

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighthouse
On: Monday, 14th January 2008
Player: Paul Ralph **Club:** Manchester RFC
Match: Cambridge v Manchester
Venue: Cambridge
Date of Match: 15th December 2007

Panel: Antony Davies (Chairman), Clif Barker and John Loughton
Secretary: Liam McTiernan
Attending : Paul Ralph (the Player)
Dave Baldwin, Manchester RFC

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 was charged with striking contrary to Law 10(4)(a), the particulars being that on the 15th December 2007 the Player, Manchester RFC, struck an opponent during (31st minute of the first half) the match Cambridge v Manchester.
5. The charge followed the Player's dismissal from the field of play by the match Referee, Keith Lewis.

6. The Player denied carrying out an act of foul play as alleged.

The Facts

6. The Referee's report indicated that he had not seen the incident of foul play. The report was endorsed and signed by the Touch Judge, Nigel Carrick, who described the incident thus :-

“The Manchester number 4 was at the front of the maul, bound on by his right arm, pulling the maul forwards. The Referee was in field in line with the Manchester back foot of the maul. I was in line with the front foot of the maul looking for and ensuring that Cambridge did not attempt to illegally stop the maul.

Manchester were moving forwards and had gained ground, when I observed the Manchester number 4 deliberately, and with force, head butt a Cambridge player. The action was controlled and targeted, a wind up by Manchester number 4 with the left side of the forehead being used into the face of the Cambridge player. There was power behind the head butt. I indicated foul play with my flag and advised the Referee to stop play”.

7. Giving oral evidence by telephone link, the Touch Judge, Nigel Carrick, confirmed the contents of his report and described in more detail the various body positions and angles at the maul insofar as they related to his own position on the touchline. He described himself as being absolutely 100% confident in his decision to report the incident to the Referee, and nothing in the intervening period had undermined that confidence.

8. Mr. Carrick described standing 15 metres away from the incident, on the touchline with clear and unobstructed view. The victim player was not bound on to the maul, but was in front of it and in very close proximity. The Player was leading the maul, facing towards the Cambridge line, with his chest at an angle of 90° to the maul, i.e. square on to the Touch Judge. He described in detail how the Player pulled his head

back about a foot, paused and then drove his head into the face of the Cambridge player in a controlled and targeted manner. He also described immediately after the incident a number of Cambridge players appealing to him, asking whether he had seen the incident.

9. Under questioning from the Player and Mr. Baldwin, he denied that contact could have been accidental and as a result of the Player's attempt to realign the maul which had gone round. He openly acknowledged the potential for human error or mistake, but as he had told Mr. Baldwin immediately after the sending off, he was 100% certain then and remained certain today. When pressed further about the potential for an accidental collision, he described how he had seen the Player pull his head back and pause. It was the gathering of control by the Player before the strike which convinced him that the action had been intentional, not accidental. The Player was looking directly at the victim player and struck in a controlled manner.

10. The Touch Judge then went on to explain the protocol used by the Match Officials for incidents of this nature and the reasons why he had called the Referee's attention to the incident. He was not aware of any reaction from supporters

The Player's Case

11. The Player described how he had been bound with both arms in the front of the maul as it was driving forward. The maul began to turn and space in front opened up. He was trying to help keep the maul straight when he became aware of a collision with a player in front of him. The top of his head and some part of an opponent came into contact. He was prepared to accept that the contact could have been with the opponent's face and that the opponent may well have sustained the injury complained of. He regarded the incident as unfortunate.

12. The Player and his representative stressed that their Club placed a great emphasis on discipline and when this game was played no player in the Player's team had received either a red or a yellow card for the entirety of the season. He saw no reaction from spectators or other players.

13. Under questioning from the Panel, the Player maintained that contact was by pure accident and could not have happened as described by the Touch Judge. At no stage had he brought his head up and he denied even lifting his head so he could better reorient himself when the maul began to turn. He denied that contact had been made deliberately or recklessly – it was purely accidental and the Touch Judge had misinterpreted the incident.

14. The Player was asked about the extent of force which must have been required to break the opponent's teeth, which seemed inconsistent with the momentum appropriate to walking forward whilst bent over. The Player felt that the momentum of being driven from behind at walking pace would be sufficient to have caused such injury, without any additional force from a striking action with the head as described by the Touch Judge.

15. The Player was not able to put forward any explanation or reason why the Touch Judge, with an unobstructed view from 15 metres away, should have made such a manifest error.

Decision

16. The Panel considered the written and oral evidence carefully. It was not assisted at all by the match DVD.

17. The Panel unanimously felt that the Touch Judge's evidence had been clear, cogent and fair and that he was an entirely credible witness. He had been unshaken and unbending under questioning from the Player and his representative, whereas the Player's evidence as to his body position had not been consistent throughout his case. The Panel were in no doubt that the incident had happened as described by the Touch Judge and preferred the Touch Judge's evidence in all material respects.

18. Disciplinary Regulation 7.1.2 placed an onerous burden upon players and one which the Player had in this instance failed by some considerable margin to overcome. The Panel concluded unanimously and to the required high standard of proof that the act of foul play had been carried out as alleged.

Finding and Sanction

The Panel went on to apply RFU Regulation 8.2.5 and concluded:

- (a) The offending was intentional;
- (b) Injury had been caused to the victim player, namely chipped front teeth and damage to a tooth on the right hand side of the mouth;
- (c) The conduct was completed;
- (d) There was no material effect of the offending player's action on the game.

19. Weighing up the issues above, the Panel considered the on field offence to be in the mid range, giving an entry point of eight weeks.

Mitigation

20. On the Player's behalf it was submitted that the Player had a good disciplinary record and this had not been a particularly aggressive game. The Player had never been sent off before and has been playing senior rugby for some ten years. He has had one season playing at County level and currently plays at Level 3 (National 2).

21. The Player stated that he had looked for the victim player afterwards to check he was alright, but had been unable to find him.

22. An internal disciplinary investigation had been conducted. This had concluded that the contact was accidental as described by the Player and nothing in the match video had undermined that assertion.

Sanction

23. From a starting point of eight weeks, the Panel found no aggravating features under Regulation 8.2.7, but applying Regulation 8.2.8 and identifying all relevant mitigating factors, the Panel reduced the period of suspension by two weeks, i.e. to six weeks.

24. The Player is suspended for six weeks until 26th February 2008. He may play again on 27th February 2008.

Costs

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

Appeal

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

Antony Davies

Antony Davies,

Chairman

15th January 2008

