

Discipline in the GAA

Judge Nicola Andrews

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From the court room: the assault of a GAA referee



Malachy Clerkin

This week’s trial in Portlaoise District Court exposed the GAA’s problematic attitude to rules, with a judge seemingly exasperated at suggestions that they are only observed ‘from time to time’

“We’re back to this again,” sighed Judge Nicola Andrews, her patience with the GAA’s endless shades of grey having long since worn thin. “A rule is a rule. It’s a GAA rule and it’s up to the GAA what they do with the breach of a rule. But I’m dealing with Section 2 under the Non-Fatal Offences Against The Person Act here.”

The GAA rule in question was in relation to whether or not mentors are allowed to come on to the pitch during a game. Which of course they are not – but every GAA follower knows the reality.

The Section 2 under the Non-Fatal Offences Against The Person Act was in relation to an assault that took place on a referee during a minor match in Laois in May 2022. Since this is at least the third reported case of assault on a referee that has come before the courts in 2023, GAA followers are becoming increasingly familiar with that reality too.

The push and pull between the two worlds was laid bare across 2½ days of evidence in Portlaoise District Court. The referee in this case was Michael Tarpey, an experienced whistler who was taking charge of a game between Portarlinton and Stradbally. The match was abandoned shortly before the end after a melee in which, the court ruled, he was assaulted by two members of the Portarlinton club.

On Wednesday afternoon, Judge Andrews delivered guilty verdicts against those two Portarlinton members. One of them (the mentor) is Evin Bennett, 53, with an address at Ship House, Portlaoise Road, Portarlinton, who was found to have headbutted the referee. The other is a player who was involved in the game and threw punches in the ensuing melee – under reporting restrictions imposed by the court, the player, who was under 17 at the time of the offence, cannot be named.

As reported in these pages on Thursday, Judge Andrews has delayed sentencing pending the provision of a probation services report on the defendants in the

case. It will be well into the new year before it becomes clear what will happen to Bennett and the player – the case is down for mention on March 4th.

The case was complex in many ways, not the least of which was the fact that the vast majority of the witness statements referred to referee Tarpey striking Bennett, rather than the other way around. And yet ultimately, from a GAA point of view, it was really quite simple. As Judge Andrews pointed out in delivering her verdict, if Bennett “had observed the GAA’s rule about not entering the pitch, this incident would not have happened”.

Nothing game

The game between Portarlinton and Stradbally Parish Gaels was all but over. Given everything that has flowed from it, maybe the maddest thing about it was that it was a nothing game where the result really didn’t matter in the slightest. It wasn’t a championship match, the outcome had no particular bearing on anything.

It was a game in the Laois Minor Development League at McCann Park, Portarlinton. Essentially a glorified challenge match before the serious stuff in the summer. It took place on a sleepy Monday night at the end of May 2022. The sides were level at 2-7 to 1-10 and the match was coming to its conclusion.

A Portarlinton player – who also cannot be named due to reporting restrictions since he was a minor at the time – had received a black card and was serving out the closing stages of his 10 minutes on the sideline. Having been asked by the Portarlinton management how long was left until the player could come back on, Tarpey informed them he still had 20 seconds to go. Play continued.

At the next break in play, around a minute later, Tarpey turned to wave the player back on, only to find that he was already on the pitch and had taken up his position. He went over to the player and told him that coming back on without permission was a yellow card offence. Black plus yellow equals red and so the player was sent off. When the player reacted by roaring foul-mouthed abuse at Tarpey, the referee upgraded the card to a straight red.

It was at this point that Bennett entered the field. Bennett was the manager of the Portarlinton minor team and in his evidence, he said that his initial intent upon entering the pitch was to make sure his player didn’t do anything to make the situation worse. But although the player continued to shout abuse at Tarpey, CCTV footage clearly shows him walking towards the sideline as Bennett approaches the referee. The matter could easily have ended there.

