

## **RFU DISCIPLINARY HEARING**

**VENUE: Holiday Inn, Brighouse, Leeds**

**DATE: 26<sup>th</sup> January 2009**

**Player: BEN PRESCOTT**

**Club: Rotherham RFC**

**Match: Bedford v Rotherham**

**Venue: Bedford**

**Date of Match: 20 December 2008**

**In Attendance:**

**Panel:**

**Mike Hamlin (Chairman)**

**Clif Barker**

**Peter Rhodes**

**Secretary:**

**Liam McTiernan**

**Tony Simpson (RFU Communications Officer – observer)**

**The Player:**

**Alan George - Rotherham Rugby Manager**

**To consider:**

The citing by Bedford RFC of Ben Prescott of Rotherham RFC (“the Player”) for a dangerous tackle contrary to Law 10(4)(e) in that on the 20<sup>th</sup> December 2008 the Player dangerously tackled an opponent during the 39<sup>th</sup> minute of the first half of the match.

### **PRELIMINARY ISSUES**

There were no preliminary issues raised.

The Player did not object to the composition of the Panel.

### **CHARGE AND PLEA**

The Player admitted a late tackle contrary to Law 10(4)(e) but denied it was dangerous.

## **THE CITING**

### **The Panel has considered:**

1. The Citing Letter from Bedford
2. The DVD
3. Oral evidence from the Player and Alan George Rotherhams Rugby Manager
4. Email correspondence from Alan George
5. Testimonial from Sean Lineen - Head Coach at Glasgow Warriors

The citing letter recorded the fact that Bedford wished to cite the player for an act of foul play. DVD evidence was submitted to the RFU Disciplinary Department. The score at the time of the incident was 13-7 to Bedford and the incident happened in approximately the 39<sup>th</sup> minute of the first half, just inside the Rotherham 22 metre line. The Rotherham number 3 is alleged to have dangerously late tackled the Bedford number 9. The Player was wearing number 3.

The Player admitted the late tackle. Rotherham to their credit had examined 10(4)(e) and a replay of the DVD provided by Bedford Blues showing the incident and had concluded that the Player was guilty of a late tackle. The Club suspended the Player for a period of one week as a result of which he missed the cup fixture against Coventry on the 17th day of January 2009. The Club had determined that this was a low entry offence and bearing in mind his record determined the appropriate suspension was 1 week.

## **EVIDENCE AS TO FACT**

The DVD showed the Bedford number 9 running laterally across the field of play and executing a reverse pass to his colleague. Having passed the ball the player made contact with the Bedford number 9 in the chest causing the victim player to fall to the ground. The contact was late. The player could have pulled out of contact he chose to continue to make contact with the Bedford number 9 when he need not have done. The contact was with his shoulder. There were no swinging arms or raised elbows. There was no malice as such but the contact with the victim players chest was late and as such potentially dangerous.

The Panel having viewed the DVD and found that the tackle was late and in the panels view dangerous. The Player made contact with the victim player in the mid chest which resulted in the victim player being winded and requiring a short time to recover before continuing with the game. The victim player was able to continue. There was no evidence of any injury other than the victim player was winded.

## **DEFENCE SUBMISSIONS**

1. The Player admitted contact was late.
2. He denied it was dangerous.
3. He stated that he saw the number 9 coming across the field and he was in a position to tackle him, he had lined him up to tackle him. He did not see him execute the reverse pass but on balance thought he had and continued with his 'tackle' in any event.

4. He is 30 years of age. He has an exemplary record. This was confirmed by the Head Coach Sean Lineen when he played for Glasgow Warriors. He has never received any red or yellow cards for foul play. He was a committed community player and coach.
5. He has admitted his error and was contrite.

### **FINDINGS**

The Panel found an act of foul play to have been committed on the basis of the Player's plea and consideration of the DVD and upheld the citing.

The Panel then conducted an assessment of the Player's conduct and found as follows:-

- a) The Player had acted with spontaneous intent but without malice. He could have pulled out of the tackle but did not.
- b) The offending consisted of a late charge by the Player on the Bedford number 9 which resulted in the victim player being temporarily winded but who was able to continue with the game.
- c) There was no injury.
- d) There was no effect on the game.
- e) The opponent was vulnerable to the extent that he had passed the ball. The incident went unnoticed by all officials and players.
- f) The conduct was completed.
- g) There were no other relevant features to the offending.

Having regard to the findings above and after very careful consideration, the Panel categorised the offending as at the low end of the scale of seriousness.

The low end entry point for an offence under 10(4)(e) is 2 weeks.

### **SANCTION**

In the light of the circumstances the Panel concluded that the appropriate entry point was a suspension of 2 weeks.

The Panel then considered the aggravating factors set out in the Regulations and found there to be none present.

The Panel then considered the mitigating factors as set out in the regulations. In the light of the Player's admission and exemplary record, the Panel concluded that the Player merited a discount of 50% from the entry point.

The Player was accordingly suspended for 1 week. Having served 1 week under the Clubs suspension, he is not liable to any further suspension and is free to play again as from today.

### **COSTS**

Pursuant to Regulation 8.3.1 the Player and/or his club shall play the costs of the hearing of £200 in accordance with the Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgement.

### **RIGHT OF APPEAL**

The Player was advised of his right of appeal. Such appeal must be lodged with the RFU Discipline Department by no later than 10.00 hours on the 14<sup>th</sup> day following receipt of this judgement.

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**Mike Hamlin**  
**Chairman**