

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Brighouse Holiday Inn, Leeds.

Date: Monday 26th April 2010.

JUDGMENT

Player: Adam Kettle

Club: Doncaster Knights RFC

Match: Exeter Chiefs RFC v Doncaster Knights RFC

Venue: Exeter Chiefs RFC

Match Date: 10th April 2010.

Panel: Peter Rhodes (Chairman) & David MacInnes.

Secretary: Liam McTiernan (RFU Disciplinary Department)

Attending: The Player
Brett Davey (Assistant Coach, Doncaster Knights RFC)

To Consider: That on 10th April 2010, Adam Kettle Doncaster Knights RFC, struck an opponent with his knee during the match Exeter Chiefs RFC v Doncaster RFC contrary to Law 10(4)(a).

Preliminary Issues

There were no preliminary issues.

The Player did not object to the constitution of the panel, nor that it consisted of two members.

Charge and Plea

The player admitted striking an opponent with his knee, contrary to Law 10(4)(a).
The Panel has considered:

1. The referee's report, dated 11th April 2010.
2. The match DVD.
3. Submissions by the Player and Brett Davey.

The referee's report recorded that the incident had been witnessed by Paul Burton, his No.1 assistant referee, who stated that in the 52nd minute of the game there was a tackle on the Exeter No.10 by the Doncaster No.7 approximately 8 metres into the

field of play and just short of the halfway line in the Exeter half. Following this tackle he observed the Doncaster No.7 (Kettle) get to his feet and then “drop” his knee into the back of the Exeter No.10 who was lying prone on the ground in front of him. There followed reaction, to the tackle, from both sides at which point the referee (David Rose) blew his whistle and stopped the game. Paul Burton then reported to the referee that he had observed foul play. The referee separated both teams and invited him onto the pitch to make his report. The referee stated that he had seen the tackle and had not seen anything he deemed to be foul play.

Evidence as to Fact

The DVD shows that a ruck had formed following the tackle that had been made on the Exeter No.10. The Player then joins the ruck from a lawful position, when the play moves on the Player seeks to leave the ruck and is seen to rise from his knees and then drop down again.

Defence Submissions

1. As the game had moved on whilst he was still in the ruck, he went to get to his feet as he was keen to rejoin the game.
2. He had been unable to fully get to his feet as the Exeter No.10 had hold of his leg. He therefore dropped back down in an effort to release himself. He admits that his action was clumsy rather than violent. His action was not from a standing position, but whilst he was still attempting to get to his feet and was pushing himself away with his knee, rather than dropping on the Exeter No.10.
3. Kettle believed that the Exeter No.10 had retained his hold in the belief that he had performed the alleged high tackle on him.
4. Mr. Davey indicated that the club had suspended the player for one week from the 11th April to the 19th April and that they had taken the view that the action of the Player had been petulant rather than violent.

Findings

An act of foul play had been committed on the basis of the Player’s plea and consideration of the DVD. The action of the Player had been reckless. The Panel then conducted an assessment of the Player’s conduct and found as follows:

- (a) The Player had acted without malice.
- (b) The offending consisted of striking an opposition player with his knee who was not injured and able to continue playing.
- (c) There was no effect on the game.
- (d) The opponent was vulnerable as he was lying at the bottom of the ruck.
- (e) The conduct was completed.
- (f) There were no other relevant features to the offending.

Having regard to the findings above, the Panel categorised the offending as being at the low end of the scale of seriousness. The low entry point for an offence under 10(4)(a) is 3 weeks.

Sanction

In light of the circumstances, the Panel concluded that the entry point was a suspension of 3 weeks. The Panel then considered aggravating factors set out in the Regulations and found there to be none present. The Panel then considered the mitigating factors set out in the Regulations. In light of the Player's admission and consideration of regulation 8.2.9, the Panel concluded that the Player merited a discount of 1 week from the entry point. The Player was accordingly suspended for 2 weeks. Having served 1 week under the Club's suspension, he is suspended from today until 3rd May and may play again on 4th May 2010.

Costs

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

Right of Appeal

The player was advised of his right of appeal. Such appeal must be lodged with the RFU Disciplinary Department by no later than 1000hrs on the 14th day following receipt of this judgment.

Signed: Peter Rhodes, Chairman.

Date: 27th April 2010.