

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**VENUE: Holiday Inn, Coventry**

**DATE: 18 February 2010**

**IN THE MATTER OF**

**Pinley RFC (“PRFC”); and**

**Rushden & Higham RFC (“R&H”);**

**AND IN THE MATTER OF**

**Rule 5.12 of the Rules of the Rugby Football Union**

**Match: Pinley RFC v Rushden & Higham RFC**

**Venue:** Pinley

**Date of match:** 6 February 2010

**Panel:** Jeremy Summers (Chairman), John Brennan and Bob Taylor (“the Panel”)

**Secretary:** Bruce Reece-Russel

**In attendance:** (A number of players and officials were present from each club, reflecting well on the way both had addressed these proceedings. No discourtesy is intended by not naming them individually.)

Pinley

Gary Marks – Chairman

Rushden & Higham

Jeff Yeates - Chairman

Match Officials

Paul Daniels – Referee, Staffordshire Society of Referees

David Prescott – Assessor, Warwickshire Society of Referees

RFU Competitions

Paul Kaminski – Midlands Organising Committee

## DECISION

### Pinley

1. PRFC was found guilty on its own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union, and is sanctioned as follows:
  - a) PRFC is ordered to replay the abandoned fixture on either Tuesday 23 or Wednesday 24 February 2010.
  - b) The replay is to be played at a neutral venue with 3 officials (Referee and 2 Assistant Referees) to be appointed.
  - c) PRFC will bear 50% of any costs necessitated by the replay.
  - d) PRFC is further fined £500 to be paid within 21 days of receipt of the RFU invoice issued in respect of this fine.
  - e) PRFC is issued with a severe reprimand and warned as to its future conduct.

### Rushden & Higham

2. R&H was found guilty on its own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union, and is sanctioned as follows:
  - a) R&H is ordered to replay the abandoned fixture on either Tuesday 23 or Wednesday 24 February 2010.
  - b) The replay is to be played at a neutral venue with 3 officials (Referee and 2 Assistant Referees) to be appointed.
  - c) R&H will bear 50% of any costs necessitated by the replay.
  - d) R&H is further fined £350 to be paid within 21 days of receipt of the RFU invoice issued in respect of this fine.
  - e) R&H is issued with a severe reprimand and warned as to its future conduct.

## PRELIMINARIES

3. The Panel convened to hear the following matters:

### Pinley

#### STATEMENT OF OFFENCE

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

#### PARTICULARS OF OFFENCE

On the 6th February 2010, Pinley RFC players were involved in a brawl with players from Rushden & Higham RFC (approximately 57<sup>th</sup> minute), which caused the match referee to abandon the Midlands Junior Vase match Pinley

v Rushden & Higham, such acts being prejudicial to the interests of the Rugby Football Union or the Game.

Rushden & Higham RFC

**STATEMENT OF OFFENCE**

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

**PARTICULARS OF OFFENCE**

On the 6th February 2010, Rushden & Higham RFC players were involved in a brawl with players from Pinley RFC (approximately 57<sup>th</sup> minute), which caused the match referee to abandon the Midlands Junior Vase match Pinley v Rushden & Higham, such acts being prejudicial to the interests of the Rugby Football Union or the Game.

4. Both clubs had previously indicated an intention to plead guilty to the charge brought against them, and formally entered such pleas before the Panel.
5. There was no objection to the composition of the Panel.
6. The Chairman explained the procedure and order of evidence to be followed which was agreed and no other preliminary matter arose.
7. The Panel considered:-
  - a. A written report and oral evidence from the Referee.
  - b. A written report and oral evidence from Referee's Assessor appointed to the game.
  - c. The match recording.
  - d. A letter (undated) from Gary Marks, Chairman PRFC
  - e. Oral submissions from Mr Marks.
  - f. A letter from Paul Buckley, President R&H dated 10 February 2010.
  - g. A letter from Jeff Yeates, Chairman R&H dated 11 February 2010.
  - h. A letter from Richard Fereday, Hon. Sec. R&H dated 10 February 2010.
  - i. A letter from Terry Dancer, Head Coach R&H dated 8 February 2010.
  - j. A letter from Daniel Buckley 1<sup>st</sup> XV Captain R&H dated 7 February 2010.
  - k. Oral Submissions from Mr Yeates.
  - l. Documentation prepared by both clubs to be sent to their players, officials and members in response to the abandonment of the fixture.
  - m. Financial statements for both clubs.
  - n. Assistance from Mr Kaminski.

