DISCIPLINARY HEARING

VENUE: Holiday Inn, Bloomsbury, London

DATE: 10 December 2007

Player: Gideon ROUX Club: Westcombe Park RFC

Match: Blackheath v Westcombe Park RFC

Venue: Blackheath Date of match: 24 November 2007

Panel: Jeremy Summers (Chairman), David Hurst and Dr Julian Morris ("the Panel")

In attendance: The Player, John Ward-Turner- 1st XV Manager, Fraser Thomson – 1st

XV Coach

To consider: The sending off of Gideon ROUX ("the Player") for stamping on an opponent in the 15th minute of the 1st half of the match contrary to Law 10.4(b).

PRELIMINARY ISSUES

- I. The Player did not object to the composition of the Panel.
- II. The procedure to be followed was explained and the Player confirmed his understanding of it.
- III. There were no other preliminary issues raised.

CHARGE AND PLEA

1. The charge indicated that the Player had stamped on an opponent contrary to Law 10.4(b) and was admitted by the Player.

EVIDENCE AS TO FACT

- 2. The Panel considered:
 - a) The Sending Off report
 - b) The match video
 - c) Evidence from the Player
 - d) Submission on behalf of the Player

THE EVIDENCE

3. The Sending Off report recorded as follows:

At a breakdown approximately 15m meters from the Westcombe Park 22m line, Mr Roux, who was playing Scrum Half, approached the tackle area and stamped in a downward manner to the lower facial area of an opposing player who was not in close proximity to the ball. I was circa 5 meters away from the incident and had a full view of the stamp.

Having seen the incident, I immediately blew my whistle to stop the game, called Mr Roux over to me along with his Captain and informed them of what I had seen. Having explained this, I outlined that I had no option but to dismiss the player from the field of play and showed him a red card.

The 'victim' of the incident did not require medical treatment and was able to continue to play through the rest of the game. The rest of the game was played in a highly competitive but clean manner with no more serious foul play.

After the game Mr Roux sought to find me in the clubhouse and apologised unreservedly for the incident and explained that it was a case of over exuberance in an important game for the club.

- 4. The video was consistent with the sending off report although a clear view of the point of impact was not shown. The Blackheath player could however be seen lying on his side with his back to camera and the Player then clearly stamped upon him.
- 5. There was very little player reaction and the Panel was informed that there had been no crowd reaction. This was consistent with the video and the sending off report
- 6. The Player broadly accepted the sending off report and indicated his regret that the incident had occurred. He stated that he had been trying to clear out the ball and in so doing and stamped on the Blackheath player. The point of contact had initially been on that player's back. His foot had then however slipped and made contact with the face. He stated that when he realised this was happening he stopped his action and had not intended to hurt his opponent. He thought that the action generally was reckless and not intentional.

FINDING

7. The Panel carefully considered the evidence and the Player's account. It was satisfied that the Player had intentionally stamped on the Blackheath player but accepted that he had not intended to injure the Player. The Player had nevertheless made contact with an opponent's head.

ENTRY POINT

- 8. As is required the Panel undertook an assessment of the seriousness of the offending and found as follows¹:
 - a) The offending was intentional.
 - b) The offending could accordingly not be regarded as reckless (although the Panel was willing to accept that there was recklessness as to the point of contact and the risk of injury).
 - c) The Player had stamped on a player and made contact with the head. There was no provocation.

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¹ Disciplinary Regulation 8.2.5

- d) There was happily no effect on the victim.
- e) There was no effect on the game.
- f) A player prone on the floor as was the case here is inherently vulnerable.
- g) There was no premeditation.
- h) The conduct was complete.
- i) There were no other relevant factors constituting the Player's offending.
- 9. Having regard to the above the Panel categorised the Player's offending as being at the mid-range of the scale of seriousness. In so doing it took the view that an intentional stamp that makes contact with the head should ordinarily merit a midrange suspension, which might then be increased to a top end offence in the event of injury being sustained.
- 10. The mid-range entry point for stamping is a suspension of 5 weeks.
- 11. The Panel then considered the presence of aggravating features and found none to be present.

MITIGATION

- 12. The Panel was addressed by Mr Thomson in mitigation and found as follows²:
 - a) The player had immediately accepted his guilt and apologised to the victim and referee during and after the game respectively.
 - b) The Player is 26 and has played rugby for 21 years. He is regarded well by his club, and the incident was considered very much out of character.
 - c) He has represented the Blue Bulls and South Africa Under 19's. He had previously only received a single yellow card for a technical offence.
 - d) His conduct had been exemplary.
 - e) He was clearly remorseful.
 - f) There were no other relevant off field factors.
- 13. The Club had also convened its own disciplinary hearing on Monday 26 November 2007 (the Monday following the game) and imposed a 3 week suspension, 2 of which had already been served. The Panel expressed its gratitude to the Club for acting in such an expedient and responsible manner.
- 14. In all the circumstances the Panel felt able to give a 50% discount from the entry point stated above. In line with RFU Disciplinary Officer's Practice Note (3/06), disciplinary panels should round up when applying a discount to an entry point suspension carrying an odd number of weeks.

SANCTION

15. The Player was accordingly suspended for the period of 3 weeks from 26 November 2007 (the date of his club suspension) and is free to play again with effect from Monday 17 December 2007.

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² Regulation 8.2.8

COSTS

16. Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of the hearing of £150 in accordance Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgment³.

RIGHT OF APPEAL

17. The Player is advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14th day following receipt of this judgment.

Jeremy Summers

Chairman

11 December 2007

³ Regulation 8.3.2