

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighthouse
On: Monday, 10th December 2007
Player: Naude Pretorious **Club:** Darlington Mowden Park RFC
Match: Darlington MP v Leicester Lions
Date of Match: 10th November 2007

Panel: Antony Davies (Chairman), David MacInnes and
Robin Wannop
Secretary: Bruce Reece-Russel, RFU Disciplinary Department

Attending: Naude Pretorious (“the Player”)
Jim Dyson, First Team Manager, Darlington MP

Preliminaries

1. The Player did not object to the composition of the Panel.
2. The Player raised no preliminary issue.
3. The procedure to be followed was explained to the Player and his representative.

Charge and Plea

4. The Player admitted the charge of striking contrary to Law 10(4)(a).

The Facts

5. The Panel considered the Referee’s report which stated :
“On 75 minutes there was a standard maul developing deep in the Darlington MP half. Naude Pretorious was not involved in the maul but stood on the side

watching, at this point, he moved forward swiftly 3/4 paces with his fist clenched at hip level as he approached the side of the maul he swung with full force a punch high towards the face of a Leicester Lions player. The player caught the punch in the chest/neck region.

I was 5 metres to the side of the maul and had a clear view of the incident ... the player was given a straight red and was sent off the field.

The player who was punched was able to continue the game.

6. The Panel viewed a video recording of the incident which was not particularly clear. What the Panel did glean from viewing it seemed consistent with the incident as described in the Referee's report, which was not challenged.

The Player's Case

7. The Player told the Panel that he was deep in his own half, not far from his own try line, watching an opposition maul moving towards him. He took the decision to throw what he described as "a speculative punch" into the centre of the maul to try and make contact with the ball and dislodge it from the grasp of the ball carrier. To do so, he had to come down the side of the maul and swing his fist into the middle of it from the side. He accepted it was foul play, but it was desperate defence on his part. He did not intend to cause any harm and had no intention of punching to the face. It was a split second decision on his part.

8. Under questioning from the Panel, the Player admitted that he could not actually see the ball when he swung his fist into the maul and that there were several pairs of hands on it. He also conceded that his action was more likely to knock the ball further into the maul than out and that the Referee was excellently positioned to have seen the incident clearly.

Finding and Sanction

9. The Panel undertook its assessment of the seriousness of the Player's conduct by reference to Disciplinary Regulation 8.2.5 and found the following features of relevance

to its decision:

- (a) The offending was intentional, that is committed intentionally or deliberately. The Player was seen to “cock back” his right arm and swing it into the maul. It was clearly a punch with a closed fist. In all respects, the Panel preferred the description in the Referee’s report to that of the Player.
- (b) No injury was caused.
- (c) There was no effect of the Player’s actions on the game.
- (d) The conduct was completed.

10. Weighing up the matters above, the Panel considered the on field offence to be in the mid-range, giving an entry point of five weeks.

Mitigation

11. The Player has played since he was 8 and is in his third season at National 3 (Level 4). On 7th October 2007, he received two yellow cards in a game, one technical, one foul. The disciplinary decision had been one of “sending off sufficient”.

12. The Player’s Club had held a disciplinary meeting on Saturday, 1st December 2007, at which the Player had been suspended. He had missed one game since.

Sanction

13. The Panel did not conclude that there were any relevant aggravating factors pursuant to RFU Regulation 8.2.7.

14. The Panel considered whether there was any mitigation within RFU Regulation 8.2.8 and found :

- (a) The Player had acknowledged his culpability and accepted his Club’s internal suspension.
- (b) On 7th October 2007, the Player had been disciplined for receiving two yellow cards in a game. Within a matter of a few weeks he had in the instant first received a yellow card for swearing at the Referee, followed later in the game by the red card for

the foul play in question. He had not however been previously sent off in seventeen years.

15. On account of the factors listed above, the panel reduced the suspension from five weeks to four weeks.

16. The Player is suspended from 2nd December 2007 (the date of commencement of his Club internal suspension) to the 29th December 2007. He may play again on 30th December 2007.

Costs

21. The Player will pay the costs of £150.00.

Appeal

22. The Player was informed of his right of appeal as set out in the Disciplinary Regulations.

Antony Davies

Antony Davies,

Chairman

19th December 2007