Rugby Football Union

Disciplinary Hearing

Venue: Holiday Inn, Junction 2 M6

Date:1st March 2010

Judgment

Player: Petrus De Plessis Club: Nottingham RFC

Match: Cornish Pirates versus Nottingham RFC

Venue: Cornish Pirates Date of Match 21/02/10

Panel: Sean Enright, John Brennan and Bob Taylor

In Attendance:

Petrus De Plessis (The Player)

Glenn Delaney: Director of Rugby at Nottingham RFC

Secretary: Liam McTiernan and Bruce Reece –Russel.

The Panel was convened to consider: to consider an allegation of stamping contrary to Law 10 (4) (b) which resulted in a red card being issued to the player during the above mentioned game..

Evidence as to Fact

- 1 The Panel considered the following evidence
 - (a) Match DVD of incident;
 - (b) Report of Terry Hall, referee

- (c) Evidence of Mr Delaney in relation to an analysis of the DVD footage;
- (d) Evidence from the Player.

2 The relevant part of the referee 's report showed that following a tackle made by a Cornish Pirates player, the tackler failed to roll away from the ball. He was instructed to move but failed to do so. The referee who was close by awarded a penalty to Nottingham. The referee's report indicated: "After I had blown my whistle I saw Mr De Plessis arrive at the breakdown... his head was pointed downwards, directly towards the Cornish Pirates tackler who I had just penalised. Mr De Plessis raised his leg (sic) leg off the ground and brought it down onto the Pirates tackler, the left foot connected with the upper arm, in a downwards motion, so the contact point was made with the studs/base of the boot, the force of the impact was not particularly hard and the foot was not 'driven' downwards. When Mr De Plessis' left foot came into contact with the Pirate's tackler, his right foot came off the ground; when his right foot came down it landed directly on the head of the Pirate's tackler, in a downwards motion, connecting on the left temple area with the studs/base of the boot, the force of the impact was not particularly hard and the boot was not driven downwards, however, at the time of impact all of Mr De Plessis' weight was on his right foot as his left foot was no longer in contact with the upper arm area and had yet to return to the ground .It would have been physically impossible for the Pirate's tackler to have seen Mr De Plessis arriving."

3The referee's report indicated that the player stamped got up immediately and did not receive medical treatment or sustain injury. The game itself had 'more instances of foul play than normal.' Both captains had to be spoken to. Cornish Pirates won the match 47 - 19.

Plea

4 The Player admitted the charge on the basis that he had recklessly stamped on the upper arm of the Pirate's player with his left foot. He denied any contact with his right foot as alleged.

Preliminary Issue

5 We took the view that the basis of plea had to be determined as a preliminary issue and that evidence should be called to determine the point.

6 We heard evidence from the referee who adopted his report and had little to add. He did say that contact with the left foot had been intentional but not forceful. He added that the second stamp with the right foot was reckless not intentional.

7 We watched the DVD a number of times. We took the view that the referee was well placed to make his observations.

8 We heard evidence from the Player who told us that he had been playing senior rugby for seven seasons. He had never incurred a red or yellow card and would never attempt to hurt another player by stamping. He accepted that his left foot had made contact with the left upper arm of the Pirate's player who was on the ground. He was one of a number of Players who were rucking for the ball and the incident took place in that context. He maintained that what he did was clumsy but not malicious and his actions did not take place after the whistle had blown.

9 Mr Delaney carried out an analysis of the match DVD which tended to show that the Player's right foot did not make contact with the head or body as alleged. He suggested that the assertion by the referee that the Player had stood on the prone Pirate's player with his left foot and then stood on the head of the Pirate's player with his right foot and transferred his full weight to that foot, was not borne out by the DVD. He pointed out that the Pirate's player did not sustain any injury or require any medical treatment. He also pointed out that the incident did not generate any commotion among the players at the scene which was a further indication that nothing untoward had taken place.

Decision on preliminary issue

10 We determined that the Player had engaged in a reckless stamp with his left foot. On the evidence placed before us, and for the reasons ably and succinctly advanced by Mr Delaney, we were not satisfied to the required standard that any contact was made with the right foot as alleged.

11 In assessing seriousness we noted that the conduct was reckless, that the player on the ground was vulnerable, that there was no provocation and that no injury had been caused and there was no premeditation. We were not satisfied that the any act of foul play took place after the whistle was blown. We therefore determined that this was a low end offence with an entry point of two weeks.

- 12 There were no aggravating features.
- 13 We were informed that the Player had been banned by his club since the incident and had effectively served a two week ban.

Sanction

14 In the circumstances we decided that the Player should be free to play with immediate effect.

Costs

15 The Panel makes an award of costs in the sum of £200 against the Club.

Right of Appeal

16 The Player is hereby advised of his right to appeal. Any such appeal must be lodged with the RFU Disciplinary Office not later than 10am on the 14th day following receipt of this judgment

Signed SEAN ENRIGHT (Chairman)

Date 1st March 2010