RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Brighouse, Leeds.

Date: Monday 22nd March 2010

JUDGMENT

Player: John Nuttall

Club: Waterloo RFC

Match: Preston Grasshoppers RFC v Waterloo RFC

Venue: Preston Grasshoppers RFC

Date of Match: 13th March 2010.

Judicial Officer: Peter Rhodes

Secretary: Liam McTiernan (RFU Disciplinary Department)

Attending: The Player

Dave Raywood (Director, Waterloo RFC)

To Consider: That on 13th March 2010, John Nuttall, Waterloo RFC, stamped on an opponent during the match Preston Grasshoppers RFC v Waterloo RFC contrary to Law 10(4)(b).

Preliminary Issues

There were no preliminary issues.

The player did not object to the appointment of a single Judicial Officer.

Charge and Plea

The player admitted stamping on an opponent, contrary to Law 10(4)(b). The Judicial Officer has considered:

- 1. The referee's report, dated 14th March 2010.
- 2. The match DVD.
- 3. An e-mail written by David Crank (Chairman Waterloo RFC) which was read out by Dave Raywood.
- 4. An email from Alex Keay (Preston Grasshoppers) indicating that there had been no injury and no real damage to their player. It had been a jab of the foot to move their player who had illegally gone over the ball and the referee had not moved him.

The referee's report recorded that Waterloo were attacking near the Preston 22 just in from the left touchline. A tackle occurred and a ruck formed. During the ruck, a Preston player was hit from behind and fell on the Waterloo side of the ruck, but not in a position to prevent the ball coming back. At that point, the Waterloo No.3 joined the ruck and proceeded to bring his foot into contact with the player's head with a definite downward motion.

Evidence as to Fact

The DVD showed a ruck formed following a tackle having been made by a Preston Grasshoppers player. A Preston Grasshopper player falls to the wrong side of the ruck and Waterloo No.3 (the Player) joins the ruck. In an endeavour to obtain the ball, which had been blocked by the Preston Grasshopper player lying on the wrong side of the ruck, the Player is seen to raise his foot and bring it down upon the head or upper part of the Preston Grasshoppers player's body. The ball emerges on the Waterloo side of the ruck almost immediately as the Player removes his foot and the referee stops the game and issues a red card to the Player.

Defence Submissions

- 1. The incident took place close to the end of the game, with the score 15-12 to Preston Grasshoppers. The Player had been playing tight head prop throughout the game. A ruck formed and the tackling player made his way (rather than being knocked) onto the Waterloo side of the ruck as stated by the referee. The Preston Grasshoppers player was in close proximity with the ball that was unable to come out.
- 2. The Player drove into the ruck with the intention of freeing the ball, he was aware of the Preston Grasshoppers' player and of the ball. He accepts that his foot made contact with the player. It was not intentional and as soon as he realised he had made contact with the body he withdrew his foot.
- 3. The DVD would suggest that the contact point was the upper back or back of the neck and that he removed his foot immediately realising the player was in a vulnerable position.
- 4. There was no reaction to the incident by the Preston Grasshopper players and although he did not see the player after the game he sent his apology to the player through the hooker, who he knew.
- 5. Following the incident Waterloo lost field position and effectively their chance of winning the game and in the final minute Preston Grasshoppers scored a further try to take away the bonus point.
- 6. The Player is 37 years of age and has been playing for Waterloo since 1997 after he came out of the Army. He has never been sent off before, nor appeared before a disciplinary committee either in the services, within the constituent body or at National level.

Findings

An act of foul play had been committed on the basis of the Player's plea and consideration of the DVD. The Judicial Officer then conducted an assessment of the Player's conduct and found as follows:

- (a) The Player had acted without malice.
- (b) The offending consisted of a stamp on an opposition player who was not injured and able to continue playing.
- (c) There was no effect on the game.
- (d) The opponent was vulnerable as he was lying at the bottom of the ruck.
- (e) The conduct was completed.
- (f) There were no other relevant features to the offending.

Having regard to the findings above the Judicial Officer categorised the offending as being at the low end of the scale of seriousness. The low entry point for an offence under 10(4)(b) is 2 weeks.

Sanction

In the light of the circumstances the Judicial Officer concluded that the entry point was a suspension of 2 weeks. The Judicial Officer then considered aggravating factors set out in the Regulations and found there to be none present. The Judicial Officer then considered the mitigating factors set out in the Regulations. In the light of the Player's admission and exemplary record, the Judicial Officer concluded the Player merited a discount of 50% from the entry point. The Player was accordingly suspended for 1 week. Having served 1 week under the Club's suspension he is not liable to any further suspension and is free to play again as from today.

Costs

Pursuant to Regulation 8.3.1 The Player and/or his club shall pay costs of the hearing of £150 in accordance with Appendix 6 of the Disciplinary Regulations, such costs to be paid within 21 days of receipt of this judgment.

Right Of Appeal

The player was advised of his right of appeal. Such appeal must be lodged with the RFU Disciplinary Department by no later than 1000hrs on the 14th day following receipt of this judgment.

Signed: Peter Rhodes, Judicial Officer

Date: 23rd March 2010.