## **RUGBY FOOTBALL UNION**

## **APPEAL HEARING**

Venue: Holiday Inn, Bloomsbury, London

**Date: 11 March 2008** 

Player: Tim Collier ("the Player") Club: Launceston RFC

Match: Nottingham v Launceston

Venue: Nottingham Date of match: 23 February 2008

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

Secretary: Liam McTiernan

To consider: An appeal, against sanction alone, imposed by the decision of an RFU

Disciplinary Panel made on 3 March 2008.

# **Documents Considered**

- 1. The Panel considered:
  - a) The Ruling of the Disciplinary Panel ("DP").
  - b) Grounds of Appeal submitted on 6 March 2008.
  - c) Further submissions from Jim O'Hara Disciplinary Officer Launceston RFC by e-mail dated 12 March 2008.

# THE ISSUE

- 2. This is an appeal by Launceston RFC against the decision of the DP suspending the Player following his dismissal in an EDF Cup match. The sanction imposed was a suspension of 1 week. The appeal was based solely on the fact that, in the week of the suspension, being 4 to 11 March 2008, Launceston had two National League 1 fixtures in light of the fact that a re-arranged fixture against Northampton Saints fell to be played during that week.
- 3. The Player was not present or represented at the Appeal. Mr O'Hara had intended to address the Panel by telephone conference call but in the event was unable to do so. The Grounds of Appeal and Mr O'Hara's further e-mail are therefore set out in full below:

## Grounds of Appeal

That the panel ruled an entry level at the Low Entry point - a 2 week ban.

With mitigation this sanction was given a maximum allowable discount of 50% reducing the sanction to 1 week. When I pointed out to the panel that this meant a 2-match ban for Tim, I was informed that this was tough but that was the rules. I believe the Panel were aware that this would be the case.

As the discount is meant to ease the severity of the sanction after consideration of mitigation, our contention is that in reality there was no discount of the sanction at the Low Entry point.

The sanction discount only works where clubs play once a week. This playing pattern changes with re-scheduling postponed fixtures, especially in FDR where the there are no free days as long as clubs remain in the National Trophy Competition.

### E-mail of 12 March 2008

In support of my original appeal letter and as a submission please consider the following.

- 1. Generally, the current maximum game interval for players is I week.
- 2. I believe that the sanction periods are meant to account for this.
- 3. Therefore in the spirit of the rules I submit that a I week ban implies a I match ban.
- 4. I further submit that the granting of a 50% discount on a Low Entry Level of 2 weeks is pointless if the above principles do not apply

The club appealed after it received the Judgment Letter on 3<sup>rd</sup> March 2008 (Disc Rule 12.1.1)

Tim played on Saturday after confirmation of the Appeal receipt by the Disciplinary Manager.

The club carefully considered Disc. Rule 12.6.2 before allowing me to submit an appeal.

The club Disc Committee felt that Sending Off was Sufficient, they, having ruled on the original charge.

The Nottingham Director of Rugby also added that this offence would not have merited a citing

#### RULING

- 4. IRB Disciplinary Regulation 17, for the purposes of the World Sevens Series, allows matches to be deemed as weeks for the purposes of any period of suspension imposed following an act of foul play. There is, however, no similar provision under the RFU Disciplinary Regulations.
- 5. In any event, as is evident from the Grounds of Appeal, the DP was aware that the period of suspension to be imposed would result in the Player missing 2 league

- fixtures and can therefore be taken as being content that this was the appropriate position.
- 6. In consequence of the suspension the Player was ineligible for selection for the game against Northampton Saints played on 4 March 2008. The appeal lodged on behalf of the Player was sent by e-mail to the RFU Disciplinary Manager on 6 March 2008.
- 7. In accordance with the RFU Disciplinary Regulations, the effect of having lodged the appeal was to render the Player eligible for the following game on 8 March 2008 against Exeter Chiefs. It was inevitable that the hearing of the appeal would not be heard prior to that match being played.
- 8. Having regard to the matters set out in paragraphs 4 and 5 above, the Panel was not satisfied that the decision of the DP was wrong. An Appeal Panel is however able, when considering an appeal to either reduce or increase a period of suspension imposed, and the Panel accordingly reviewed the DP's decision.
- 9. The Panel considered that the DP was correct in having categorised the offending as being at the lower end of the scale of seriousness<sup>ii</sup>.
- 10. The DP held that the Player's lack of remorse<sup>iii</sup> was a relevant aggravating feature although it was unclear from the DP's ruling what, if any, increase in the prescribed entry point was deemed appropriate. The DP's ruling also indicated that the Player's good record and/or character together with his conduct at the hearing were mitigating factors<sup>iv</sup> but the period of reduction to be awarded was similarly not specified.
- 11. The lower end entry point for the offence of dangerous tackling (which the DP found to be the correct offence) is a suspension of 2 weeks. The sanction imposed was a suspension of 1 week. The Player had however pleaded not guilty to the offence and the Panel was therefore of the opinion that what was in effect a 50 % discount, for mitigating factors, was not appropriate in light of that plea.
- 12. No lesser reduction being possible from a suspension of 2 weeks, the Panel held that the correct period of suspension to be imposed was a period of two weeks, and the sanction imposed by the DP was accordingly increased.

#### SANCTION

13. The Player was accordingly suspended for the period of 2 weeks from 11 March 2008 and is free to play again with effect from Monday 25 March 2008.

### COSTS

14. Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of the hearing of £250 in accordance Appendix 6 of the Disciplinary Regulations.

# **COMMENT**

15. Whilst the Panel did not make a finding in this regard, it is appropriate to make it clear that the use of the appeal procedure with a view to rendering players eligible for games for which they would otherwise be ineligible, is a matter that will be regarded with due seriousness. Appeal Panels will not hesitate to increase periods of suspension in such circumstances.

# **Jeremy Summer**

For Chairman March 2008

<sup>i</sup> Disciplinary Regulation 11.1.1

ii DR 8.2.4;8.2.5

iii DR 8.2.7 a)

iv DR 8.2.8 b) and d) respectively