

Scottish FA – Disciplinary Tribunal Hearing – Written Reasons – Rangers FC

Disciplinary Tribunal Hearing – 19th June 2025

Disciplinary Hearing

An alleged breach by Rangers FC of Disciplinary Rule 38 that was Denied by the Club.

Charge

The Charge against Rangers FC is that the Club failed to ensure that the audio/visual material published by means of Rangers FC club television channel did not contain criticism of Match Officials that impinged upon their character, whereby its contributor John Brown did declare a decision by match officials to be “*corrupt*”.

This commentary by John Brown was in relation to the Hibernian FC v Rangers FC Scottish Premiership match on 17th May 2025. Accordingly, The Tribunal had to consider whether Rangers FC had breached Disciplinary Rule 38 of the Disciplinary Rules for season 2024/25.

The sanction available to The Tribunal if found Proved was any monetary fine of (i) £1,000 (Lower End); (ii) £5,000 (Medium Range); (iii) £10,000 (Top End); and (iv) £100,000 (Max).

The Incident

Whilst live on air and in response to an invitation from lead commentator Tom Miller as to his view on the incident, the following exchange took place:

John Brown: *‘I would say it’s corrupt.’*

Tom Miller: *‘Well I’m not sure we can actually say that, eh...’*

John Brown: *‘Well I am saying it.’*

Tom Miller: *‘John Brown has, obviously... [inaudible] ...but it’s certainly questionable.’*

Mr Brown then goes on to brand the decision a *‘disgrace’* and *‘the worst decision I have seen in all the years I’ve been in football.’*

Later:

Manager Barry Ferguson said: *“I’ve got to be careful what I say. I don’t want to get myself into trouble.”*

Tribunal Consideration

Disciplinary Rule 38 places an onus on clubs to ensure, *inter alia*, that materials published on their behalf are free from criticism of match officials that indicate bias or incompetence on their part, or impinge upon their character. This covers not only printed material but

'audio/visual media of any description in any media now existing...including but not limited to the internet'. The words chosen by Mr Brown suggests that said decision was not honestly made based on the information available to Match Officials, where the motivations of the Match Officials are questionable. It attributes the reasoning behind the decision to be an act of corruption on the part of the Match Officials. This goes beyond normal, acceptable criticism of Match Officials, and calls their character into question. The Tribunal viewed this behaviour as a Strict Liability breach. It also accepted that the Club carried some vicarious liability for Mr Brown's comments on its broadcasting platform.

With it being a Strict Liability matter, it was found as Proved, that but mitigants must be considered in deciding the appropriate sanction to apply. One such significant mitigant is that Rangers FC had implemented further guidance and internal protocols to guide all club officials and third parties on the importance of upholding Scottish FA rules and broadcasting standards. A copy of the guidance was considered by The Tribunal, and the suggestion was made that commentators are asked to sign acknowledgment and intended compliance with these guidelines as a means of further adequate corporate governance.

Sanction

The Tribunal considered three principal matters in relation to the potential Sanction:

1. The gravity of the rule breach / offence;
2. Where in the scale of appropriate sanction for such a breach lies; and
3. Whether any aggravating or mitigating circumstances apply.

Taking all three foregoing matters *in cumulo*, The Tribunal had to determine whether the breaches were committed intentionally, with deliberate action, the nature of the actions, and the way the breaches occurred. It also considered fact and manner in which the breaches can be deemed to have been completed, and the duty of care expected by the Club. Furthermore, it also balanced the need for promoting a deterrent to combat this pattern of offending behaviour, against the fact that Rangers FC had fully engaged in disciplinary proceedings. Finding the scale of sanction in the Low to Medium range, it was collaboratively agreed this was a Low-Level offence meriting a £3,000 GBP fine.