

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Venue: Holiday Inn, Junction 2, M6

Date: 12th April 2010

JUDGMENT

Player: Matthew Aston

Club: Nuneaton RFC

Match: Nuneaton v Launceston

Venue: Nuneaton

Match Date: 27th March 2010

Panel: HHJ Sean Enright, Bob Taylor and John Brennan

Attending: Bruce Reece-Russel, Secretary to Panel
Brenda Parkinson, RFU Discipline Dept
Mathew Aston "the Player"
David Caddon, the Player's representative

The Panel was convened to consider a charge against the Player, contrary to Law 10(4)(a) alleging that the Player had struck an opponent during the 10th Minute of the second half in the game played between Nuneaton and Launceston on the 27th March 2010.

1. The Player did not object to the composition of the Panel.
2. The Player admitted the charge.

Evidence as to Fact

3. We considered the followed evidence:

- (a) DVD of the incident;
- (b) Report of the referee, Mr Richard Kelly.

4. Mr Kelly's report showed that this was a National League Division 1 match played at Nuneaton. The game was played in a good spirit with no significant incident until the 10th minute of the second half when a ruck formed following a lineout. The relevant part of the referee's report records that: "*Aston and Launceston's No.4 began wrestling with each other. I became aware of this and ordered them to stop. They did not, and Aston punched Hilton in the mouth, splitting his lip. This caused Hilton to retaliate, punching Aston on the side of the head.*"

5. We watched the DVD and reviewed the referee's report. We heard representations from the Player to the effect that the DVD showed that he had been struck twice by the other man before hitting back once. We looked again at the DVD and accepted this submission as correct.

6. We found that the incident comprised of a single intentional punch which was delivered after significant provocation. The other player sustained an injury but was able to continue playing. There was no evidence that the sending off had any discernable effect on the result of the game. The entry point was Lower End and merited, in principle, a ban of 2 weeks. There were no aggravating features.

Mitigation

7. The Player had an exemplary record over a period of many years. He pleaded guilty and acted under significant provocation. We were told he had been banned pending this hearing.

Sanction

8. In view of the mitigating features, we reduced the sanction by imposing a ban of one week. The ban commences on the day of the hearing and the Player is free to play again on the 19th of this month.

Costs

9. We made an award of £150 costs against the Club.

Right of Appeal

10. The Player is hereby advised of his right to appeal. Any such appeal must be lodged with the RFU Disciplinary Office not later than 1000hrs on the 14th day following receipt of this judgment.

Signed: Sean Enright, Chairman.

Date: 12th April 2010.