

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**VENUE:** Holiday Inn, Bloomsbury, London

**DATE:** 19 January 2010

**Player:** Tristan WESLEY

**Club:** Richmond FC

**Match:** Shelford v Richmond

**Venue:** Shelford

**Date of match:** 28 November 2009

**Panel:** Jeremy Summers (Chairman, Peter Budge and Elizabeth Riley ("the Panel"))

**Secretary:** Liam McTiernan

In Attendance:

Tristan Wesley ("the Player")

Andrew Gordon – Chairman of Discipline Richmond FC

Tony Gadsby-Peat

**DECISION**

1. **The Player was found not guilty of an offence of striking with the head contrary to law 10.4(a). Pursuant to Regulation 8.1.3 Of the Rugby Football Union Disciplinary Regulations the red card previously issued to the Player is removed from his record.**

**PRELIMINARY ISSUES**

2. The Player did not object the composition of the Panel and no other Preliminary Issue arose.
3. The Player pleaded not guilty to the charge as set out above.

**EVIDENCE**

4. The Panel considered: -
  - a) The Sending Off Report.
  - b) The match recording.
  - c) Oral evidence from the Assistant Referee.
  - d) Oral testimony from the Player.
  - e) Oral Submissions on behalf of the Player.
  - f) The minutes of the Richmond FC Disciplinary Panel dated 1 December 2009.

5. The incident was seen by the Assistant Referee alone, and his Sending Off Report recorded as follows:

*“It had been a fairly one sided game in Shelford’s favour with both teams having received a yellow card for persistent technical infringements. In the 26th minute after a Richmond lineout a maul formed about 15m in from my touchline and 7m from the Shelford try line on the left hand side looking from the clubhouse, Richmond were driving forward but were stopped 5m short by the Shelford pack, Mr Wesley was on my side of the pack pushing against a Shelford prop when the maul stopped, Mr Wesley stopped pushing and glanced up to see whom he was pushing against then lunged forward intentionally with his head twice and both times connecting with the head of the Shelford prop, the Shelford prop stood up and looked at me and asked if I had seen the incident, He realised my flag was in and backed away from the maul, I then told the referee to stop the game which he did, he then separated the players and I informed him what I had seen and I recommended a red card for the head butt. The Richmond coach came into the changing room acting for Mr Wesley at half time and apologised for his actions.”*

6. The match recording was then viewed, which was generally consistent with the sending off report, and showed the maul described with the Player and the Shelford prop concerned clearly visible.
7. The Referee was positioned slightly behind play but was no more than 5 metres away from it with a seemingly unobstructed view. Conversely the Assistant Referee was 15 metres away and confirmed in his evidence that he was positioned adjacent to the rear most Shelford foot and so was not level with any offending.
8. The Player gave evidence and indicated that he was trying lawfully to drive the maul forward. He could not recall having struck the Shelford prop with his head but accepted he could have done so accidentally.
9. Mr Gordon spoke highly of the Player and indicated that he has been playing rugby for some 21 years and without any previous disciplinary record. He confirmed that the club coach had spoken to the match official after the game to inquire what the red card was for. The coach had in fact said that, if the Player had struck an opponent as alleged, he was sorry to hear that. The club had conducted a full internal hearing and had concluded that foul play had not occurred.

## **FINDINGS**

10. The Panel carefully considered the evidence and reminded itself of the weight to be attached to a match official’s evidence and of the requisite standard of proof.
11. The Panel made the following findings:
  - a) The match recording was, at best, inconclusive as to the alleged offending;
  - b) The Referee who appeared to be in a better position than the Assistant Referee did not see any foul play;
  - c) There was no injury;

- d) The reaction of the prop concerned was not consistent with having been struck twice by an opponent's head;
  - e) There was no reaction from any other Shelford player.
12. In light of these findings, the Panel was not satisfied to the standard required that an act of foul play had occurred, or if it had that it was not accidental.
13. As noted above, the red card issued to the Player was accordingly ordered to be removed from his record.
14. The Panel wishes to thank Richmond RFC for the speed in which it conducted an internal disciplinary hearing. The Panel was in agreement with the view taken by the club.
15. The Panel had the benefit of the match recording and of hearing evidence, neither of which was available to the Assistant Referee. No criticism of the match official should be inferred from this decision.

### COSTS

16. There is no order as to costs.

**Jeremy Summers**

Chairman

23 January 2010