RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Office of the Judge Advocate General, 81 Chancery Lane, London

On: Tuesday 11 November 2008

JUDGMENT.

Player: Mark Livesey Club: Canterbury RFC

Match: Henley Hawks v Canterbury

Venue: Henley **Date of match:** 25th October 2008

Panel: HHJ Jeff Blackett (Chairman), Bruce Squire QC and Peter Budge

Secretary: Liam McTiernan

Preliminary

1. The panel convened to consider the appropriate sanction against the Player who was sent off following the award of two Yellow Cards in the match between Henley and his Club, Canterbury. Neither the Player nor any representatives attended the hearing, he having asked that the matter be considered in his absence.

The Facts

2. The Player was awarded a Yellow Card in the first half of the match for a professional foul following an individual caution. No other details were given. He was awarded a second Yellow Card in the 58th minute of the game for punching an opponent. This award meant that he was given a Red Card and sent from the field of play. The Touch Judge's report on the second Yellow Card stated:

"In the 58th minute, at a position approximately 12 metres inside the Henley half and 18m infield, I observed the Canterbury No 1 (Livesey) enter a ruck illegally from the side and throw a punch at the Henley No 5 who was on his feet and bound in the ruck. I then observed the Henley No 5 retaliate by throwing a punch at the Canterbury No 1 which struck a glancing blow to the side of the Canterbury No 1's head. I immediately "flagged" the incident which had gone unseen by the referee. A scuffle between the two players broke out which was quickly broken up by the players around them. Play at this time had moved away.....after separating both teams the referee approached me and asked what I had seen."

3. The video recording of the second incident corroborated the essential elements of this report. As the Player punched his opponent the referee had already turned away to follow play. The punch was very light and hardly made any contact.

The Player's case

4. The Player's case was included in a report from Canterbury RFC's disciplinary committee which convened on 27 October to consider the Player's case. He accepted the Touch Judge's report but said that "he had done no more than give the player opposite him a "tap" more by way of a typical front row gesture than as a punch. Had he wanted to punch the player he could have done so with considerably more venom than he did." The Player has a clean record.

Sanction

5. This is a very minor case in which the first Yellow Card was for an unspecified professional foul and the second for the lightest of punches. The Player spent a total of 32 minutes off the field during which time Canterbury played with 14 men (and subsequently lost the match). The Panel determined that this was sufficient punishment commensurate with the level of offending and concluded that Sending Off was Sufficient punishment. The Player is free to play immediately.

Costs

6. Costs of £75.00 are awarded against the Player/club in accordance with the RFU Disciplinary Regulations, Appendix 6.

Right of Appeal

7. The Player is reminded of his right of appeal against this decision.

Signed: Jeff Blackett Date: 12 November 2008

Chairman