

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, Bloomsbury, London

DATE: 25 May 2010

Player: Craig NEWBY

Club: Leicester Tigers

Match: Leicester Tigers v Bath

Venue: Welford Road

Date of match: 16 May 2010

Panel: Jeremy Summers (Chairman), Philip Evans and Bob Taylor ("the Panel")

Secretary: Liam McTiernan

In attendance:

Craig Newby ("the Player")

Richard Smith QC - Counsel for the Player

Peter Wheeler – CEO Leicester Tigers

RFU Presenter:

Peter Larter Independent Citing Officer:

DECISION

1. **The Panel found the Player not guilty of lifting and opponent off the ground contrary to Law 10.4 (j) and accordingly the citing was dismissed.**

PRELIMINARIES

2. The Panel convened to consider a citing that alleged the Player had dangerously tackled an opponent contrary to Law 10.4 (j) of the Laws of the Game 2010.

3. The charge sheet particularised an offence under Law 10.4 (j) of the Laws of the Game 2010 but then referred to an offence of dangerous tackling. Pursuant to Regulation 5.6. 2 of the RFU Disciplinary Regulations (“DR”) the Panel amended the particulars of the charge to reflect fully the offence under Law 10.4 (j):

Lifting a Player from the ground and either dropping or driving that Player’s head and/or upper body first into the ground whilst the Player’s feet are off the ground

4. The offence was denied.
5. There was no objection to the composition of the Panel, and no other preliminary issue arose.
6. The Panel considered:-
 - a. The Citing Report
 - b. An oral report from Mr Larter
 - c. The match recording.
 - d. Two still photographs not available to the Citing Officer
 - e. Evidence from the Player.
 - f. Submissions from Mr Smith QC.

THE CITING

7. The Citing Report recorded as follows:

“During the 69th minute of the match the Bath No.10 (Butch James) received a pass from his right just inside his own 22m line close to the centre of the pitch. As James crossed the 22m line he passed the ball back to his right. Just after James had passed the ball the Leicester No.19 (Craig Newby) tackled him from the front and just to his left; Newby lowered his head ready to make the tackle, which although marginally late, was to James’ midriff. Newby then continued to lift and rotate James until James was almost vertically upside down. Newby then let go of James and let him fall to the ground. James immediately reacted angrily to the tackle. This constituted a dangerous tackle, and I therefore cite

Craig Newby for contravention of Law 10(4) (j) of the Laws of the Game Rugby Union 2010. I have discussed this incident with the referee (Chris White) and he stated that he had not seen the tackle and had received no reports from the ARs."

8. Mr Larter then took the Panel to the match recording, which was broadly consistent with the Citing Report. He indicated that the first contact, which was with Mr James' midriff, was perfectly legal. However he had then continued holding him before lifting and rotating him into a vertical position. He had a good grip of him and then removed his right arm as Mr James went into the vertical position. His left arm was then removed at which point Mr James was allowed to fall to the ground landing on his shoulders/back.
9. Mr Larter did not assert that the Player had forced Mr James into the ground, just that he had dropped him. If he had continued holding onto him and then also gone to ground to soften the impact in his view there probably would have been no problem.
10. The match officials appeared from the recording to have been unsuspected. There had been some reaction from Mr James to the incident. Mr Larter had looked carefully at that aspect and had determined that no action from his was called for.

THE PLAYER'S CASE

11. Mr Smith QC indicated that the Player did not accept that he had committed an act of foul play. If the Panel was not with him on that point no sanction was in any event merited.
12. He produced before the Panel two still photographs that had not been available to Mr Larter. The first showed Mr James in a horizontal position with his right arm pointing toward the ground to break his fall. The Player's arms were still around him in the tackle. The second showed Mr James' right shoulder some 12-18 inches from the ground with his right hand already on the ground. The Player is still holding Mr James' legs (with his right arm), which are now almost in the vertical position.

13. Whilst Mr Smith was not critical of Mr Larter's approach there were two essential points that the Player took issue with. Firstly he did not agree with the description that Mr James had been lifted and rotated into a vertical position. That outcome, he submitted, had resulted from the momentum of the tackle and the fact that the tackle had driven Mr James to the right causing the Player to become unbalanced. Secondly issue was taken with the fact that the Player had demonstrated a lack of care in bringing Mr James down. In Mr Smith's view, had the Player continued to hold onto Mr James there was a clear risk that his legs would have gone over his head which could have caused a serious neck injury.
14. Mr Newby gave evidence and in so doing referred to the match recording. He explained that he was affecting a coached defensive manoeuvre, known as "jamming" whereby he would allow an attacker a hole to run into and then go into him. He had been looking to push Mr James back toward the right hand side of the pitch. He had not tried to lift Mr James who had been taken into the vertical position because his body position had been shaped to pass back to the right and the imbalance that had caused. Once he had taken Mr James into a vertical position, he had been immediately aware of his responsibility to bring him down safely and had tried to hold on as much as possible to achieve that end. However he feared that if he continued to hold on momentum might have taken him over the top of Mr James and that a serious injury could have resulted had he done so.
15. There had been no conscious decision to lift him or simply to let him go. He had been trying to bring him down as safely as he could.
16. He had not initially realised that the ball had been offloaded but had done so at the point at which he was dominating the contact.
17. Mr Smith reminded the Panel of the requisite burden of proof. In his submission it could not be satisfied that an act of foul play had occurred. The Player had not improperly lifted Mr James off the ground, had not simply dropped him and had done all that he could to bring him safely to the ground.
18. Mr James' reaction should not be taken into account in determining whether an act of foul play had occurred.

FINDING

19. The Panel very carefully considered the evidence and the submissions. It noted that Mr Larter had not had the benefit of the photographs available to the Player. By a majority, the Panel concluded that it could not be satisfied to the standard required that an act of foul play had been committed and in those circumstances the citing was not upheld.

COSTS

20. That being the case there was no order for costs.

Jeremy Summers

Chairman

26 May 2010