RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Bloomsbury

On: Monday 31 March 2008

JUDGMENT.

Player: De Wet Barry Club: Harlequins

Match: Harlequins v Newcastle

Venue: The Stoop **Date of match:** 29 March 2008

Panel: Jeff Blackett (Chairman), Mike Curling, John Doubleday

Secretariat: Bruce Reece-Russel

Liam McTiernan

Attending: The Player

Dean Richards – Harlequins coach Mike Scott – Harlequins team manager

Referee: Martin Fox (by telephone conference)

Charge and Plea

1. The Player pleaded not guilty to intentionally charging or obstructing a player who has just kicked the ball contrary to Law 10(4)(m).

The Facts

2. The Player was sent from the field of play in the 19th minute of the second half. The referee's report stated:

"Newcastle No 13 Matthew Tait in possession of the ball on the half way line centre field, Newcastle No 13 kicks the ball ahead and is then tackled dangerously high and late by the Harlequins replacement centre No 22 De Wet Barry. The Game is immediately stopped and De Wet Barry is sent off from the playing enclosure for foul play. Play is held up for several minutes whilst the Newcastle No 13 receives medical treatment. Eventually the game continues with a penalty to Newcastle..."

3. The referee stated that contact between the players was upper body above the shoulder and he thought the Player's head made contact with Tait's head – or certainly above the shoulder. He said the game was played at a very fast pace and he had a split second to adjudicate. He went to the touch judge to ask if he had seen the incident and to inform him that he intended to issue a red card. The touch judge

concurred. In response to questions from Dean Richards the referee said that in his opinion the Player made no effort to get out of the way after Tait had kicked the ball and led with his head. There was no attempt to grab or tackle the player – he felt that he had just charge in.

4. The panel viewed the video footage of the game in full speed and in slow motion several times. It showed Tait receive the ball from his inside centre moving at pace. He took four steps and then, without breaking stride, dropped the ball onto his right foot and kicking ahead. As he kicked the ball he lifted himself into the air and landed on the right foot. He took one further step with his left foot before coming into contact with the Player. The Player had been tracking forward and sideways in defence with his arms outstretched. When Tait kicked the ball he was within 10 metres of the Player (distances could be measured against the markings on the pitch). By the time the ball hit Tait's foot they were within about 5 metres of each other and the Player lifted his arms to shoulder height. As Tait landed on his right foot the Player started to pirouette to the right and then crouch slightly. Tait landed on his left foot and his left upper body came into contact with the side/back of the Player's right shoulder. Immediately the their head's clashed with the Player's right cheek bone making contact. Tait fell backwards and remained on the ground. He was subsequently helped off the pitch by two members of staff. The Player landed on the ground and rolled away.

Defence Case

- 5. The player gave evidence on his own behalf. He stated that he was tracking forwards and sideways to cover Tait's attack. Tait kicked the ball very close to him and he immediately tried to avoid contact by spinning to the right. However he could not get out of the way and he hunched up as a matter of self preservations. He made contact and then there was a clash of heads. He fell over and believes that he lost consciousness for a split second. As a result of the clash of heads he sustained a cut to the side of his head just above the right cheek bone. He said he had not intention to obstruct or tackle Tait without the ball and the collision was accidental.
- 6. Speaking on the Player's behalf Dean Richards submitted that everything happened so quickly he simply could not get out of the way. In fact he placed his body into a position to protect himself. He presented still photographs which showed that it took 0.36 seconds from the time Tait kicked the ball until the time of contact.

Finding

7. The panel took account of the Player's testimony, the video footage and the photographic evidence presented by Dean Richards. Although at full speed and with one viewing the contact looked very unpleasant it is clear that the Player had very little time to react. Tait did not shape to kick, he very cleverly simply dropped the ball onto his right foot and made contact in his stride. By jumping up at the same time he managed to get some power behind the kick. The Player was taken unawares and immediately tried to spin out of the way, but at the pace of the game simply did not have time. In those circumstances the panel decided that there was no intention on the Player's behalf to obstruct or charge Tait after he had kicked the ball. **The**

panel find the Player not guilty of the charge and order that the Red Card be removed from his record.

8. In reaching this conclusion the panel make absolutely no criticism of the match referee. He acted entirely properly in dismissing the Player from the field of play at the time based on what he saw in a split second. That fact was acknowledged by the Harlequins representatives. The panel on the other hand had the luxury of many viewings of the video in both real and slow time, together with the evidence of the Player himself and the additional photographic material supplied by Dean Richards.

Jeff Blackett Chairman

1 April 2008