

**IN THE MATTER OF A REGULATORY COMMISSION**

**BETWEEN**

**THE FOOTBALL ASSOCIATION**

**and**

**BIRMINGHAM CITY FC**

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**WRITTEN REASONS OF THE REGULATORY COMMISSION**

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Regulatory Commission: Sally Davenport (Chair) – Independent Legal Panel Member

Mick Kearns – Independent Football Panel Member

Dennis Strudwick – Independent Football Panel Member

Secretary: Paddy McCormack – Judicial Services Manager

Date: 17 March 2025

Venue: Held remotely via Microsoft Teams

**Introduction**

1. These are the written reasons of the Regulatory Commission (“the Commission”) that considered a charge (“the Charge”) against Birmingham City FC (“Birmingham”).
2. On 4 March 2025 Birmingham played a match (“the Match”) in the Football League One against Bolton Wanderers FC (“Bolton”).

## **The Charge**

3. By letter dated 7 March 2025 (“the Charge Letter”), The FA charged Birmingham with misconduct amounting to a breach of FA Rule E20.1 (“the Charge”). It was alleged that in or around the 95<sup>th</sup> minute of the Match Birmingham failed to ensure that its players did not behave in a way which was improper and/or provocative (“the Incident”).
4. The FA informed Birmingham that pursuant to Regulation 13 of the Disciplinary Regulations 2024/25 the Charge had been consolidated with a charge against Bolton and that the cases would be determined together at a joint hearing. In the event, the Commission was not required to deal with the charge against Bolton because Bolton was offered, and accepted, a Standard Penalty.
5. The FA designated the Charge as a Non-Standard Case due to previous proven breaches of FA Rule E20.
6. Together with the Charge Letter, The FA sent Birmingham the following evidence:
  - Report of the Referee, Thomas Kirk.
  - Video clips of the Incident.
  - Essential Information for Clubs 2024-2025.

## **The Response**

7. On 12 March 2025 Birmingham submitted a Disciplinary Proceedings Reply Form to The FA. It accepted the Charge and asked that the case be dealt with at a non-personal hearing. It also submitted a letter from the Club Secretary raising various points that it asked the Commission to take into account when considering sanction (“the Mitigation Letter”).

## **The Hearing**

8. In advance of the hearing the Commission read the documents referred to in paragraphs 3, 6 and 7 above and viewed the video footage provided by The FA.
9. Given that the Charge was accepted, the Commission treated it as proven and reviewed the evidence and submissions purely in order to determine sanction, as set out below.
10. The following paragraphs summarise the evidence and written submissions considered by the Commission. They do not purport to cover all the points made. However, the absence of a point or submission in these reasons should not imply that the Commission did not take that point or submission into account when determining the sanction.

## **Evidence and Submissions**

11. In his report, the Referee stated that 22 players had been involved in a mass confrontation. He said that none of the match officials had identified any acts of violent conduct, but they had identified five players who adopted an aggressive attitude. Those players had subsequently been cautioned.
12. In the Mitigation Letter, Birmingham commented on the two cautions issued to its players. It described the reaction of the Birmingham number 26 (wrongly referred to as number 28 in the Letter) to a push as being “relatively muted”. It stated that the Birmingham number 4 had joined the fray as a peacekeeper and that his involvement appeared to be limited to a verbal altercation with the Bolton number 21. It accepted that a mass confrontation was not a good look, referring specifically to the goalkeepers running in. However, it stressed that the Birmingham goalkeeper was acting as a peacekeeper. It also referred to the Incident being “short lived”. It acknowledged that the players should not have engaged in the mass confrontation and said that it would raise this with them.

## **The Commission's Decision**

13. Before discussing its approach to sanction, the Commission was informed of Birmingham's disciplinary record. Birmingham had two previous proven breaches in the 2024/2025 season, plus two proven breaches in earlier seasons:
- Match against Cardiff City FC (Championship) on 2 November 2019 - £7,500 fine
  - Match against Middlesbrough FC (Championship) on 21 January 2020 - £9,000 fine
  - Match against Wrexham FC (League One) on 18 September 2024 - £2,500 fine
  - Match against Shrewsbury Town FC (League One) on 8 October 2024 - £7,500 fine
14. The Charge Letter also referred to a proven charge relating to a match against Bristol City FC on 18 May 2024. The Secretary advised the Commission that this was actually an U18 match and should not have been included in the Charge Letter. The Commission therefore disregarded it for sanction purposes.
15. The Commission did not think that one team was more to blame than the other. It accepted that there was no violent conduct from any of the players. It also accepted that the Incident was relatively short-lived. Nonetheless, the fact that almost every player on the pitch was involved in an ugly mass confrontation on the sideline in full view of the crowd was a clear aggravating factor.
16. Given the number of players in close proximity to one another, it was impossible to say with accuracy who was an "aggressor" and who was acting as "peacemaker". The Commission observed that the involvement of multiple players rarely diffuses a situation and is actively discouraged. Any credit that it might have given for the fact that some of those involved were trying to calm down the situation was cancelled out by the behaviour of others.
17. The Commission was very concerned that this was the third proven charge against Birmingham in less than six months. This was a serious aggravating factor. The

Commission decided not to treat the two earlier proven charges as additional aggravating factors, given that they both related to matches played over five years ago.

18. The Commission noted that Birmingham had stated in the Mitigation Letter that it intended to raise the fact that they should not get involved in mass confrontation with its players. However, there was no evidence of Birmingham having taken any action as a result of the earlier breaches, nor was there any evidence of what Birmingham intended to do to try to prevent a repetition of the improper conduct. Again, the Commission considered this to be a serious omission on Birmingham's part.

19. The Commission noted that the following penalties were applicable to a team playing in League One:

- Standard Penalty 1 for an admitted E20 charge - £2,500
- Standard Penalty 2 for a denied charge E20 subsequently found proven - £3,750
- Maximum fine for a Non-Standard E20 case - £25,000
- For each subsequent proven E20 charge in a season, the maximum fine would double, triple etc

20. As this was a Non-Standard case, the sanction was entirely at the Commission's discretion. The Commission noted that the maximum fine that it could apply was £75,000. It did not think that the conduct of the Birmingham players was so egregious as to require a fine at the upper end of the range. Nonetheless, it concluded that in light of the fact that this was the third offence in quick succession, a considerable increase on the Standard Penalties, and the fines previously imposed, was merited. The admission of the Charge afforded only limited credit, given that the offence was clearly made out. Taking all of these matters into account, the Commission concluded that a fine of £12,500 was appropriate and made an order to that effect.

21. The decision of the Commission may be appealed in accordance with the appropriate Appeal Regulations.

Sally Davenport  
Mick Kearns  
Dennis Strudwick  
18 March 2025