

RFU DISCIPLINARY HEARING

COVENTRY M6, JUNCTION 2 HOLIDAY INN

JUDGMENT

Player: **Simon EMMS** **Club: NORTHAMPTON SAINTS RFC**
 Neil BAYLISS **Club: MOSELEY RFC**

Match: **NORTHAMPTON v MOSELEY**

Venue: **Northampton** **Date: 15th September 2007**

Panel: **Richard MOON (Chairman), John LOUGHTON and Andrew LOCKHART**

In attendance as Secretary: **Bruce REECE-RUSSEL**

In attendance: **Paul Tulley – representing player**
 James Sinclair – Northampton Saints
 Simon Emms - player

Tony Thomas – representing player
 Derek Warren – Chief Executive
 Neil Bayliss - player

To consider: The sending off of Simon Emms, Northampton Saints RFC for striking contrary to Law 10(4)(a) in the match Northampton v Moseley on the 15th September 2007.

The sending off of Neil Bayliss, Moseley RFC for striking contrary to Law 10(4)(a) in the match Northampton v Moseley on the 15th September 2007.

PRELIMINARY POINT

1. The Chairman conscious that the sendings off occurred in the same incident asked both parties if they were content to have the cases heard heard together as a joint hearing.

Both Paul Tulley, representing Northampton Saints RFC and Tony Thomas representing Moseley RFC agreed that this was a practical way to proceed.

CHARGES AND PLEA

1. Both players pleaded guilty to the charges as laid out.

THE FACTS

2. Both players were sent off in the same incident by the match referee Rowan Kitt on the advice of the touch judge Nick Clarke. His report reads:

“Following a scrum well inside the Northampton half, the Moseley 18 (Bayliss Neil) and the Northampton 1 (Emms Simon) who were opposing props, startled to grapple. As the closest Touch Judge I remained close to my position for the scrum to observe the outcome. I had a clear view of the incident as the play had moved away into the Moseley half.

Both players fell to the ground and then traded a series of punches in an exchange, which lasted several seconds. Meanwhile play continued to the other end of the ground resulting in a Northampton try.

I informed the referee that I had an incident of foul play and following my report, the referee sent both players off”.

The DVD was shown but unfortunately does not capture the incident as the camera follows play which results in a Northampton try. What can be seen is the aftermath in which the referee consults with the touch judge and then speaks to both captains/players before issuing the red card to Simon Emms and Neil Bayliss. It is pertinent to note that NB is required to come back on the field from receiving treatment to be spoken to by the referee.

The Panel also viewed a still photo showing SE on top of NB grappling each other.

Paul Tulley representing SE said the incident was “six of one, half a dozen of another” and that the player admitted equal culpability. He confirmed that the Club had held an internal disciplinary hearing which resulted in a one week suspension which for internal reasons had not been implemented until the 1st October 2007. SE was an experienced player, aged 32 years who had a good disciplinary record having never been sent off before. He apologised for his actions to both the Panel and his Club.

Tony Thomas representing NB confirmed that NB had admitted guilt at the earliest opportunity. He attended an internal Club hearing on the 20th September at which he was suspended for 2 matches. TT further confirmed that NB had received a “bloodied nose” as a result of the fracas. The player apologised for his actions to both the Panel and his Club.

SANCTION

3. The panel having retired first of all considered the entry point. In doing so they were conscious that the referee had previously issued a general warning to both sides in regard to foul play though acknowledged that SE and NB were not aware of this fact. In addition there were a “number of punches” in an incident which occurred far away from play. After considering

all the factors required under Regulation 8.2.5 the Panel were unanimous that the entry point be "MR".

4. The Panel having arrived at an entry point of 5 weeks gave both players the full remission (2 weeks) for their guilty plea coupled with their remorse and contrition and therefore suspended both Simon Emms and Neil Bayliss for 3 weeks.

5. Simon Emms, Northampton Saints RFC is suspended from the 1st to the 21st October 2007 allowing him to play again on the 22nd October 2007. This takes into account a one week suspension imposed by the Club.

6. Neil Bayliss, Moseley RFC is suspended from the 20th September to the 10th October 2007 allowing him to play again on the 11th October 2007. This takes into account a 2 match suspension imposed by the Club.

COSTS

17. Costs of £200.00 are awarded against the Simon Emms/Northampton Saints RFC.

18. Costs of £200.00 are awarded against Neil Bayliss/Moseley RFC

RIGHT OF APPEAL

18. There is a right of appeal which must be lodged within 14 days of receipt of this judgment.

A handwritten signature in black ink that reads "Bruce R²". The signature is written in a cursive style and is positioned above the typed name of the signatory.

Bruce Reece-Russel
Secretary

2nd October 2007