**EVIDENCE**

8. On 6 February 2010 PRFC hosted R&H in the Quarter Final of the Midlands Junior Vase. The events in question occurred towards the end of the third quarter of the tie and were recorded by the Referee in his written report as follows:

*“As to the incident itself, Rushden had a scrummage 20m from their goal line and 10 metres in from the left touchline. Rushden won the ball which was passed down the back line. After a few seconds my attention was drawn back to the place of scrummage. I saw one Rushden forward and two Pinley forwards wrestling on the ground; they were a metre or two further towards the touchline. I also saw a third Pinley standing over the Rushden player, striking him 3-4 times with a clenched fist. I was able to identify him as Matthew Clarke<sup>1</sup>.*

*As I blew my whistle, players from both sides ran towards the four players. There then ensued fighting between at least 25 players, comprising 4-5 groups. The fighting continued for at least twenty seconds, during which I blew my whistle repeatedly. I did observe the Rushden captain running around trying to get his players to stop brawling. I realised that I had no alternative but to abandon the game – at this point 57 minutes of playing time had elapsed.*

*Once the fighting subsided and the two teams had separated, I called over the two captains and Matthew Clarke. I issued a red card to Matthew for striking a player – he said that I had got the wrong player - and I then informed the two captains that I had no alternative but to abandon the game.”*

9. Consistent with that narrative the Assessor's report recorded the incident in this way:

*“On 57 mins Pinley had pressed into the Rushden 22 but lost the ball. Rushden won the scrum and ran the ball out. At that point the referee blew his whistle several times as a fight broke out at the scrummage. The players in open play abandoned the ball and went to join in. There were several groups of players involved in fisticuffs, posturing or attempting to restrain others. The referee blew his whistle several times more before order was restored. Both teams were parted, he spoke to both captains, and called over one Pinley player whom he had clearly identified as striking an opponent.*

*A Red card was issued for this offence. I was on the opposite touchline so in no position to see the specific events which led to the Red card being issued. The referee then abandoned the match with the score 3-6 in Rushden's favour.”*

10. In oral evidence before the Panel the Referee indicated that whilst there had been incidents earlier in the game, none of these had contributed to his decision to abandon the match. As the scrum set immediately before the brawl concerned there was nothing to suggest that the game was heading towards a situation where abandonment would even need to be considered.

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<sup>1</sup> Mr Clarke was dealt with commendably by PRFC and is also the subject of a separate RFU disciplinary ruling which concurred with the PRFC decision.

11. In relation to the brawl itself, the Referee confirmed that this only involved players properly on the pitch and that he did not believe any injuries had been sustained. He stated that up to 25 players were involved in 4 or 5 pods. He blew his whistle repeatedly over a period of time (he approximated this to be about 20 seconds) but to no avail. He was clear in his assessment that, because of the lack of response from the players to his repeated use of the whistle, there was “no point in going on” and that he had been left with no alternative but to abandon the game. In answer to questions from the Panel he stated that he did not believe that the matter could have been dealt with by the issue of further cards and/or by giving a clear warning to both teams as to what would happen if there were any further incidents. He also referred to his concern that there could have been possible legal consequence had he allowed the game to continue and another serious incident had then occurred.
12. The Assessor similarly gave evidence that he had not seen anything prior to the incident that indicated that the game would not proceed to its conclusion at 80 minutes. He had though seen an earlier incident involving Mr Clarke, and which necessitated prolonged attention to an injured R&H player. He believed this would have been dealt with by “at least a yellow” had an Assistant Referee been appointed. The Referee had been positioned on the blind side of the incident and so had been unable to see it.
13. He too confirmed that only players had been involved. Players from both teams, who had not been involved in the initial fracas at the scrum proceeded to join that brawl. He described what ensued as “handbagging” and had not been able to form a view as to whether one side was more culpable than the other. In response to questioning from the Panel he indicated that there was “always an alternative” to abandoning a fixture, but that the decision is up to the Referee. He had not asked the Referee why he had felt it necessary to abandon the match recognising that it was a very emotive time. He nevertheless considered that the Referee had been in control throughout the game.
14. The match recording of the incident was then viewed. This had been taken by the R&H President who was positioned on the other side of the ground using a hand held recorder. Because of that, and whilst commending Mr Buckley’s efforts to capture the incident, the footage was only of limited assistance to the Panel in determining the precise involvement of individual players. It was however clear that a great many players from both sides were involved, that the Referee had repeatedly blown his whistle throughout the incident, and that this had been ignored.
15. The Panel reviewed the written evidence submitted by R&H concerning earlier incidents that the club considered were relevant to how the Panel should approach the final brawl and the sanction that should be imposed. However, given the clear evidence of both the Referee and the Assessor set out above that any earlier incidents had no bearing whatsoever on the match being abandoned, the Panel did not consider that it would be assisted by a detailed consideration of those events<sup>2</sup>. R& H is though able to cite other incidents in accordance with the RFU Disciplinary Regulations should it wish to do so.

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<sup>2</sup> On R&H’s own case, the last incident of which complaint was made occurred on 22 minutes, and so 35 minutes before the game was abandoned.

16. Mr Kaminski was able to assist the Panel in explaining the logistical difficulties that would accompany any replay of the fixture. The semi-finals are due to be played on 27 February 2010. The only other available Saturday on which the semi-final can be played is the Saturday before the Final at Twickenham on 3 April. As such if the semi-final were to be delayed it would potentially prejudice an entirely blameless third party club in the build up to what would perhaps be its biggest ever game.

