RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Venue: Holiday Inn, Leeds/Brighouse **Date:** 25th January 2010

JUDGMENT

Player: Laurie Smith (the Player) Club: Fylde

Match: Loughborough Students (LS) v Fylde

Venue: Loughborough **Date of match:** 13th December 2009

Panel: Clif Barker (Chairman), Barry O'Driscoll and David MacInnes

In attendance:

(i) Liam McTiernan, Secretary to the Panel; and

(ii) Tony Simpson, RFU Press Officer.

To consider: The sending off of the Player for an act of foul play, namely striking with the head, during (15th minute of second half) the match between LS and Fylde on 13th December 2009, contrary to Law 10(4)(a) of the iRB Laws of the Game 2009/10

Plea: Guilty

Preliminary matters: None.

Evidence as to fact

The Panel has considered:

- (i) the sending off report of the referee, Darren Gamage and his assistant, Mr P Brudenell; and
- (ii) note from Mark Nelson, the Director of Rugby at Fylde, recording the outcome of an internal disciplinary hearing held by Fylde on 14th December 2009

The Facts

1. The Player was sent off as a result of the intervention of the assistant referee. In his written report, which is also signed by the referee, the assistant describes the incident as follows:

- 2. No evidence was submitted for, or on behalf of, the Player.
- **3.** The Panel were unable to view any DVD evidence because, although a DVD was taken by L, it had apparently been lost by them.

Decision

The Panel finds the Player guilty.

The appropriate Entry Point

At their internal disciplinary hearing, Fylde had assessed this incident as having **a mid range entry point.** Having considered Regulation 8.2.5 of the Disciplinary Regulations (DR), the Panel agrees with that view. The offending was clearly intentional, there was no provocation, save for a technical offence by the L player, and, although no injury was caused, the Player headbutted his opponent twice. The appropriate entry point, therefore, is **a suspension of 8 weeks**.

Aggravating factors

Having considered Regulation 8.2.7 of the DR, the Panel concludes that there are none.

Mitigating Factors

At their internal hearing, Fylde concluded that the Player was entitled to the maximum discount of 50% because of the existence of mitigation factors. We also agree with that view, having considered Regulation 8.2.8 of the DR. In that respect, the Player has pleaded guilty from the outset, he is of good character and has never previously been sent off. Because of these factors, we are satisfied that we are justified in **reducing the period of suspension by 4 weeks.**

Sanction

The Player is, therefore, suspended for 4 weeks from 14^{th} December 2009 (the starting date of the suspension imposed by his Club) to 11th January 2010. He is free to play again on 12^{th} January 2010.

Costs

The Panel makes an award of costs against the Player/Club in the sum of £75.

Right of Appeal

The Player has rights of appeal, which are set out in Regulation 11 of the DR.

Clif Barker	
Chairman	Date: 1 st February 2010