

SUMMARY JURISDICTION NOTICE

To: **Giwa FC**

Date: **20th May, 2016**

1. You are in breach of Rule B13.25 of the Framework and Rules of the Nigeria Professional Football League, in that you failed to honour your fixture obligation without acceptable reason when you failed to present your team at the Ilorin Township Stadium, Ilorin on Wednesday, 18th May 2016 for your Match Day 18 fixture: Giwa FC vs. Enyimba FC.
2. You are in breach of Rule B13.28 of the Framework and Rules of the Nigeria Professional Football League, in that within the current 2015/2016 season, you failed to honour three matches cumulatively without acceptable reason, viz:
 - i. Match Day 14: Giwa FC vs. Wikki Tourists FC
 - ii. Match Day 16: Giwa FC vs. Akwa United FC
 - iii. Match Day 18: Giwa FC vs. Enyimba FC.

With respect to charge (1) above, Rule B13.25 states as follows:

“Any club that fails to honour its fixture obligation without any reason acceptable to the LMC may be fined up to the sum of N10,000,000.00(Ten Million Naira only) payable to the LMC in addition to all expenses incurred by the home team within fourteen (14) days;

Provided that where the reason adduced is acceptable to the LMC, the fixture shall be rescheduled, otherwise, in addition to the sanctions above, the erring club shall forfeit 3 point 3 goals arising from the match.”

In view of the proviso, cognizance has been taken of your letter dated 17th May 2016 (albeit delivered on 18th May 2016 at 12:26PM) and titled “Acceptance Letter to Play Enyimba Match”, wherein you communicated your acceptance to play the match under reference, with a request that the match be rescheduled “but not at Ilorin”. You will recall that due to the disturbances that occurred in your match day 12 fixture (Giwa FC vs. Rangers International FC) at the Rwang Pam Stadium, Jos on 17th April, 2016, you were banned from that stadium and directed to play your three subsequent home matches at the Ilorin Township Stadium; being an approved and available stadium within your geo-political

zone in cognizance of the LMC standard practice aimed towards limiting the financial burden on clubs in such situations. You will recall further that this sanction was affirmed by the NFF Disciplinary Committee in its decision dated 25th April, 2016, against which you did not appeal.

Notably, where a match is disrupted and uncompleted due to disturbances in the form of encroachment or the throwing of objects towards the field of play, the sanction of a stadium ban is in line with the combined provisions of Rule B13.18, B13.19 and B13.20 of the League Rules, as well as the established precedents in similar cases where the matches were so disrupted. Precedents in which other clubs received a similar stadium ban for disrupted matches include:

- a) banishment of Kano Pillars FC to Confluence Stadium, Lokoja for three home matches arising from the disturbances in their 2012/2013 match day 31 fixture – Kano Pillars FC vs. Enyimba;
- b) banishment of FC Taraba to the FIFA Technical Centre, Abuja for three home matches arising from the disturbances in their 2014/2015 match day 35 fixture: FC Taraba vs. Nasarawa United FC;
- c) banishment of Sunshine Stars FC to Teslim Balogun Stadium, Lagos for three home matches arising from the disturbances in their 2014/2015 match day 36 fixture: Sunshine Stars FC vs. Lobi Stars FC;

Furthermore, we recall your letters dated 25th and 28th April 2016 wherein you refused to comply with the said sanction based on a purported court order and directive from the NFF. We also recall our letters to you dated 27th and 29th April 2016, advising you that there was neither a court order nor directive from the NFF with the effect of directing your club not to comply with the said sanctions and further advising you to honour your fixture obligations. We further recall the clear warnings given to you in the said letters as well as in the respective summary jurisdiction notices, as to the implication of your failure to honour your fixture obligations. Nonetheless, you failed to honour match days 14 and 16 fixtures.