But Bennett kept going. In terms of distance covered, the Portarlinton bench was located in the bottom half of the pitch and Bennett eventually met Tarpey around the 45-metre line of the top half. This wasn’t a case of an incident happening in front of the bench and a mentor taking a few steps out past the sideline to ask about it. Bennett travelled a good 50 metres

before he came into the referee’s orbit.

After jogging on to the pitch, Bennett slowed to a walk. His defence barrister, Ed O’Mahony, cited this as evidence in his client’s favour, claiming it showed that he wasn’t an aggressor. Bennett himself said that he kept walking in order to query the 20 seconds that Tarpey had told him was left on the black card. And although it was against the rules for a mentor to come so far on to the pitch, Tarpey’s evidence to the court was that he was at least open to having that discussion.

“It wouldn’t be unusual for mentors to come on somewhat on to the pitch, even though they’re not supposed to,” Tarpey said when he took to the stand on Friday, November 24th. “It was very obvious to me that he was coming on to ask me about why I was sending [the player] off. That’s what I was going to explain to him, just normal human interaction.”

“I have never met Mr Bennett before in my life. I would have explained it to him, given the opportunity. Whether he would have accepted it or not, that’s a different matter. But I had my decision made. I knew he was coming. I saw him running at some point in my memory. Then he was shouting at me about the 20 seconds. He was so transfixed on the 20 seconds. And I told him that he was wrong.”

“But I didn’t get the chance to explain what I meant by, ‘You’re wrong.’ This all happened so quickly. I was walking towards him to explain myself – not to seek confrontation – but to explain myself as I normally do a hundred times over in a match to players and to management.”

The crux of the case as it pertained to

Bennett surrounds what happened next. As the two men came together, Tarpey says he received what he described in evidence as “an upwards butt” from Bennett to his lower lip. Bennett denied that any contact between his head and Tarpey’s face happened at any stage.

Over all three days of the case, the CCTV footage from a camera on the side of the stand in McCann Park was examined in minute detail. Or at least as much detail as can be gleaned from a camera fixed around 60 metres away from the incident and footage that became ever more grainy the more it was zoomed in upon. The angle also meant that you could only see the back of Bennett’s head as he faced the referee.

With all these limitations, the movement of Bennett’s head to connect with Tarpey’s face is difficult to make out. Bennett’s defence was that it didn’t happen. Tarpey’s evidence was that it obviously happened, otherwise he wouldn’t have struck back at Bennett and nor would he be putting himself through a court case a 1½ years later. “It happened,” he said. “My eyes watered.”

After this initial contact, the situation escalated. Tarpey pushed back at Bennett and caused him to stumble. Bennett came back up and went to the referee, Tarpey defended himself and swung at Bennett. As the two men began to grapple, players came rushing in from both sides. One of them was the young Portarlinton player who was ultimately convicted, having run in and thrown a succession of punches aimed at Tarpey.

Again, while CCTV captured the whole thing as it unfolded, it was hard to make out

how many punches were thrown, whether they connected or what level of damage they caused. But it was clearly an ugly scene. A referee went from sending a player off to being confronted by the player’s manager to being in the middle of a melee with people swinging punches at him.

Tarpey’s referee’s top got torn from the armpit down the left side. His ring finger was cut and was bleeding. His lip was bruised and his right ear was in pain. He had needed the intervention of Stradbally players and mentors to avoid anything worse. He freely admits to swinging back at Bennett in order to defend himself. He felt under siege and isolated, alone on the home pitch of a team whose player he had sent off.

It was over in seconds. Tarpey had no option but to abandon the game and he was soon ushered from the pitch by a Stradbally selector. He got into his car and left the ground, immediately phoning Vinny Dowling, the Laois Referee Co-ordinator, to report what had happened. He went to Portarlinton Garda station to give a statement.

Norms and nuances

It’s worth pointing out that GAA matches virtually never end up in court. But when they do, it often feels like a UV light is being shone on the whole enterprise. And it’s only in the glare of it that you realise how odd so many of the norms and nuances of daily GAA life must appear to those who aren’t immersed in it.

