RUGBY FOOTBALL UNION.

DISCIPLINARY HEARING.

At: Bristol Filton Holiday Inn, Bristol.

On: Tuesday, 16th February 2010.

JUDGMENT.

Player: James Bashford. **Club:** Lydney.

Match: Lydney v Rosslyn Park.

Venue: Lydney. Date of match: 23rd January 2010.

Panel: Robert Horner (Chairman), Mike Curling and Aurwel Morgan

(WRU).

Secretary: Bruce Reece-Russel.

Attending: The Player.

Colin Henderson (Lydney RFC 1st XV Manager).

Charge and Plea.

The Player admitted that he had struck an opponent contrary to Law 10 (4)(a).

Preliminaries.

- 1. The Player did not have any objection to the composition of the Panel.
- 2: The Panel considered:
 - 2.1: The Referee's report
 - 2.2: DVD footage of the incident as supplied by the Club.
 - 2.3: Written Statement from the Player.
 - 2.4: Oral testimony of the Player.
 - 2.5: Submission of Colin Henderson.

The Prosecution Case.

3. The report of the Referee contained the report of the Assistant Referee who stated: "Rosslyn Park were attacking inside the Lydney half just outside their 22 and the referee blew for a scrummage to Rosslyn Park for a Lydney infringement. As he did so, for no apparent reason several players began to push and shove each other but no punches appeared to I then saw the Lydney No.4, James Bashford, have been thrown. grappling with a RP player (believed the no.12) with both holding each other by the shirt. I then saw Bashford, for no apparent reason, bring his head forward in one quick motion and strike the RP player firmly to the head with his head. I flagged for foul play and told the referee what I had seen and Bashford was dismissed from the field of play for striking an opponent with his head. The RP player did not appear to suffer any visible injury and was able to continue in the game.

The Defence Case.

4. The Player read from a statement which he had prepared:

"The video is very clear and shows the entire incident. It started from a scrum inside our 22 after 6 minutes of play; our prop (1) and Rosslyn Park's prop (3) didn't release their bindings but had hold of each other and exchanged blows. A number of players got involved as peacemakers, The Rosslyn Park centre and captain (12), Rob Jewell, including myself. ran 10 metres to join the incident, grabbing me as seen on the video; I was not involved. I know Rob very well as I used to play rugby with him at Gloucester 15 years ago. He grabbed me, we had hold of each other's arms; Rob called me a range of derogatory names, which included some I made several attempts at pushing him away from strong profanities. me and asking him to get off, his reply was "make me"; he had a good grip on my arms, I did lunge forward with my head, but didn't make any contact – he let go at this point. I then got struck by several Rosslyn Park players and had blood pouring from my face. I received a red card; as I was leaving Rob Jewell approached me to continue the abuse, he was unmarked and played the rest of the match.

Since the incident, I have made contact with Rob via a phone call; I apologised for my part in the incident and he did the same. The conversation was very light hearted and on very good terms.

I have been playing senior rugby for 17 years and this is my first sending off.

I met with the Lydney committee on Sunday 24th January; I was banned from playing for four weeks."

5. In reply to questions, the Player confirmed that he had been verbally abused. Afterwards, Rob Jewell conceded that he had overstepped the mark. He had accepted that the Club ban of four weeks was appropriate and had not played since he was sent off.

The Video..

6. The Video/DVD largely verified the report of the Assistant Referee and the evidence of the Player, although it revealed that the incident followed a line-out rather than a scrum. However, it clearly revealed that the Player's lunging head had clearly missed the face and head of Rob Jewell, but had probably made light contact with his shoulder. It also revealed that the Player's reference to blood pouring from his face was an exaggeration, although he was seen to be wiping a smear of blood away as he left the field.

Sanction.

- 7. The Player having pleaded guilty to the charge, the Panel undertook an assessment of the facts in accordance with RFU Disciplinary Regulation 8.2.5 and determined that:
- 7.1: the offending was intentional.
- 7.2: the offence was committed with the head, but that any contact with the opponent was minimal.
- 7.3: there was evidence of verbal provocation from an opponent who had initially grasped him and initiated the wrestling between the two of them.
- 7.4: no injury was occasioned by the offence.
- 7.5: there were a number of scuffles taking place before and when the offence was committed. Immediately after the commission of the offence, the Player became the subject of fist attacks from opponents and the existing scuffles in effect turned into an unedifying mass brawl. The extent to which this offence occasioned that brawl could not be determined.
- 7.6: the fact that the Rosslyn Park No.12 was able to avoid the strike aimed at his face indicated that he was well able to defend himself.
- 7.7: there was not any evidence of premeditation.

- 7.8: to the extent that the aim of the strike was to contact the opponent' face/head, the offence was not completed but amounted to an attempt. Any impact with the opponent's shoulder constituted a completed strike
- 8. In the light of these determinations, the Panel unhesitatingly determined that the offence was at the Lower End of the scale of seriousness; accordingly the Entry Point for the purpose of sentencing was suspension from playing for a period of four weeks.
- 9. The Panel next considered whether there were any aggravating features as specified in Disciplinary Regulation 8.2.7 which would warrant an uplift from the Entry Point:
- 9.1: there was not a lack of remorse on the part of the Player, who had telephoned the Rosslyn Park No.12 to express his regret.
- 9.2: the Player was not a serial offender against the Laws of the Game.
- 9.3: while striking with the head is becoming more prevalent than was the case a few years ago, the Panel did not consider that a deterrent was necessary to combat a pattern of offending
- 9.4: there were not any other aggravating factors which would justify an uplift in the Entry Point.
- 10. It remained for the Panel to consider what, if any, mitigating factors might properly be applicable under Disciplinary Regulation 8.2.8 and the following conclusions were reached:
- 10.1: the Player had intimated to the RFU Disciplinary Manager prior to the hearing that he intended to plead guilty.
- 10.2: the Player had an exemplary record, never previously having been charged with an offence under the Laws of the Game during the 17 years he had played senior rugby.
- 10.3: the Player was very experienced.
- 10.4: the Player's conduct before the Panel was exemplary.
- 10.5: the Panel accepted that the Player did feel remorse for what he had done and had conveyed this to his opponent whom he had struck.
- 10.6: The Panel was not aware of any other mitigating factors.
- 11. The Panel, having determined an Entry Point of 4 weeks suspension, was satisfied that there was not any need to increase it under Disciplinary Regulation 8.2.7. The Panel noted its findings on the mitigating factors and determined that, as a result, a discount of 50% was appropriate in the circumstances of this case.

Sentence.

The Player is suspended from playing for 2 weeks from 24th January 2010, the date from which his Club's suspension took effect, until 6th February 2010 inclusive.

Appeal.

The Player has a right of appeal, exercisable in accordance with the provisions of RFU Disciplinary Regulation 11.

Costs.

11. Costs of £150.00 are awarded against the Player/Club.

Robert Horner.

Robert Horner. Chairman. 19th February 2010.