

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Judgment

Competition Appeal

At: Brighthouse Holiday Inn
On: Monday, 8th December 2008
Club: Chichester Rugby Football Club
Panel: Antony Davies (Chairman), Clif Barker and
David MacInnes
Secretariat: Bruce Reece-Russel (RFU Disciplinary Department)
Attending: Alan Bradford (President, Chichester RFC) by telephone
conference

Decision Appealed Against

1. Chichester RFC appealed against the Organising Committee decision to disqualify the Club from the EDF Energy Senior Vase Competition dated 3rd December 2008.
2. The Organising Committee (“OC”) determined that Chichester RFC had broken Game Regulation 13.7.1 which states :

“A Club may not be represented in any match in the National Trophy Intermediate Cup, Senior Vase and Junior Vase by any person who has played or been selected as a replacement for another Club in the same Cup Competition in the current Season.”

3. The OC had considered match results cards for Chichester RFC’s Round 3 tie v Lewes RFC and the match result card from Chew Valley RFC's Round 1 tie v Whitehall RFC. A player, Paul Todd, appeared in the EDF Energy Senior Vase for both Clubs in the current season. (This fact was not in dispute).

4. The OC acted in line with the Sanction Guidelines which stated :

*“Ineligible players – selecting or playing an ineligible player (including replacement and substitutes): **“National Trophy, Intermediate Cup and Senior Vase** – automatic disqualification from the Competition for current Season of player and Club involved – Club may also be disqualified from the competition in subsequent seasons and/or other penalty as Committee may decide”* and regard to Game Regulation 10.1.1 which states that *“ignorance of these Game Regulations will not be deemed an excuse in the event of breach”*.

The Club was therefore disqualified from the EDF Energy Senior Vase for season 2008/2009.

Grounds of Appeal

5. The appeal dated 4th December 2008 set out the grounds of appeal, which can be conveniently summarised as follows :

(i) Clubs of Chichester’s Level (Level 7) rely on unpaid volunteers who try to understand all the Rules and Regulations, but have no-one who has the time to become an expert on the subject. The RFU Rules and Regulations consist of hundreds of pages.

(ii) The Club were assisted by a concise letter of 5th November 2008 from Tom Brewis setting out a reminder of the Rules and Regulations. That letter made mention of player eligibility and pointed out that each year a number of Clubs were disqualified because they had played ineligible players. The letter referred only to registration of players. It made no mention of any other eligibility rules. It did not come with a “health warning” urging Clubs to read the entire RFU set of Rules and Regulations.

(iii) When a busy volunteer receives such information, he acts in good faith, assuming it is only the need for registration that should worry him and take up his time and effort.

(iv) The letter was regarded as misleading as it did not set out all the Rules regarding this subject or make specific reference to them.

(v) The Club believed that it had followed the Rules regarding player eligibility and suggested that the letter could be improved in the future to remind Clubs that they must be aware of **ALL** the Rules.

The OC Response

6. In light of the points raised by the Club that they were informed only of certain aspects of the Regulations regarding eligible players, the OC pointed out that all Clubs are sent a copy of the RFU Handbook prior to each season. All Regulations for the EDF Energy Competitions are contained in the Handbook and the Regulations are available on line. The letter of 5th November sent to Clubs involved in the EDF Energy Senior Vase and letters sent previously were intended to highlight certain Regulations but made no attempt to cover every relevant Game Regulation. Within the letter, reference was made to several relevant Game Regulations without full details of the content. In these cases and in other cases where the Game Regulations are not mentioned at all, Clubs are expected to refer to the Handbook for clarification. By way of example, the letter made no mention of the Regulations regarding Referees, Touch Judges and Match Officials (Reg. 8), Grounds (Reg. 17) and Kits (Reg. 19).

7. As such, the OC's decision to disqualify Chichester RFC had been made in accordance with the Game Regulations and the Sanctions Guidelines applicable to such a breach.

8. Under questioning from the Panel, Mr. Bradford confirmed that Mr. Todd had previously played for the Club, but had joined another Club at the start of the season before coming back to Chichester RFC. The other Club were in a lower League and they were not sure even whether they were in the same Cup Competition. If they were, they had been involved at an earlier stage to that which Chichester entered. It did not even cross the minds of Chichester when Mr. Todd joined them after the start of the season that he might have played in an earlier round and they did not ask. Had they

been told that he had already played in the Competition for another Club, they would not have played him. He accepted that both he and the Club were well aware of the concept of “a cup tied player” which had been in the game for many years. Even then, when a player joined mid-season, they had not seen fit to ask whether he had played in any Competition they were involved in before selecting him.

9. Asked about the relevant Regulations, Mr. Bradford conceded that they were not several hundred pages long, but in relation to this Competition and this particular issue he had read them in a matter of minutes and found them relatively easy to go through. His involvement though had only started after the Club had been disqualified. He was not able to explain adequately why Chichester should have been the only Club to have been misled by the letter of 5th November 2008.

Decision

10. Whilst the Panel had considerable sympathy for unpaid volunteers who were the lifeblood of the community game, this appeal was devoid of merit. This Club plays at Level 7, has played in this Competition before and we find it inconceivable that they would take a player on transfer from another Club mid-season and not ask whether that player had played in a Cup Competition in which they were involved before selecting him for a later round. The letter from Tom Brewis of 5th November 2008 was intended to be a helpful, though not comprehensive “aide-mémoire”. Attempting to argue that that letter should be a comprehensive statement to be read in place of the full Regulations was naïve and unsustainable. In fairness to Mr. Bradford, he had accessed the relevant information in the Regulations within a matter of minutes and understood it clearly. It was a great shame for the administration of the Club that he had not become involved until after the event.

11. The Panel was of the unanimous view that the OC had acted appropriately and correctly within the Game Regulations and the appeal – being one of the least meritorious this Panel has heard – is dismissed and the Club are ordered to pay the £100 costs.

Antony Davies

Antony Davies,
Chairman

10th December 2008

