

Penalty was given to Lydney for Clifton going over the top of a ruck and killing the ball, I blow my whistle hard but Lydney players took it on themselves to ruck the Clifton player (on the wrong side). Clifton players took an offence to this and some pushing and shoving started. I whistled again, Lydney number 10 ran into the ruck from 10 yards away, he saw the Clifton players leg sticking out of the ruck (recognized by his socks) and stamped firmly onto it with his right foot, I whistled again the number 10 then stamped again on the Clifton player's ankle, I whistled for him to stop but he then stamped on the Clifton player's ankle again (for the third time) put all his weight on it and twisted his body around while standing on the ankle. I had to pull him off and pushed him to one side, I called both Captains to me and informed both captains that this behaviour would not be tolerated and they were to go back to their packs and inform them of what we discussed. I informed the Lydney captain of what I saw the 10 do and told him that I was giving him a straight RED there was no excuse or defence to what he, the 10,. The Lydney Captain agreed. The Clifton player continued to play on after treatment. Jim Leg [sic] showed no remorse directly after the incident, or after the match when I walked through the tunnels or in the shower block where I saw him after the game or in the Bar. The only contact I received from the Lydney camp was from their coach who shouted at me that the sending- off was a joke and now Lydney, will lose this player for 12 weeks and I was not to send in the report. I told him I would be in the Bar for 1/2 hour after the game to come to talk to me there but he reclined [sic] my offer.

5. We were told there was no recording of the incident.

Player's Case

6. As summarised above the Player accepted committing an act of foul play but not the circumstances as described by the referee. The difference between the two was material (i.e. to our assessment of the seriousness of the act of foul play) and so we resolved to determine the issues.
7. We heard from the referee by telephone, who made himself available at very short notice. He gave to us an account consistent with his report. He described the Player 'casually' approaching the ruck and then standing three times on the expose ankle of the opposing player. He described the caution as standing on the ankle, putting his weight on it as he lifted the other foot from the ground. He twice blew his whistle before pushing the Player off.
8. The Player told us that he stepped on the ankle deliberately. That is to say he stood down deliberately, intending to strike the ankle. He said he did so twice as part of what he said was 'rucking'; by that we understand he meant he was intentionally using his foot on an opposing player (here the ankle) to encourage him the move. Law

12.3(f) outlaws the intentional rucking of an opponent on the ground. He denied intending to cause injury and said he did not hear any whistle. He denied the referee pushed him off.

9. He is a young man (twenty-one years of age), who had just made his debut for the 1st XV. He told us he had never been sent off before and there was nothing from the RFU to gainsay that. We were told he has played for Lydney RFU since starting with the U13, at various levels and his behaviour has always been exemplary. He helps with the coaching of age-group squads.
10. We were provided with copies of a letter from Mark Nichols, 2nd XV Coach, Clifton RFC. That letter confirmed that the opposing player was not injured.

Decision

11. We accepted the referee's evidence. He was very close to the incident and had a clear unobstructed view. His evidence was entirely consistent with his report and no reason or cause for mistake or fabrication was suggested to him.
12. In short on findings on the issues were as follows
 - a. The Player stood on the exposed ankle of an opposing player
 - b. He did so three times
 - c. He did so intentionally
 - d. Two of those actions followed the referee blowing his whistle
 - e. Those actions were not part and parcel of 'rucking'; it was not an action to remove the opposing player but gratuitous foul play

Sanction

13. We undertook an assessment of the act of foul play (*Regulation 8.2.5*). Unanimously we agreed
 - a. It was a deliberate and gratuitous act of foul play in that the Player acknowledged that he intended to bring his foot down on the opposing player and on his ankle.
 - b. It was repeated foul play.
 - c. The act of foul play (fortunately) caused no injury.
 - d. It had no effect on the game.
 - e. The opposing player was vulnerable in that he could not see what was coming and was in no position to defend himself from the foul play.

- f. It was a completed act of foul play.
14. Stamping, standing or trampling on an exposed unprotected limb can cause very serious, debilitating, and long-term injury. Our assessment was that in the circumstances as we found them, this offence was so serious as to merit a top end entry point.
 15. Pursuant to Appendix 2 of the Disciplinary Regulations (as amended by the RFU's incorporation of the iRB Council Decision of 28 July 2009 and its Notice of Alteration of Regulation 17 dated 29 July 2009), the top end entry point for stamping is 9+ weeks.
 16. *Regulation 8.2.6* requires a further assessment of the appropriate entry point between 9 and the maximum of 52 weeks. That we did, having regard to the guidance in *Appendix 9*, more particularly *RFU Guidance Note 3*. Bearing in mind the facts, particularly the absence of injury, we did not move from the starting point at 9 weeks.
 17. There were no aggravating features within Regulation 8.2.7.
 18. As for mitigating factors, we gave him credit for his admission. We accept he had a clean disciplinary record and we treat him accordingly. He is a young and inexperienced player and we recognise 'youthful exuberance' might have played a part in his conduct. He behaved well before us. He told us he regretted his actions and apologised to the opposing player. We note the content of the letter from Clifton RFC. Our assessment of the mitigating factors led us to conclude that we should reduce the appropriate period of suspension from 9 to 5 weeks.
 19. Commendably, we were told that his Club suspended him and he has not played since 7 November. Accordingly, the period of suspension will commence on the Monday immediately after the match, namely 9 November and will run up to and including 13 December 2009. He is free to play again on 14 December 2009.

Costs

20. Costs of £150.00 are awarded against each Player/club.

Right of Appeal

21. The Player is reminded of his right of appeal against this decision.

Postscript

22. We are very grateful to the referee who, we repeat, made himself available at very short notice. We do not know when the Player informed the RFU that he was pleading guilty and the basis of that plea. We knew minutes before the hearing commenced. Had the referee not been available we would have been faced with the unattractive prospect of having to adjourn the hearing so he could give evidence.
23. We repeat what is clear from the standard letter sent by the Disciplinary Manager and which accompanies the papers, including the charge sheet: it is incumbent on players and their representatives to inform the RFU of the plea and basis (if any) promptly and sufficiently in advance of any hearing so the necessary arrangements can be made. The time will come when a failure to so act will be reflected in cost sanctions and/or a reduction in credit for any guilty plea.

A handwritten signature in black ink, appearing to read 'Chris Quinlan', written in a cursive style.

Christopher Quinlan (Chairman)
27 November 2009