

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighthouse
On: Monday, 28th January 2008
Player: Chris Ashton **Club:** Northampton RFC
Match: Plymouth Albion v Northampton
Venue: Plymouth
Date of Match: 19th January 2008

Panel: Antony Davies (Chairman), Barry O’Driscoll and Derek Morgan
Secretary: Brenda Parkinson, RFU Disciplinary Department
Attending (By telephone : conference) (1) Chris Ashton (“the Player”)
(2) Lennie Newman, Team Manager, Northampton Saints
(3) Jim Mallender, Coach, Northampton Saints
Also attending: Tony Simpson, RFU Communications Manager (North)

Preliminary Matters

1. The Player did not object to the composition of the Panel.
2. The Player raised no preliminary issue.

Charge and Plea

3. The Player admitted receiving a yellow card for dangerous play in playing a player without the ball in the National Division 1 League game Plymouth Albion v Northampton on 19th January 2008. However, he disputed that the contact between himself and the opposition player which resulted in the yellow card was dangerous or foul play as alleged.

The Facts

4. The incident occurred in the 35th minute of the first half. The Referee’s report recorded the act of foul play which resulted in the yellow card thus :

“Plymouth Albion were attacking around the 10 metre line of Northampton about 15 metres from the touchline and a Plymouth back was in possession approaching the Northampton 22. This player stepped inside to draw the last man in defence apart from the Northampton right wing who was number 14 CHRIS ASHTON. The player stepped inside and I then saw ASHTON approach a Plymouth back supporting the ball carrier about three/four metres away. Ashton then struck the Plymouth player with his right upper arm in the chest/neck area knocking the player to the ground without the ball and cutting down a possible attacking option for Plymouth. I immediately signalled foul play and the Referee subsequently stopped the game. I told him what I had seen Ashton do. As a result of what I told the Referee Ashton was sin-binned for 10 minutes for dangerous play in playing a player without the ball under Law 10.4(e). The Plymouth back was knocked to the ground as a result of Ashton’s foul play and received medical attention, however he showed no sign of any visible injury and was able to continue playing in the game after medical treatment.”

5. The Panel viewed a DVD recording of the incident. They did so at full speed and frame by frame. It provided a single camera angle of the incident and from what the Panel could see was materially consistent with the Touch Judge’s description to the Referee. The Touch Judge had an unobstructed view of the incident from 4 metres. Unfortunately, the DVD recording did not show the actual point of contact between the body of the player and the Plymouth opponent as that contact was obscured by the body of the Plymouth player. The Touch Judge was however level with the players at the point of contact and was seen to put his flag out to signal foul play immediately after the contact occurred.

Player’s Case

6. On behalf of the Player, Jim Mallender explained that he had seen the contact live and again on the DVD and accepted that it “looked bad”. The opposition player was knocked to the ground and after the contact had gone to ground in a somewhat theatrical manner. When he had slowed down the incident and looked carefully at it, he felt there was no intent and that the Plymouth player had simply run into his player and bounced

off. The Player had recently come from Rugby League and he acknowledged that there were small differences in tackling technique. However, this was not a bad tackle.

7. The Player explained that his line of movement had not changed and that the Plymouth player had jumped into his shoulder. He felt the opponent could have pulled out and that any contact was not made with any intent but was purely accidental. He was simply standing his ground.

8. Under questioning from the Panel, he denied that he had been guilty of any form of striking, obstruction or illegal tackling. He felt that the Touch Judge may have seen the way the Plymouth player went to ground and misinterpreted that as foul play. It was an accidental collision which was made to look worse by the way in which the Plymouth player hit the ground, but he could understand why the Touch Judge had recommended to the Referee that a yellow card should be given.

Factual Findings

9. The Panel were quite satisfied that the incident described in the Referee's report and seen by them on the DVD warranted a yellow card. It felt that a professional foul at the very least had been carried out on a player without the ball. It could not fault the position and unobstructed view of the Touch Judge who had put his flag out immediately. The DVD was inconclusive as to the actual point of contact and in the view of the Panel the Player had signally failed to overcome the hurdle presented by an application of RFU Disciplinary Regulation 7.1.2.

Ensuing Disciplinary Matters

10. Following the Panel's determination in relation to the Player's unsuccessful appeal against the yellow card, the Panel were informed of two further matters against the Player as follows :

11. On 13th October 2007 in the game Northampton v Doncaster, the Player had received a yellow card for dangerous tackling (high and without using his arms) from Referee Dave Pearson; and

12. On 22nd December 2007 in the game Northampton v Cornish Pirates, the Player had received a yellow card for playing a player without the ball and pushing him into touch, having already been warned about dangerous tackling in that game by Referee G. Garner.

13. The Player now accepted and was prepared for the RFU Disciplinary Panel to apply the provisions of para. 2 Appendix 1 RFU Disciplinary Regulations, having received three yellow cards for foul play during the 2007/2008 season. The Player accepted that the first two yellow cards had not been appealed within the time allowed by the Disciplinary Regulations and that his appeal in respect of the award of the third had been dismissed.

14. The Player was asked to comment upon the previous two yellow cards and on his behalf it was reiterated that some adjustment was felt necessary to his method and technique of tackling. It was rather a matter of technique than any intent to commit foul play offences and this would be addressed by the Player and the Club.

15. None of the incidents had resulted in injury to opposition players, nor had affected the game.

Factual Findings

16. The “totting up” of three foul play yellow cards within a season is dealt with under Law 10.4(k). Before applying the recommended sanction set out in Appendix 2 of the Disciplinary Regulations, the Panel was first required to undertake an investigation into the seriousness of the Player’s conduct and categorise that conduct in this case as either low end or top end. Mid range is not available.

17. The recommended sanction for a low end entry point in these circumstances is two weeks and for the top end “the lower end of the range for the most seriousness of the yellow card offences”.

18. The Panel noted that in respect of all three offences the low end entry point was two weeks.

19. The Panel went on to consider whether, on the very limited and restricted information it had available to it in respect of the previous two yellow cards, any of the three offences could be characterised as top end entry point. It concluded that, in the absence of any evidence of injury or effect upon the game, it could not, and therefore characterised the offending as low entry point meriting one week's suspension. The Panel did not feel it necessary to specify which of the individual offences it was thus characterising as low end as the end result was exactly the same.

20. The Panel heard that the Player was next due to play in the EDF Cup tie on Saturday, 2nd February 2008 against Doncaster.

Sanction

21. The Player is suspended from playing Rugby Union for a period of one week commencing 28th January 2008. He may play again on 4th February 2008.

Costs

22. The Player will pay the costs of £200.00.

Appeal

23. The Player was informed of his right of appeal.

Antony Davies

Antony Davies,

Chairman

30th January 2008

