# **RUGBY FOOTBALL UNION**

## **DISCIPLINARY HEARING**

At: Holiday Inn, Filton, Bristol

On: Monday 27 September 2009

### **JUDGMENT**

Player: Ed Lewsey

Club: Launceston RFC

Match: London Scottish v Launceston

Venue: London Scottish

Date of Match: 19 September 2009

Panel: Rick Charles (Chairman), John Doubleday and Jonathan Dance

Secretary: Liam McTiernan

**Attending:** The Player.

Jim O'Hara (Launceston RFC)

#### Charge and Plea

1. The Player was charged with dangerous tacking contrary to Law 10(4)(e), in that he dangerously tacked an opponent during (18<sup>th</sup> minute of the second half) of the match London Scottish v Launceston. He denied the offence.

# The Facts

2. The Panel read the RFU Discipline Report dated 20 September 2009 and signed by the Referee, Mr Darren Gamage, who states that he was 4 to 5 metres from the incident and had an unobstructed view. The report describes an incident 58 minutes into the game during the second half and states as follows:

"During an attack by London Scottish play was situated around the ½ way line with London Scottish in possession of the ball. Mr Lewsey tackled the London Scottish player resulting in him being lifted off the ground and turned. Mr Lewsey was the only Launceston player involved in the tackle. Mr Lewsey then failed to return the player to the ground safely dropping his opponent who landed on his head/neck area. Having witnessed the incident, I blew my whistle and advised him that I had no alternative but to remove him from the field of play for this action. I then showed him a red card and restarted the game with a penalty to London Scottish. The

tackled player received treatment and was forced to leave the field taking no further part in the game. I have no further knowledge or update on the injury that was caused. Mr Lewsey approached me in a reasonable manner after the game and asked me why he had been sent off and I advised him that it was for a dangerous tackle. Clearly upset by the incident he made it clear that he didn't intend to do any harm."

The Referee was not available to comment further on his report or answer questions due to a refereeing commitment. The Player did not seek an adjournment

- 3. The panel then viewed the DVD recording of the incident at normal speed and frame by frame. The incident takes place near the halfway line close to the touch line. The London Scottish No 7 takes a high lobbed inside pass at pace and takes a few steps towards the Player. The Player is directly in front and tackles the London Scottish No 7 head on with his arms around the upper thighs and his head to one side at the hip level of the tackled player. The tackled player attempts to spin out of the tackle and the Player keeps hold of his left upper leg although the momentum of the tacked player causes him to continue forwards but rotating to face the direction he had come from. The tackled player falls to the ground with his left leg higher then his body and his right shoulder area hits the ground first. The tackled player and the Player roll over on the ground in the direction that the tackled player had been running with the Player being briefly below the tackled player as they roll.
- 4. The Player denied that it was a dangerous tackle. He explained that it had all happened very quickly. He remembers tacking the London Scottish player who was running towards him at speed having just received the ball, hitting him low around the hips. He tried to keep hold of London Scottish player around the legs. They both went to ground and rolled over due to the momentum. He did not drop or drive the London Scottish Player to the ground. At some stage there was a clash of heads. He was very surprised to be sent off.
- 5. Jim O'Hara for the Player suggested that the Player had assumed the perfect tackle position with both arms round the lower legs/hips of the tacked player. What happened thereafter was a function of momentum and gravity rather than a driving or dropping of the tackled player. Mr O'Hara produced a letter from Brett Taylor the Director of Rugby at London Scottish who states that having viewed the clip of the incident a number of times, he believes that the tackle was just unfortunate and not a deliberate attempt to "spear" the London Scottish Player. He confirms that the London Scottish Player was fine and had played the following weekend.

### **Finding**

11. The Panel reviewed the DVD recording a number of times at a variety of speeds and took account of what the Player had said. It is clear that the incident happened very quickly and although there is a brief moment

when the Player's right arm is above his shoulders and appears to be holding on to the left leg of the tackled player, we found that this was a result of the combination of the momentum of the tackled player and his attempt to spin out of the tackle rather than as a deliberate upward movement by the Player. We were not satisfied on the balance of probabilities that what had taken place was a dangerous tackle and we found that it was not.

12. Accordingly we dismiss the charge. Our finding should not be seen as any criticism whatsoever of the Referee whose on the spot decision to award the red card was based on his view of an incident that took place very quickly. Viewing the incident at normal speed we could see exactly why that decision had been reached. However, we were able to view the incident a number of times using technology not available to the match officials and with that advantage have come to a different conclusion.

#### Costs

13. No Order for costs is made.

Rick Charles (Chairman)