RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Offices of the Judge Advocate General, 81 Chancery Lane, LONDON

On: Tuesday 5 February 2008

JUDGMENT.

Player: Seru Rabeni Club: Leicester Tigers

Match: Leicester v Newcastle

Venue: Welford Road, Leicester **Date of match:** 26 January 2008

Panel: Jeff Blackett (Chairman), Peter Budge and Jeremy Summers

Secretariat: Liam McTiernan, Mojgan Jamalipour

Attending: The Player

James Bennett - Counsel

Peter Wheeler – CEO Leicester Tigers

Simon Cohen – Leicester Tigers Team Manager

Citing officer: Peter Colston (not present)

Charge and Plea

1. The Player pleaded guilty to dangerous tackling contrary to Law 10(4)(e).

The Citing Complaint

- 2. The Panel viewed video footage of the alleged incident and read the citing officer's reasons for citing the Players. The citing complaint stated:
 - "Newcastle No 13 Noon attempts to follow an attempted inside break by his outside half Wilkinson. Wilkinson is tackled by his opposite number Goode and remains in possession of the ball. As Noon attempts his support move he is tackled by Leicester No 13 Rabeni. This is a tackle of a man without the ball, it is high around the neck and dangerous. Noon requires on field treatment and resumes playing after some time recovering. Due to another fracas there was no player reaction to this particular incident. The referee did not see this incidentHe therefore took no action."
- 3. The video footage corroborated the citing report. Noon was running in support of Wilkinson. The Player was not watching what occurred inside him and kept his eyes on Noon. After Wilkinson was tackled Noon ran another 2 or 3 steps and the Player tackled him as he ran past him. The tackle was round the neck,

although initial contact may have been a glance on Noon's shoulder as the arm propelled towards the neck. Noon immediately fell backwards and remained on the floor. He received treatment for over a minute before getting back to his feet. There are no reports of any injury.

Submissions from the Player

- 4. The Player said that Leicester players had studied video footage of Newcastle before the game and were aware of their planned moves between fly half and inside centre. They organised their defence so that their open side flanker (Moody) would break from the side of a scrum to tackle the opposition fly half; their fly half (Goode) would drift to tackle the inside centre and the Player would drift to tackle the outside centre. On this occasion Moody was held into the scrum so Goode had to step into tackle his opposite number and the Player had to step in to tackle Noon. He said he was off balance and did not execute the tackle very well. He said that he was not lining up Noon for a "big hit" rather he was attempting to stop him. Contact was deliberately around the upper chest (to prevent Noon from accepting an anticipated pop pass) and then his arms slid up the body either because of his own momentum or because Noon ducked into the tackle. He said he was not aware that Noon did not have the ball and there was no malice in his actions.
- 5. Counsel and Mr Wheeler both spoke of the Player's exceptional character. He is 29 years old and has played top class rugby in his native Fiji, super 12 and, for the last 4 seasons, at Leicester. He has 26 caps for Fiji and has played in two World Cups. In all that time he has only received one yellow card for a late tackle during the RWC07 quarter final against South Africa and he has never been cited or sent off. Mr Wheeler described him as a hard but clean player on the pitch but gentle and humorous off it.
- 6. Counsel submitted that had the Referee seen the incident he may only have awarded a yellow card, but even if he had sent him off then the appropriate sanction would be Sending off Sufficient. He suggested that no further sanction was necessary on this occasion, but suggested if the Panel were to consider a sanction then the correct entry point was Low End. He submitted that this was the case because the tackle was reckless, rather than intentional, the effect was marginal (no lasting injury and treatment on the pitch was just precautionary) and the player was not particularly vulnerable. He said that any vulnerability should be balanced against the fact that there was no significant treatment necessary and no effect on the game.

Finding and Sanction

7. The Player admitted foul play and the evidence supports the citing complaint. The Panel concluded that this was a serious offence. The tackle was intentionally high, albeit the Player was not necessarily aiming for the neck and head but the manner in which it was delivered meant that contact above the shoulders was inevitable. This was aggravated by the fact that Noon did not have the ball and this was not spontaneous as the tackle occurred some time after Wilkinson was tackled inside him. In the Panel's view the Player lined up his opposite number, kept his eyes on him at all times, and decided to tackle him whatever occurred inside. Although

there were no lasting injuries in this case, it is clear that this sort of offending is inherently dangerous – a player who is moving at full speed but then stopped by being grasped around the neck is at risk of significant injury, particularly if he is not expecting contact.

- 8. The Panel therefore concluded that the offending was intentional that is the Player intended to tackle his opposite number and the tackle was deliberately high. It was serious in that his arms came into contact with and wrapped round Noon's neck. Although there was no reaction from the players to this incident mainly because of a scuffle caused by a previous incident Noon was hurt by the contact. He remained on the ground for a significant period while he received attention from the club physiotherapist although there are no reports of any sustained injury. The victim player was vulnerable because he did not have the ball and was not expecting contact and there was a certain amount of premeditation in that the Player obviously decided to tackle Noon whether or not he had the ball and he kept looking at him thereby failing to take account of what was going on around him. All these factors led the Panel to the conclusion that this offending could be properly categorised as being in the Mid Range of the scale of seriousness.
- 9. The Mid Range entry point for dangerous tackling is a suspension of 5 weeks. The panel concluded that there were no aggravating features but there was significant mitigation. The Player acknowledged culpability immediately after being informed that he was being cited and he did not seek to contest the citing. He has an exemplary record in that he has reached the age of 29 having only received one yellow card and no other disciplinary sanction. He was clearly sorry for having hurt his opposite number and his conduct at the hearing was impeccable. In all the circumstances, therefore, the Panel decided to reduce the sanction by 50%, the maximum permitted by the Regulations apart from in exceptional circumstances. The Player is, therefore, suspended for 3 weeks until 26 February. He may play again on 27 February 2008.

Costs

10. Costs in the sum of £250 are awarded against the Player/Club.

Right of Appeal

11. The Player is reminded of his right of appeal. Any appeal must be submitted to the RFU Disciplinary Manager by 1400 on 7 February 2008.

Signed: Jeff Blackett Date: 5th February 2008

Chairman