



*“Used his forearm to strike an opposition player in a ruck. The incident happened straight in front of me and I was about 5 metres away.”*

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 material consistent with the Referee’s very brief description in his caution report. The Referee had an unobstructed view of the incident from 5 metres away. Unfortunately, the DVD recording did not show the actual point of contact between the body of the player and the opponent, as that contact was obscured by the body or bodies of other players. The Referee did however signal for foul play immediately and issued the yellow card without any delay.

### **Player’s Case**

6. The Player and his representatives described the ball leaving an untidy scrum which wheeled to the left. A ruck formed and the Player came to stand “guard” at the rear and to the side of the ruck. As he was standing in this position, the opposition number 3 ran past the back foot of his side of the ruck and to the side and ran straight into the Player, knocking him backwards onto the ground.

7. The Player was expecting the penalty to be awarded against the opponent, who had charged him without the ball and whilst he admitted that there had been contact, he maintained that was accidental, instinctive and defensive. The contact had occurred whilst he himself was turning to his left, away from the player running towards him, to assist a team mate who was tackling an opponent.

8. The Player stated that he was aware of the opponent coming towards him as he was turning to the left and looking away, and the next thing he remembered was “hurtling backwards”.

9. Under questioning from the Panel, the Player accepted that the Referee was well positioned with an unobstructed view. He also accepted that it was not clear from the DVD provided exactly where the point of contact occurred because that was obscured by other bodies. The Player also went on to maintain that had he intended to strike with the

arm, he would have set himself differently and at no stage was there any forward momentum. Accordingly, it was submitted on his behalf that in the absence of forward momentum there could not have been a “strike”. He did however accept that the Referee could have interpreted his actions as a strike if he were stationary and an opponent had run into his forearm or elbow.

10. The Player candidly accepted that if the Referee had seen him lift his forearm or elbow towards a player who was running towards him, that could have been interpreted as foul play and the Player was frank enough to conceive of the possibility that the Referee’s interpretation may have been correct.

### **Factual Findings**

11. 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 could not fault the position and unobstructed view of the Referee who had blown his whistle for foul play 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. That Regulation required the Panel to accord “considerable weight” to the evidence of the Referee, which the evidence from the Player, submissions from his representative and the viewing of the DVD had not satisfactorily overcome.

### **Decision**

12. It was the unanimous decision of the Panel that the appeal against the awarding of the yellow card should not be upheld.

### **Costs**

13. The Player will pay the costs of £100.00.

## Appeal

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

*Antony Davies*

Antony Davies,

Chairman

30<sup>th</sup> January 2008