in full, i.e. 100 pence in the pound. The policy is designed to encourage financial responsibility of clubs and to maintain the stability, integrity and reputations of the football competitions in question. It is supported in the Ryman League rules by heavy sanctions on clubs who become insolvent and fails to ensure that their creditors are paid in full within a period which under rule 14B cannot exceed four years<sup>4</sup>. The mandatory sanction under Ryman League rule 14.B.1 for a club which does so fail is automatic relegation by one Step<sup>5</sup> at the next Ryman League AGM. The AGM takes place in June each year, so the relegation takes effect for the forthcoming season.
15. Ryman League rule 14.B.1 never applied directly to Farnborough FC, because when OldCo went into administration in April 2013 the Club was still in the Conference and not the Ryman League. However, the Ryman League rule which has now directly caught the Club is rule 14.B.4, which clearly applies to the CVA entered into by the Club through its former owner OldCo (as the club’s counsel Mr Nesbitt did not dispute on this appeal).
16. On 27 August 2015 the Club attended a hearing before a sub-committee of the Ryman League Board, following which a Board decision was notified to the Club by letter dated 28 August as follows:

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<sup>4</sup> It is not necessary on this appeal to go into the particular aspects of Rule 14.B.1 relating to the special category of Football Creditors.

<sup>5</sup> “Step” is defined and explained in the *Regulations for the Operation of the National League System*: see FA Handbook Season 2015-2016, pp.164-173

“ . . . there had been a successful application to vary the terms of the CVA and the Club failed to inform the Competition in writing and to provide supporting evidence of the application.

The Board has decided to impose the sanction it deems appropriate which is to apply League Rule 14.B.1

Accordingly, the Club shall automatically be relegated by one step at the 2016 AGM unless prior to the 2016 AGM it has paid in Full all its creditors totaling £1,254,263 including by [sic] not limited to Football Creditors.”

17. Mr Nesbitt accepted that there had been a successful application to vary the terms of the June 2013 CVA, so under the express terms of rule 14.B.4 the Board did have the power to impose such sanction as it deemed appropriate. On the other hand he contended that the Board was wrong in saying that the Club had “failed to inform the Competition [i.e. the Ryman League] in writing and to provide supporting evidence of the application”. In our view it makes no difference whether the Club did or did not fail on that second limb, as it is the variation of the CVA which was the effective trigger and reason for the sanction. It would be unrealistic to suppose that failure to inform the Competition in writing as required by the rule could have made the slightest difference to the Board’s decision on sanction. In any case, although we have no doubt that Mr Nesbitt was correct in saying that at the 19 August 2015 appeal hearing relating to the the £30,000 bond, the Ryman League must have learned that there had been a CVA variation agreed earlier that day, none of the material before us showed that the Club had informed the Ryman League in writing with supporting evidence as required by rule 14.B.4.
18. There is therefore no doubt whatever that the Ryman League Board did expressly have power under rule 14.B.4 to impose such sanction as it deemed appropriate including, but without limitation, the expulsion or relegation of the Club, the deduction of points and the embargo of player registration. Mr Nesbitt did not suggest otherwise. His case for the appellant Club was that the actual sanction had been an improper exercise of that power and should be set aside,

with this Appeal Board then using its own discretion to decide the appropriate sanction under 3.3(2) of the *Regulations for Football Association Appeals*<sup>6</sup>

19. Despite the statement in the 28 August 2015 letter that the Board had applied rule 14.B.1, it is obvious that they were applying and intending to apply 14.B.4. What they were doing was adopting as the 14.B.4 sanction a slightly adapted version of the sanction provided by 14.B.1 if prescribed steps to satisfy creditors were not taken by the following AGM.

### **Grounds of appeal against the Relegation Decision**

20. The notice of appeal dated 4 September 2015 relies on the following grounds under the *Regulations for Football Association Appeals* against the Ryman League Board's decision:

- (1) the Board misinterpreted or failed to comply with the rules and/or regulations relevant to its decision;
- (2) it came to a decision to which no reasonable such body could have come; and/or
- (3) the sanction was excessive.