In the present circumstances however, it would suffice to state that no reason whatsoever has been adduced in your current letter (dated 17th May 2016) for your failure to honour the match day 18 fixture now under reference. As a result, there is no basis for a consideration of any reason for your failure. In addition, for the avoidance of doubt, your letter also failed to provide any cogent basis for the LMC to exercise its power to reschedule a match under Rule B13.10, especially as the provision requires a club to make such application not less than 72 hours before the time fixed for the match, whereas your letter was delivered less than four (4) hours to the time fixed for the match.

Consequently, there is indeed no acceptable reason for your failure to honour the fixture obligation.

With respect to charge (2) above, Rule B13.28 states as follows:

“If a Club fails to honour three matches cumulatively within the League season without an acceptable reason to the LMC such a club shall be expelled from the League and its matches played and unplayed shall be cancelled.”

Having previously failed to honour your match day 14 (Giwa FC vs. Wikki Tourists FC) fixture obligation without any acceptable reason, as contained in the LMC Summary Jurisdiction Notice dated 3rd May 2016 and upheld by the NFF Disciplinary Committee ruling dated 12th My 2016; having also previously failed to honour your match day 16 (Giwa FC vs. Akwa United FC) fixture obligation without any acceptable reason, as contained in the LMC Summary Jurisdiction Notice dated 13th May 2016; and having now failed to honour your match day 18 (Giwa FC vs. Enyimba FC) fixture obligation without any acceptable reason; you have failed to honour three matches cumulatively within the league season. Note that the use of the word “shall” in the said Rule B13.28 stipulates that the consequential sanction of expulsion is mandatory.

Based on the foregoing, the LMC intends to exercise its summary jurisdiction and to impose on you the following sanctions:

- a) for failing to honour its fixture obligation without any acceptable reason, in breach of Rule B13.25, Giwa FC shall pay a fine of N250,000.00 (Two Hundred and Fifty Thousand Naira only) being the sum of expenses including stadium hire, security and other logistics incurred in respect of the match;
- b) further to paragraph (a) above, Giwa FC shall forfeit to Enyimba FC the three points as well as three goals arising from the match;
- c) for failing to honour three matches cumulatively within the league season and without any acceptable reason, in breach of Rule B13.28, Giwa FC is expelled from the Nigeria Professional Football League with immediate effect and all matches involving Giwa FC, whether played or unplayed as well as the points arising or accruing therefrom are cancelled;
- d) further to paragraph (c) above, Giwa FC shall forfeit all funds previously due to it from the LMC for its participation in the 2015/2016 NPFL season, and such funds shall be used to offset the costs of the 18 clubs that had played against Giwa FC to date, on a pro rata basis;
- e) pursuant to Rule B13.66 of the League Rules and without prejudice to the agreed written terms of their respective player contracts, nothing shall preclude Players hitherto registered by Giwa FC from the unilateral termination of contracts for ‘just

cause' or 'sporting just cause' as the case may be, and from being contracted to and registered by other Clubs;

- f) the LMC shall review the matter of registered players and officials currently contracted Giwa FC - particularly those players who may have played at least 50% of its league matches in the current season and whose player contracts and potential earnings may have been brought to jeopardy on account of this decision - for the purpose of setting up a social safety net to mitigate any consequential hardship.

You are required, **within 48 hours of the date of this notice**, to either:

- (1) submit to the Board's jurisdiction and the sanctions imposed; or
- (2) elect to be dealt with by a Commission.

Any such election should be in writing addressed to the undersigned at the Office of the LMC.

Failure to comply with this requirement within the time limit will constitute a breach of the League Rules in respect of which you will be liable to be dealt with under the provisions of Section C.

Note that in accordance with Rule E1, where an appeal or election to be dealt with by a Commission fails or is found to have been frivolous, such party may be liable to such additional sanction as may be deemed fit in the circumstances.



Salihu Abubakar
COO, LMC Ltd.

Cc:

**The Disciplinary Committee,
Nigeria Football Federation**