

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Park Inn, Heathrow

DATE: 8 December 2009

IN THE MATTER OF

**London Irish Amateurs RFC (“LIA”); and
Effingham and Leatherhead RFC (“E&L”); and
Liam Prescott – LIA; and
Paul Mason – LIA.**

AND IN THE MATTER OF

Rule 5.12 of the Rules of the Rugby Football Union

Match: London Irish Amateurs 1st XV v Effingham & Leatherhead 1st XV

Venue: Sunbury

Date of match: 17 October 2009

Panel: Jeremy Summers (Chairman), Peter Budge and Jonathan Dance (“the Panel”)

Secretary: Liam McTiernan

RFU Presenter: Gerard McEvilly

In attendance:

Effingham and Leatherhead RFC (“E&L”)

Steven Ferguson - Counsel for E&L
Robin Page - Hon Sec
Graham Fawcett - President
Nigel Maycock - Chairman
Euros Jones – Solicitor
Mark Pickering – coach
Samuel McGee – Counsel for Mr Pickering

London Irish Amateurs RFC (“LIA”)

Michael Hayes - Solicitor
James Balls - Head Coach
Bosco McAuliffe - President
Terry Long - Hon. Secretary
Chris Magowan - Director of Rugby
Liam Prescott - player

DECISION

- 1. Mr Prescott was found guilty on his own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union. He was suspended for a period of 5 weeks. 3 weeks having been served pursuant to a related club suspension he is further suspended for the period 8 – 22 December 2009 inclusive. He is free to play again on 23 December 2009.**
- 2. Mr Mason was found guilty on his own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union. He was suspended for a period of 4 weeks. 3 weeks having been served pursuant to a related club suspension he is further suspended for the period 8 – 15 December 2009 inclusive. He is free to play again on 16 December 2009.**
- 3. LIA was found guilty on its own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union. LIA is deducted league points (such deductions being suspended) in Seasons 2009/10 and 2010/11 as set out in 3.1 and 3.2 below.**

3.1 LIA is deducted 4 league points in the current season (2009/2010). The points' deduction is suspended until the end of the 2009/10 Season (May 31st 2010). The suspension will be activated, and points deducted accordingly, if any player, official or supporter connected with any adult LIA team is found guilty of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union committed at any time prior to the end of the 2009/10/ season .

3.2 LIA is deducted 2 league points in the season 2010/11. The points' deduction is suspended until the end of the 2010/11 Season (May 31st 2011). The suspension will be activated, and points deducted accordingly, if any player, official or supporter connected with any adult LIA team is found guilty of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union committed at any time prior to the end of the 2010/11 season .

4. E&L was found guilty on its own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union E&L is deducted league points (such deductions being suspended) in Seasons 2009/10 and 2010/11 as set out in 4.1 and 4.2 below.

4.1 E&L is deducted 4 league points in the current season (2009/2010). The points' deduction is suspended until the end of the 2009/10 Season. (May 31st 2010) The suspension will be activated, and points deducted accordingly, if any player, official or supporter connected with any adult E&L team is found guilty of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union committed at any time prior to the end of the 2009/10 season.

4.2 E&L is deducted 2 league points in the season 2010/11. The points' deduction is suspended until the end of the 2010/11 Season (May 31st 2011). The suspension will be activated, and points deducted accordingly, if any player, official or supporter connected with any adult E&L team is found guilty of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union committed at any time prior to the end of the 2010/11 season.

5. For the avoidance of doubt, in relation to both LIA and E&L:
- a) Adult team excludes any U.18 or younger team; and
 - b) The suspension will not be triggered by any on-field incident connected to and during the playing of a game.

PRELIMINARIES

6. The Panel convened to hear the following matters:

LONDON IRISH AMATEURS RFC

CHARGE 1

STATEMENT OF OFFENCE

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

PARTICULARS OF OFFENCE

On the 17th October 2009, Liam Prescott, London Irish Amateurs RFC struck a coach from Effingham & Leatherhead RFC during the half time interval of the match London Irish Amateurs RFC v Effingham & Leatherhead RFC.

