

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, Bloomsbury, London

DATE: 14 September 2009

Player: Eoghan HICKEY

Club: London Wasps RFC

Match: Bath United v Wasps A

Venue: Bath

Date of match: 7 September 2009

Panel: Jeremy Summers (Chairman) Phillip Evans and Elizabeth Riley (“the Panel”)

Secretary: Liam McTiernan

In attendance: Eoghan Hickey (“the Player”)
Kevin Harman – 1st Team Manager

DECISION

1. **The Player was found guilty on his own admission of an offence of kicking. He is suspended from playing rugby from 8 September 2009 to 22 September 2009 and is free to play again on 23 September 2009.**

PRELIMINARY ISSUES

2. The Player did not object to the composition of the Panel. He confirmed that he was aware of the procedure to be followed and no other preliminary issue arose.

EVIDENCE

3. The Panel considered: -
 - a) The Sending Off Report.
 - b) The match recording.
 - c) A written statement from the Player
 - d) Oral evidence from the Player.
 - e) Submissions by Mr Harman.

4. The Sending Off Report recorded as follows:

“I was playing advantage to Bath for failure by a London Wasps tackler to roll away at a tackle. Advantage was clearly not going to occur for Bath as other players from both sides had joined the original contact area and gone to ground. As other players were returning to their feet I clearly witnessed Eoghan Hickey who was lying flat on his back on the ground strike out with his left leg so that the top part of his foot made contact with the thigh of the Bath player standing above him. Although quick in speed the kick delivered no real force and the Bath player did not appear to be injured by the kick. I did not see a reason for the Wasps player to lash out as he did, Eoghan Hickey returned to his feet and the other players separated. I showed him the red card and he left the field without comment.”

5. The match recording was then viewed. This showed the Player go to ground at the breakdown, following which he was the subject of some aggressive rucking by Bath. A Bath player could then be seen pushing the Player’s head into the ground and immediately the Player’s foot struck out at his opponent as noted by the Referee. There was no reaction from any Bath player including the player kicked and there was no injury.
6. The Player gave evidence and explained that he had reacted impulsively to having his face fully grasped by an opponent and then pushed to the ground. He was not a violent player and had not intended any harm whatsoever. He noted that he had not reacted in any way to the attention he received from other Bath players immediately prior to the incident. He regretted his actions which were wholly out of character.
7. Mr Harman spoke positively on behalf of the Player. He has played professional rugby for 5 years and was semi –professional before that. He joined London Wasps this season but had previously played some 30 1st XV games for London Irish and has represented Ireland at Schools, U.21 and A team level. This was his first appearance before a disciplinary panel and the 2 yellow cards issued to the player to date were both for technical offences and not foul play.
8. London Wasps had commendably already taken action and suspended the Player for 2 weeks from 8 September 2009, having applied the RFU disciplinary procedure.

FINDINGS

9. The Panel conducted an assessment of the Player’s conduct¹ and found as follows: -
 - a) The offending was, on balance, intentional but there was no intention to cause injury.
 - b) The Player had however been reckless as to the risk of injury.
 - c) The Player had aimed a single impulsive kick at an opponent, although provocation had clearly been present.
 - d) There was no effect on the victim.
 - e) There was no effect on the game.
 - f) There was no vulnerability relevant to the entry point.

¹ 8.2.5 DR (IRB Regulation 17.14.2)

- g) There was no premeditation.
- h) The offending was completed.
- i) There were no other relevant factors.

10. In light of these findings, the Panel assessed the offending as being at the LOW END of the scale of seriousness. The low end entry for this offence point as prescribed in Appendix 2 DR is a suspension of 4 weeks.
11. The Panel considered the aggravating factors set out in the DR², and found none to be present.
12. The Panel then considered the mitigating factors as set out in the DR³. The Player had pleaded guilty, this was his first offence and he had expressed genuine remorse before the Panel. The Panel therefore concluded that the Player merited a 50 % discount from the entry point sentence.

SANCTION

13. The Player was suspended from playing rugby for a period of 2 weeks from 8 September 2009 to 22 September 2009 and is free to play again on 23 September 2009.

COSTS

14. Pursuant to Regulation 8.3.1 the Player and/or his club shall pay the costs of the hearing of £75⁴ in accordance with Appendix 6 DR, such costs to be paid within 21 days of receipt of this judgment⁵.

RIGHT OF APPEAL

15. The Player is advised of his right of appeal which must be exercised within 14 days of receipt of this judgment.

Jeremy Summers

Chairman

15 September 2009

² Regulation 8.2.6

³ Regulation 8.2.7

⁴ The Player had initially indicated he would plead guilty by post, and it was subsequently suggested to him that he might attend in any event. In those circumstances the Panel felt it appropriate to award costs associated with a guilty plea dealt with on the papers.

⁵ 8.3.2 DR