### **MITIGATION**

#### Pinley

17. Mr Marks indicated the club deeply regretted the incident. It agreed with the reports submitted by the officials. Having subsequently seen the statements tendered by R&H it was surprised to note that they apparently saw the incident in a different way.
18. The club was in the process of drafting a code of conduct for all players and members that they would have to adhere to if they wished to be involved with the club.
19. The club had never been involved in a similar incident before previously and did not think that its disciplinary record generally in the past few years gave any cause for concern. It would however do everything possible to ensure that there was no repetition of this incident.
20. Although both clubs were shocked by what had happened, the atmosphere in the club after the game was convivial and wholly in keeping with the spirit of the game. PRFC would welcome the opportunity to replay the fixture if the Panel so directed.

#### Rushden & Higham

21. Mr Yeates also indicated that R&H very much regretted the incident although, in the clubs view, they were very much more sinned against than sinner. It however fully accepted and respects its obligation to uphold and protect the image of the game.
22. The club does not condone violence in any way and had spoken, and written, to all players stressing their responsibilities and the seriousness with which the club regarded the incident.
23. The club is running 4 teams this year and believes that its disciplinary record generally can be regarded as exemplary. It will in any event take all necessary measures to ensure that this incident is never repeated.
24. The club also noted the atmosphere in the bar after the game and its players had indicated their willingness to replay the fixture in the changing room at the end of the match.

## RULING

25. Both clubs properly admitted the offence and the Panel accordingly found the single charge brought against each club to have been proven.
26. On the independent evidence available that dealt with the incident itself, the Panel was unable to come to a view as to the relative culpability of either club. It however found that numerous players from both clubs had become involved in a brawl and had not thereafter desisted despite repeated use of the whistle by the Referee.
27. There is no prescribed tariff for a breach of Rule 5.12, and any sanction accordingly lies within the discretion of the Panel. In determining how that discretion ought properly to be exercised, the Panel had the benefit, which was not available to the Referee, of being able to view the match recording and to hear from the Assessor. The Panel would not wish to be viewed as undermining the authority of the Referee in any way but, with the benefit of that additional assistance, was left with a residual concern that the matter could perhaps have been dealt with other than by abandonment at that stage.
28. The Panel was mindful of the view expressed by the RFU Disciplinary Officer that, in instances where incidents such as the events in question lead to the abandonment of a match, a deduction of points is the necessary sanction. However, in the precise circumstances of this case, the Panel did not proceed to deduct points because of the following factors:
  - The fixture was a cup tie
  - The concern noted in the preceding paragraph as to the necessity to abandon the game.
29. The Panel went on to consider carefully whether the seriousness of the incident required the abandonment to stand with both clubs being removed from the competition accordingly. The Panel however felt that to determine a result of what had otherwise been a very competitive game, in the committee room was an unattractive option. Given that to proceed in that way would present a bye to another club at the semi-final stage it also risked devaluing the competition generally.
30. In all the circumstances the Panel therefore concluded that the match should be replayed. Having regard to Mr Kaminski's evidence and the risk of prejudicing an innocent third party, the Panel directed that the game should be played, at a neutral venue, on either Tuesday 23 or Wednesday 24 February 2010. This will result in the winner having to play the semi-final on Saturday 27 February which the Panel felt represented an appropriate sanction for having contributed to the abandonment of the first match.
31. The Panel also considered that the costs of staging the replay, which it directed should be borne equally by the clubs, would serve as an additional penalty.
32. The Panel further determined that an additional financial penalty should be levied to reflect the serious way in which incidents such as these are viewed by the Rugby Football Union. Taking into account the level at which the clubs play and their financial position it ordered that PRFC should pay a fine of £500 and R&H a fine of £350. The differential reflects the bar takings and other revenue PRFC will have taken from the first fixture.

33. The Panel also carefully considered banning both clubs from participating in the competition next year, but on balance determined that to do so would be disproportionate.

#### **COSTS**

34. Having regard to the costs to be incurred in staging the replay and the financial penalties imposed, there is no order for costs made against either club.

#### **RIGHT OF APPEAL**

35. PRFC and R&H were advised of their right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14<sup>th</sup> day following receipt of this judgment.
36. It is not however intended that the inability to honour the replay in the window directed by the Panel (or such alternative arrangement as may be sanctioned by the Midlands Organising Committee if circumstances beyond the control of either club, for example weather, render it impossible to play the fixture in that window) should be dealt with by an appeal panel. If either club is unable to play during the window directed, it is envisaged that the match will be forfeited.

#### **COMMENT**

37. **The Panel notes, and commends, the action taken by both clubs. Incidents of this nature however should have no place in the game of rugby football, but worryingly are becoming more common. They strike at the heart of the game's ethos and the RFU's Core Values programme. As such all clubs, at whatever level, should be left in no doubt that disciplinary panels will impose sanctions, which if necessary will become increasingly severe, to ensure that this is not a problem which is allowed to blight the image and reputation of the game.**

Jeremy Summers

Chairman

21 February 2010