

As he was being shunted back his right boot continued downwards and clipped Talei's neck before hitting the ground. After a short space of time the Player rejoined the ruck. He attempted to drive forward and, with the weight on his right leg appeared to step forward. He moved his left leg backwards above the head of Talei, who was prone beneath him, and then moved it forward. As he went to place his foot on the ground he was shunted back for a second time: he moved his left foot backwards again, but this time it came into contact with the side of Talei's head. Talei remained on the floor for a minute or so and, following attention from a physiotherapist, continued to play. There are no reports of any injury.

5. The Player said that he arrived at the back of the ruck to find Rawlinson obstructing the ball. He put his foot on his shoulder intending to remind him he was in an illegal position and to ruck him off the ball. In relation to the second contact, the Player said that he thought the ball was available so he attempted to rejoin the ruck to drive over the ball. As it was the ball appeared at the back of the Worcester side of the ruck very quickly and was recycled. The Player said he stepped over Talei and intended to place his foot on the ground on the other side of his body. As his foot came down towards the grass he was shunted back and his foot went further back than he had intended. Contact with Talei's head was entirely accidental – as soon as that passage of play stopped he realised what had happened and he immediately apologised to the player, repeating his apology at the end of the game. Mr McGeechan opined that the Player's body position was correct and that the video corroborated the Player's account.

6. Mr Segan, on behalf of the Player, submitted that there was no evidence to support any contention that the second act had been a deliberate stamp to the head. He further submitted that the act was not reckless: the Player knew that Talei was on the ground but stepped over him intending to place his foot on the ground beyond him. Contact was caused because he was shunted back at the critical time and was thus accidental.

Finding

7. The relevant law references in this case are Law 10(4)(b) which states that a player must not stamp on an opponent and Law 16(3)(f) which states:

“A player rucking for the ball must not ruck players on the ground. A player rucking for the ball tries to step over players on the ground and must not intentionally step on them. A player rucking must do so near the ball.”

8. The Player's account of the first contact – that is he intended to place his boot on Talei to move him away – was in effect an admission of foul play as he acknowledged he stamped on the opponent intentionally. In relation to the second contact, the panel accepts the Player's account that he tried to step over Talei and did not intentionally step or stamp on him. The panel concluded that the player had been as careful as any reasonable player could have been in this situation: he was aware of the body under his feet, intended and attempted to place his foot on the ground (as evidenced by the fact that he moved his boot backwards obviously trying not to make

contact with Talei) and that contact only occurred as he was shunted backwards at the critical moment. In those circumstances the panel concluded that the second (and more serious) contact with Talei's head was entirely accidental.

9. The panel therefore upheld the citing on the basis of the first intentional stamp to Talei's shoulder.

Mitigation

10. The Player has a good disciplinary record and is not known as a "dirty player". He has denied foul play because both incidents had been rolled into a single citing and, although he admitted from the outset that he had intentionally stamped on Talei to move him out of the way, his plea related to the more serious second incident which the panel had dismissed. All other mitigating factors in RFU Regulation 8.2.8 were present.

Sanction

11. The panel undertook an assessment of the seriousness of the player's conduct. It decided that the offending was deliberate as the Player had admitted that he intended to step onto the opposition player to remind him to get away from the ball. However, contact was very light, properly described as almost fleeting, and there was absolutely no effect on the player or the game. In those circumstances this is the least serious type of this sort of offending and categorised it as being at the LOWER END of seriousness.

12. The LOWER END entry point for stamping is a suspension of 2 weeks. The panel reduced that by the maximum 50% to reflect the mitigation, having accepted that the Player admitted the foul play upon which the citing was upheld. It then considered whether exceptional circumstances described in RFU Disciplinary Regulation 8.2.9 applied: that is a case involving offending of the least serious kind where there are compelling mitigating factors and an absence of aggravating features. The panel concluded that this Regulation did apply. The contact was fleeting and would not in itself have been the subject of a citing had not the second contact with the head been identified. In those circumstances the panel decided that any suspension would be disproportionate to the level of offending. **The Player is, therefore, reprimanded and warned as to his future conduct. He is free to play with immediate effect.**

Costs

13. Costs of £250.00 are awarded against the Player/club.

Right of Appeal

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

Signed: **Jeff Blackett, Chairman** Date: **22 September 2008**