CHARGE 2

STATEMENT OF OFFENCE

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

PARTICULARS OF OFFENCE

On the 17th October 2009, Paul Mason, London Irish Amateurs RFC struck a spectator during the half time interval of the match London Irish Amateurs RFC v Effingham & Leatherhead RFC

CHARGE 3

STATEMENT OF OFFENCE

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

PARTICULARS OF OFFENCE

On the 17th October 2009, London Irish Amateurs RFC players and/or officials and/or spectators were involved in a brawl with players and/or officials and/or spectators from London Irish RFC during the half time interval. Such acts being prejudicial to the interests of the Union and/or the Game

EFFINGHAM & LEATHERHEAD RFC

CHARGE 1

STATEMENT OF OFFENCE

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

PARTICULARS OF OFFENCE

On the 17th October 2009, Effingham & Leatherhead RFC players, and/or officials and/or spectators were involved in a brawl with players, and/or officials and/or spectators from London Irish RFC during the half time interval, such acts being prejudicial to the interests of the game and/or the Union.

7. All parties had previously indicated an intention to plead guilty to the matters brought against them, and formally entered pleas to the charges which were read out by the Secretary to the Panel. Due to work commitments that the Panel fully understood, Mr Mason was not present at the hearing, and Mr Hayes confirmed his client's instruction was that he wished to plead guilty.
8. No objection was taken to the composition of the Panel.
9. In light of the guilty pleas and the number of witnesses from whom statements had been taken, the Panel determined to proceed on the basis of the papers with the parties thereafter being able to make oral submissions and/or call evidence in mitigation.
10. The Panel was aware that both E&L and LIA had complaints as to each other's conduct during the first half of the match and/or concerns as to the way in which the game had been officiated. However, as is set out below, the matters for determination by the Panel in effect began shortly after the half time whistle had been blown. As such the Panel was of the view that a detailed analysis of events prior to that point was unlikely to be of material assistance in determining the issues, and all parties were asked to focus their submissions accordingly.
11. No other preliminary matter arose.
12. The Panel considered:-
 - a. The 73 page bundle prepared by the RFU.
 - b. The written basis of plea submitted on behalf of E&L.
 - c. The opening by Mr McEvelly.
 - d. Submissions by Mr Ferguson, Mr Hayes and Mr Balls.

OVERVIEW

13. On 17 October 2009 LIA played E&L in a London SW2 league fixture. The referee was a Mr Chaitanya Singh who was on exchange from the Indian RFU. It is clear that the first half was played in an ill-disciplined manner. Both captains were spoken to on two separate occasions. Two yellow cards were issued, one to each team, for a high tackle (LIA) and a punch (E&L) respectively. At half time

a deeply disturbing brawl broke out involving players, officials and supporters of both clubs.

14. It is not necessary at this juncture to set out the full detail of what transpired, but the Referee's report is recorded as follows:

“What I saw was a group of people pushing, jostling and fighting whilst others were trying to break it up. When the fight did stop, it seemed as though the game could not continue in the second half because of the extreme volatility of the situation. The E&L coach had been punched in the jaw and had collapsed. There were a number of players with bruised faces and bleeding noses as well as a number of supporters screaming profanities from the sideline

15. The events as described by the Referee are a matter of the greatest regret and have no place whatsoever in the game of rugby football.
16. The Referee spoke again with both captains and made it clear that any further incident, however slight, would lead to the abandonment of the match. Happily the game concluded without further difficulty.
17. Both clubs initially lodged citings against each other with Surrey RFU. Having regard to the seriousness of the incident the matter was handed back to the RFU who determined that a number of charges as set out above should be heard before this Panel.

OPENING

18. Mr McEvilly reviewed the Referee's report and noted that the ball had been kicked out of play bringing the first half to a close. Players were leaving the pitch. The E&L coach, Mark Pickering,¹ then left his technical zone and entered the LIA technical zone. The evidence suggested there was a distance of about 8 metres between each zone.
19. The E&L coach had been angered by an LIA water carrier, Charlie Connor. It appears that Mr Connor had been engaging in "verbals" with the E&L hooker who

¹ A 5.12 charge against Mr Pickering is the subject of a separate judgment.

he knew. Once in the LIA technical zone the Mr Pickering confronted Mr Connor and struck him in the upper body area.

20. These actions by Mr Pickering were plainly the catalyst for the disgraceful scenes that then followed. Players, officials and supporters of both clubs were involved.
21. Liam Prescott an LIA player ran some distance and struck Mr Pickering knocking him the floor with a heavy blow that required hospital treatment following the game. The extent of the melee was such that Mrs Pickering, who had gone to assist her husband, was accidentally struck by an E&L player.
22. It appeared that Mr Pickering had been sufficiently disorientated by the blow that he at one stage, in continuing to try and fight, struck the LIA physio who was tending to him. There is no suggestion that this was anything other than unintentional, and MP apologised to the lady concerned after the game.
23. During the melee a 15 year old E&F supporter entered the LIA technical area. The evidence as to what he did is conflicting, but on any view he had no place whatsoever on the pitch let alone in the LIA technical zone. A confrontation then arose between the supporter and Mr Mason, which culminated in Mr Mason striking the supporter in the face.
24. The incident was brought under control by the speedy actions of both clubs and as noted the second half passed without further incident.