21. The notice of appeal and Mr Nesbitt's submissions raised one point about creditors which this Appeal Board does accept and which justifies a modification of the Ryman League Board's order. The figure of £1,254,263 for creditors excludes Mr Prince and Mr Day but apparently includes the amount of all other creditors' claims received by the supervisor. Until claims have been adjudicated it remains possible that some claims within that total of £1,254,263 will be rejected, meaning that any such rejected claims would not be regarded as debts of OldCo at all. There is no fair reason why the Club should be required to pay those claims. We have therefore made a change to terms of the Board's order to exclude claims which have been rejected for the purposes of the CVA on adjudication by the supervisor before the Ryman League's 2016 AGM. That strikes a fair balance. The position on payment of creditors in accordance with the Board's order needs to be resolved before the 2016 AGM. In practice, if

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<sup>6</sup> Which enables the Appeal Board to "exercise any power which the body against whose decision the appeal was made could have exercised"



there is going to be any realistic possibility of funds being made available to pay OldCo's creditors in full, it is also likely that there will be funds to enable the supervisor to adjudicate on any significant claims by the time of the 2016 AGM. If the end result is that by the time the 2016 AGM comes round, some invalid claims have paid in full because there has been no adjudication by that deadline, then that just has to be accepted. That would be in a sense an undeserved bonus for those claimants and, from a narrow perspective, therefore unfair to the paying party. However, from the wider perspective of the Club's relationship to the the Ryman League and the other members of the league, we do not consider that to be unfair to the Club. It would be part of the practical working out of the Board's order (as modified by this Appeal Board) within a reasonable time frame. It would not be reasonable to extend the time in the Board's order for payment of creditors beyond the 2016 AGM. The Club's own submissions on this appeal have stressed the importance of the Club's knowing as early as possible where it stands and we agree. That applies to the Club and all others concerned.

22. The notice of appeal raised a more fundamental point of attack on the Board's order. In summary, the submission was that the Board's sanction was unlawful as it interfered with the lawful variation of a CVA agreed in accordance with the relevant general law and regulations. No case law was cited to us. Mr Nesbitt's argued from the principle that the underlying purpose of the insolvency regime, particularly in relation to company administrations and CVAs, was to facilitate the emergence of companies from insolvency so that they could continue in business. That is correct but it does not invalidate the Ryman League rules including rule 14B. There is no interference with the lawful application of the insolvency mechanisms to OldCo, including the CVA. OldCo could satisfy its obligations to creditors under the terms of the varied CVA and then continue in business without having to make further payment to them<sup>7</sup>. All that has happened is that a private body, the Ryman League, is requiring more of a member in support of its own policy as outlined in paragraph 14 above. The Club can remain in business without making any further payment to those creditors. But if it does not, then it must accept the penalty of relegation in accordance with the Board's order. Rule 14B is a fair rule for the Ryman League to have adopted in support of its policy on member clubs' finances and (subject only to the two modifications made by this Appeal Board) the particular order made by the Board in this case is a fair and proportionate application of the rule in the circumstances of this case.

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<sup>7</sup> Though creditors may prove for the balance of their debts, after giving credit for repayments to them under the CVA, if OldCo later goes into liquidation: *N.T. Gallagher & Son Ltd* [2002] 1 WLR 2380, Court of Appeal

23. The notice of appeal also raised a slightly different point - that following the 19 August 2015 variation of the CVA there are no creditors to be repaid as set out in the Board's decision, i.e. to be repaid to the tune of £1,254,263. This was wisely not pressed by Mr Nesbitt, who accepted that the word "Creditors" in rule 14.B means those creditors for their full claims as they would be if not limited by a CVA<sup>8</sup>.
24. We therefore reject the first ground of appeal in paragraph 20 above.
25. The second ground of appeal is also rejected. The particular contention for the Club as appellant was that it was unfair and unreasonable for the Club to face the uncertainty that necessarily followed the sanction imposed by the Board and to have to wait to learn what the final sanction would be. We are completely unconvinced by both that particular objection and the general contention of unfairness and unreasonableness. The uncertainty is just the effect of the Club's being given a final opportunity to avoid the penalty of relegation if it does pay creditors (other than Mr Prince and Mr Day) by the 2016 AGM deadline. That deadline, which will be just over three years after OldCo went into administration and pretty much exactly three years after the original CVA, is a fair and sensible deadline in the light of rules 14.B.1 and 14.B.4.
26. Ryman League rule 14.B.1 never applied directly to the Club because in 2013 it never belonged to the Ryman League at all. What the Board has done in its decision under appeal, and it has also done so in accordance with the strict wording of the rules, is to apply both the spirit and intention of 14.B.4 and 14.B.1 to give the Club the overall three year period contemplated in those rules for satisfying creditors in full.
27. That also largely deals with the third ground of appeal, that the sanction was excessive. Mr Nesbitt drew attention to the fact that the Club had already had to provide the £100,000 bond to the Conference for the 2013-14 season and now the £30,000 bond to the Ryman League for the current season, as well as having suffered more than two years of uncertainty about its future. Those are quite normal consequences of a club's being in a precarious financial

