RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Brighouse Holiday Inn, Leeds.

Date: Monday 26th April 2010.

JUDGMENT

Player: Dave Lyons

Club: Worcester 'A' RFC

Match: Worcester 'A' RFC v Newcastle 'A' RFC

Venue: Worcester 'A' RFC

Match Date: 19th April 2010.

Panel: Peter Rhodes (Chairman) & David MacInnes

Secretary: Liam McTiernan (RFU Disciplinary Department)

Attending: (via Telephone Link)

The Player

Andrew Stanley (Academy Manager, Worcester RFC)

To Consider: That on 19th April 2010, Dave Lyons, Worcester 'A' RFC, struck an opponent during the match Worcester 'A' v Newcastle 'A' RFC, contrary to Law 10(4)(a).

Preliminary Issues

There were no preliminary issues.

The player did not object to the constitution of the panel or that it consisted of two members.

Charge and Plea

The Player admitted striking an opponent, contrary to Law 10(4)(a). The Panel has considered:

- 1. The referee's report, dated 20th April 2010.
- 2. The match DVD.
- 3. Submissions by the Player and Andrew Stanley.
- 4. A written statement of Alun Carter (Team Manager).

The referee's report recorded that the incident had been witnessed by Paul Burton, his No.2 Assistant Referee, who stated that in the 25th minute of the 1st half and following a lineout on the Newcastle 22m line, he observed two players (one from each side) tussling outside the 15m line (nothing more than "handbags" with pushing and shoving). He stepped onto the field of play and called for both players "to break it up" at which point a number of players from each team joined in. He then observed the Worcester No.4 and the Newcastle No.6 detach themselves from the group. He then observed the Worcester No.4 throw a punch at the Newcastle No.6. This punch connected to the Newcastle No.6's head, knocking him to the ground (It should be noted that the DVD shows the Worcester No.8 being attended to on the ground). He immediately reported to the referee, "stop the game, I have foul play". The referee stopped the game, separated the players and invited him onto the pitch where he made the report. The referee repeated what Mr Burton had reported and asked for his recommendation, to which he replied, "Red card to Worcester No.4". The referee called the Worcester captain and the No.4 over, and reported what Mr Burton had seen and informed the Worcester captain that he was sending the No.4 from the field.

Evidence as to Fact

The DVD made available to the panel was of little assistance, as although it shows the lineout in question, with Worcester's jumper taking the ball off the top of the lineout and passing it to the scrum half and then coming to ground, it then follows the passage of play and the panel was only able to see a brief view of the aftermath of the incident.

Defence Submissions

- 1. The Player stated that he had delivered the ball when jumping in the lineout and was dropped in the air, the outcome of which was that he ended up landing on the head of the back lifter.
- 2. This resulted in him being involved with another player from Worcester. Punches were aimed at him that landed on the back of his head. He retaliated and threw one punch which landed.
- 3. He accepted there was no place for retaliation and he had apologised to the player and to the other Worcester players.
- 4. In his written statement, Alun Carter refers to a disciplinary hearing held by the Club on 21st April when the Player had referred to the frustration that the Worcester players had felt arising from earlier incidents. The player had become involved in a "grappling" contest with the Newcastle No.5 who started swinging punches at him. The Player had looked to protect himself and threw a punch that connected with the Newcastle No.5 (sic). He had been apologetic for his actions.

Findings

An act of foul play had been committed on the basis of the Player's plea and consideration of the DVD. The action of the Player was reckless. The Panel then conducted an assessment of the Player's conduct and found as follows:

- (a) The Player had acted without malice.
- (b) The offending consisted of striking an opposition player with his fist who was not injured and able to continue playing.
- (c) There was no effect on the game.
- (d) The conduct was completed.
- (e) There were no other relevant features to the offending.

Having regard to the findings above the Panel categorised the offending as being at the low end of the scale of seriousness. The low entry point for an offence under 10(4)(a) is 2 weeks.

Sanction

In light of the circumstances, the Panel concluded that the entry point was a suspension of 2 weeks. The Panel then considered aggravating factors set out in the Regulations and found there to be none present. The Panel then considered the mitigating factors set out in the Regulations. In light of the Player's admission and consideration of regulation 8.2.9, the Panel concluded the Player merited a discount of 1 week from the entry point. The Player was accordingly suspended for 1 week from the hearing date until 3rd May and may play again on 4th May 2010.

Costs

Pursuant to Regulation 8.3.1, The Player and/or his club shall pay costs of the hearing of £250 in accordance with Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgment.

Right of Appeal

The player was advised of his right of appeal. Such appeal must be lodged with the RFU Disciplinary Department by no later than 1000hrs on the 14th day following receipt of this judgment.

Signed: Peter Rhodes, Chairman.

Date: 28th April 2010.