MITIGATION

25. Mr Prescott is 21 and has been playing rugby since he was 14. During that time he has represented Harlequins Reserves and Middlesex. He had not previously appeared before a disciplinary panel.
26. He accepted that he had overreacted to Mr Pickering striking Mr Connor and regretted his actions.
27. LIA had convened an internal disciplinary hearing on 23 October 2009 and Mr Prescott had been suspended for a period of 3 weeks. The suspension had already been served.

28. Mr Mason is 39 and in his second season at LIA. He had not previously appeared before a disciplinary panel.
29. He had been a substitute sitting in the LIA dugout and had reacted to the supporter coming into his team's technical zone. He accepted that he should not have become involved. He had not intended to cause any injury. The supporter, although young, was large, and Mr Mason had not appreciated he was a minor. When told afterwards he immediately apologised. He like Mr Prescott regrets his actions.
30. LIA had convened an internal disciplinary hearing on 23 October 2009 and Mr Mason had been suspended for a period of 3 weeks. The suspension had already been served.
31. Both clubs accepted that they had fallen below the standards properly expected of them and greatly regretted that the incident had occurred. They had both taken effective and immediate action at half time to ensure that the game was completed without further incident. Both clubs commendably praised each other for their efforts in so doing.
32. E&L referred further to the written basis of plea submitted.
33. Both clubs had enjoyed a positive relationship previously, and it was clear from their conduct at the hearing that both clubs wanted to put the incident behind them and resume that healthy relationship, starting with the return fixture in January.

FINDINGS AS TO SANCTION

34. There is no prescribed tariff for a breach of Rule 5.12, and any sanction accordingly lies within the discretion of the Panel.
35. In exercising that discretion the Panel nevertheless had regard to the procedure set down in the RFU Disciplinary Regulations to be followed when determining any appropriate sanction for on field foul play.
36. The Panel carefully considered all the evidence and made the following findings:

- I. Both clubs contributed to a bad tempered first half, and failed to exercise proper control of events both on and off the field.
- II. Mr Pickering's entry into the LIA technical zone and his striking of Mr Connor was the initial incident that then led to the further disturbances.
- III. Mr Prescott had thereafter run in and struck Mr Pickering from behind knocking him to the floor. It was unclear whether he had been rendered temporarily unconscious, but he had in any event required hospital treatment subsequently.
- IV. Mr Prescott's actions can in no way be justified, and might properly have been termed a "cheap shot". In turn his intervention led to a much larger reaction from both clubs.
- V. Had Mr Prescott's offending been an on-field incident, the Panel would have classified it as being at the top end of the scale of seriousness.
- VI. Although Mr Mason's culpability was lower than either that of Mr Prescott or Mr Pickering, he joined the melee and was clearly wrong to do so.
- VII. It is clear that other players and supporters from both clubs were involved. The Referee's report and the fact that the LIA physio and Mrs Pickering were struck, albeit accidentally, paints a particularly worrying picture.
- VIII. Both clubs acted with commendable speed at half time to restore order but, as accepted by their pleas, through the actions of their respective players and supporters had previously brought the game into disrepute.

SANCTION

37. Taking into account all of the above, and in the exercise of its discretion the Panel determined that the parties should be sanctioned as set out at page 2 and 3 above.
38. In addition, given the seriousness of the events (that nearly led to the abandonment of a match) LIA and E&L are severely reprimanded and warned as to their future conduct.
39. **There is a deeply disturbing increase in incidents of this nature occurring within the game. Scenes such as that which developed in this match strike at the very ethos of the game and have no place in rugby union, or any**

sport. They are also in direct conflict with principles highlighted in the Rugby Football Union's Core Values Programme.

40. Clubs at all levels of the game should be left in no doubt that disciplinary panels will take the strongest possible action to ensure that this problem is removed from the game. As such, sanctions for this type of offending are likely to attract a points deduction.
41. All clubs should therefore be aware that a failure to ensure appropriate off-field discipline (and on-field) may impact significantly on a Club's league position and issues of promotion and relegation.

COSTS

42. LIA and E&L are each ordered to pay costs of £250, payable within 21 days of receipt of this judgment.

RIGHT OF APPEAL

43. The parties were advised of their right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14th day following receipt of this judgment.²

Jeremy Summers
Chairman
13 December 2009

² Regulation 11.2.3