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<sup>8</sup> And see footnote 4.

position. Although the Board must have been aware of those points as part of the overall circumstances, we do not think they needed to be given any material weight in the exercise of the Board's discretion under rule 14.B.1 in this case. Neither those points nor any of the other facts and circumstances of this case make the Board's order excessive. Mr Nesbitt submitted that we should set aside the contingent sanction of relegation and he suggested that we should substitute a five points deduction if the creditors were not paid by the deadline. We reject that course and uphold the contingent sanction of a one Step relegation.

### **This Appeal Board's two modifications of the Ryman League Board's decision**

28. In paragraph 21 above, we have explained why we shall modify the Ryman League Board's decision in relation to creditors. The new wording to cover that point (replacing the Board's wording which we have set out in paragraph 16 above) will be:

“ . . . the Club Farnborough FC shall automatically be relegated by one step at the 2016 AGM unless prior to the 2016 AGM it has paid in full all its creditors (not including Mr Robert Prince and Mr Spencer Day) whose claims total £1,254,263 as noted in the Supervisor's Annual Report to Creditors dated 6 August 2015 relating to the CVA of Farnborough Football & Social Club Limited *except that* the Club need not pay any of those claims which before the 2016 AGM have been adjudicated on and rejected by the supervisor and not reinstated on appeal under the Insolvency Act 1986 and the Insolvency Rules 1986”

While we think it quite possible that this modification will have little or no practical effect in this case, it is correct in principle.

29. A second point where we see a flaw in the Ryman League Board's decision under appeal relates to a paragraph of the Ryman League's 28 August 2015 letter, directly following the passages we have cited from that letter in paragraph 16 above:

“To clarify the relegation position should the Club not pay in Full its Creditors will depend on their final League placing [at the end]<sup>9</sup> of the 2015/16 season; if the Club occupies any position from 1<sup>st</sup> to 20<sup>th</sup> the Club will be relegated to Step 4, and if the Club occupies any position between 21<sup>st</sup> to 24<sup>th</sup> the Club will be relegated to Step 5. This means that the Club would not be eligible for promotion or to take part in Play Off Matches if the creditors have not been paid in full.”

The Club is currently at Step 3 (Ryman League Premier Division).<sup>10</sup>

30. The obvious intention of the Board was that if the Club failed to pay creditors<sup>11</sup> in full, it would go to one Step down from where it would have been if it had paid them as required. The clarification works fine and achieves that effect where the Club ends the 2015-16 season in a relegation slot or where it ends up in neither a relegation slot nor a promotion or playoff position. The problem lies in what is directed to happen if the Club ends the season in a promotion or playoff position. The literal effect of the clarification is that it is deprived of promotion to Step 2, or the opportunity of promotion through the playoffs, but *is also* relegated to Step 4. That could be double the punishment which was clearly intended to apply and would be obviously excessive and unfair.

31. This particular point was never raised by the Club but was a flaw which struck the Appeal Board and was raised by us at the hearing. Although at the hearing the Ryman League representatives could not be persuaded that there was a flaw, there plainly is. We therefore also modify the order to correct the flaw and ensure that the sanction for non-payment of the creditors before the 2016 AGM will be a consistent one Step relegation, whatever the final position of the Club at the end of the 2015-16 season.

32. The wording we adopt is:

“If the Club finishes in 1<sup>st</sup> place and if it were not for this order would be promoted to Step 2, it shall not be promoted but will remain at Step 3 for the next season.

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<sup>9</sup> We have added these words to give the clear sense.

<sup>10</sup> Step is a technical term used throughout rules applicable to the National League System

<sup>11</sup> Other than Mr Prince and Mr Day

If the Club finishes in 2<sup>nd</sup> place and if it were not for this order would be promoted if it were to participate in and win the playoffs, it shall be deemed not to meet the criteria for participation in the playoffs but will remain at Step 3 for the next season

If the Club finishes in any position from 3<sup>rd</sup> to 20<sup>th</sup> it shall be relegated to Step 4 (and if it would otherwise be eligible it shall be deemed not to meet the criteria for participation in the playoffs)

If the Club occupies any position from 21<sup>st</sup> to 24<sup>th</sup> it shall be relegated to Step 5.”