In that respect, an interesting aspect of this case was the fact that Judge Andrews made it clear from early on that she does not have a GAA background. “Bear with me, this wouldn’t be normal territory for me,” she said early on the first day, less than 15 minutes into Tarpey’s testimony.

At different stages, the judge asked for clarification on a range of football rules, from the reintroduction process of a player at the end of a black card period to the ramifications for a straight red card as opposed to a black plus a yellow. Most pertinently of all, she grew impatient with the constant references to the rule on mentors coming on to the pitch being sometimes observed and sometimes not.

This became a particular point of contention between the judge and the defence barrister Mr O’Mahony on Day Two of the trial, as he put it to a string of witnesses from the Portarlinton club that they would probably accept that Bennett was wrong to come on to the pitch. And the more that Bennett’s clubmates – all of whom spoke in his defence and testified that they saw Tarpey strike him, none of whom saw a headbutt – the more they said versions of, “Yes he was wrong but sure you know yourself”, the more irritated Judge Andrews became.

“This is constantly coming up as a theme,” she said eventually. “That the GAA have these very specific rules, which I can only speculate – and I’m not going to – that they’re there for a particular purpose and they serve a particular purpose. But it just seems to be a bit of a theme that, ‘Sure everybody knows those rules get broken all

the time’. That’s just what I’m finding a bit frustrating.”

This continued into the final day of the trial, when Bennett took the stand. He told the judge it was quite common for mentors to come on to the pitch, especially in games where the referee hadn’t brought linesmen with him.

Judge Andrews: “Are you telling me that GAA rules are just abided to from time to time?”

Bennett: “Yes.”

Time and again, the judge made it clear that she wasn’t adjudicating on the GAA rule book. Her sole concern was the law of the land, her only decision was whether or not Tarpey had been assaulted. But her bafflement at just how loose GAA culture is when it comes to something as basic as the pitch being the sole preserve of players and referees spoke volumes.

In the end, her judgment was swift and brief. She left the courtroom to make her decision at 1.22pm on Wednesday and was back at 1.55pm. She spoke for only around three minutes – and some of that was procedural. She said that she found Tarpey to have been a credible witness, and believed that he had been headbutted by Bennett and that he had been punched by the juvenile player. She found them both guilty of assault.

As for how Laois GAA handled the disciplinary fallout, the Laois CCC initially recommended a 48-week ban for Bennett. It was reduced to 12 weeks by the Laois Hearings Committee. The Irish Times contacted Laois GAA in September 2022 to ask on what grounds this reduction had come about. They responded by saying they would be making no comment until the Garda investigation was at an end.

We contacted them again this week to ask what evidence, if any, had been introduced at the Hearings Committee to make them reduce the suspension.

“Evin Bennett introduced CCTV evidence of the incident at the Hearings Committee sitting,” wrote county secretary Niall Handy in response. “Both CCC and Hearings Committee in Laois deem Referees Report, including any clarification thereto, to be presumed to be correct in all factual matters and may only be rebutted where unedited video or compelling evidence contradicts it.”

Tarpey got his day in court, and feels vindicated by the result. While he continued refereeing women’s games in Laois, he stepped away from doing men’s matches altogether for 10 months. It was only the support of the other referees in the county that convinced him to go back in March of this year – he refereed the county championship semi-final in October. Nonetheless, he felt let down by Laois GAA, particularly when Bennett’s ban got reduced to 12 weeks.

“The mental aspect of all aspects of this incident for me and my family was the worst part,” he said on Friday. “I had to listen and endure what was being said by some Portarlinton GAA-related people until I had my day in court. So that guilty verdict was so welcome.”

– Additional reporting by Denis Walsh



“ [Judge Nicola Andrews’s] bafflement at just how loose GAA culture is when it comes to something as basic as the pitch being the sole preserve of players and referees spoke volumes