33. The question of playoffs has made the appropriate form of the order a little more complicated. We have dealt with that playoff question in a fair and practical way so as to achieve and reconcile two different aims:

- (1) On the one hand, to avoid what we should consider to be an unfairly harsh penalty if the Club were to be *both* excluded from the playoffs *and* relegated to Step 4, if it finished in any of the playoff positions<sup>12</sup>.
- (2) On the other hand, preserving the competitiveness of the playoffs by excluding the Club from participation when it would have to stay down at Step 3 even if it won the playoffs. (The difficulty of allowing the Club to participate is illustrated by the situation if the Club then reached the final of the playoffs: The Club would know that if it won it could not be promoted so would be playing only to preserve its current position at Step 3, while its opponent would know that it was going to be promoted anyway, win or lose<sup>13</sup>. That would not be a truly competitive game and would seriously damage the playoffs as an important end-of-season competition.)

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<sup>12</sup> Normally 2<sup>nd</sup> to 5<sup>th</sup> but in some circumstances as low as 7<sup>th</sup>: see 5.1 and 5.2 of the *Regulations for the Operation of the National League System* at The FA Handbook Season 2015-2016, pages 164-173

<sup>13</sup> This is the effect of those *Regulations for the Operation of the National League System*

The effect of our order is that if the Club finishes the 2015-16 season in 2<sup>nd</sup> place in its current Ryman League (i.e. in the top one of the four playoff positions) it will be treated for the purposes of this penalty as if it had taken part in the playoffs and won. In that case it will stay in the Ryman League Premier Division (Step 3), just as it would have done if it had finished the season at the top of the league. But if it finishes in 3<sup>rd</sup> to 5<sup>th</sup> place in the league, the effect will be the same as if it had taken part in the playoffs but had *not* won. In that case it will be relegated one step to the Ryman League Division One (Step 4). We consider that a fair balance, which preserves the integrity and competitiveness of the playoffs while giving the Club broadly the same chance of staying at Step 3 as if it had been allowed to participate in those playoffs.

## **Costs**

34. We have rejected the main thrust of the appeal but have accepted the Club's point that the total of £1,254,263 may include claims by persons who under the CVA are not truly creditors at all. We have also taken the opportunity of correcting flaws in the potential relegation sanction. In all the circumstances, there will be no order for costs.

## **Our decision and order**

35. We have allowed the appeal only to the extent of the two modifications discussed above. Accordingly, we vary rather than set aside the Ryman League Board's order of 27 August 2015. We nevertheless make it clear that if we were to exercise our own discretion under the power in 3.3(2) of the *Regulations for Football Association Appeals* we should make exactly the same order, as we consider that to adopt the rule 14.B.1 approach for the Club's breach of rule 14.B.4 is clearly the fair and sensible course in this case.

36. The order of this Appeal Board is:

- (1) The appeal is allowed only to the extent that the order of the Ryman League Board made on 27 August 2015 is varied so as to read as follows:

(A) The Club Farnborough FC shall automatically be relegated by one step at the 2016 AGM unless prior to the 2016 AGM it has paid in full all its creditors (not including Mr Robert Prince and Mr Spencer Day) whose claims total £1,254,263 as noted in the Supervisor's Annual Report to Creditors dated 6 August 2015 relating to the CVA of Farnborough Football & Social Club Limited *except that* the Club need not pay any of those claims which before the 2016 AGM have been adjudicated on and rejected by the supervisor and not reinstated on appeal under the Insolvency Act 1986 and the Insolvency Rules 1986.

(B) The relegation position, should the Club not pay its creditors in full as stated above, will depend on the Club's final league placing at the end of the 2015/16 season:

- (i) If the Club finishes in 1<sup>st</sup> place and if it were not for this order would be promoted to Step 2, it shall not be promoted but will remain at Step 3 for the next season.
- (ii) If the Club finishes in 2<sup>nd</sup> place and if it were not for this order would be promoted if it were to participate in and win the playoffs, it shall be deemed not to meet the criteria for participation in the playoffs but will remain at Step 3 for the next season
- (iii) If the Club finishes in any position from 3<sup>rd</sup> to 20<sup>th</sup> it shall be relegated to Step 4 (and if it would otherwise be eligible it shall be deemed not to meet the criteria for participation in the playoffs)
- (iv) If the Club occupies any position from 21<sup>st</sup> to 24<sup>th</sup> it shall be relegated to Step 5.

(2) There is no order for costs but the appeal fee of £100 is forfeit.

Nicholas Stewart QC  
Chairman

Elaine Oram

Roger Pawley

5 November 2015