

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighouse, West Yorkshire

On: Monday, 12th October 2009

Judgment

Player: CHRISTOPHER BRIERS **Club:** Doncaster RFC

Match : Doncaster v Nottingham

Venue: Doncaster

Date of Match: 3rd October 2009

Panel: Antony Davies (Chairman), David MacInnes and Peter Rhodes
("the Panel")

Secretary: Liam McTiernan (RFU Disciplinary Department)

In attendance: Christopher Briers ("the Player")
John Lowe (Doncaster RFC)

**Attending as
Observer:** Tony Simpson (RFU Communications Manager, North)

Decision

1. The Panel found the Player guilty of the offence of striking an opponent. The Panel determined that the Player should be suspended for a period of one week from 12th October 2009 to 19th October 2009, inclusive.

Preliminaries

2. There was no objection to the composition of the Panel.

3. The Player had previously indicated in writing that he intended to plead not guilty to the offence and would be making reference to the DVD of the game. He had also indicated that he did not require the presence of the Referee, Assistant Referee or

their availability to give evidence by telephone conference. The Player had been referred to DR 7.1.1 to 7.1.6 and 7.2.7. The Player confirmed that he wished the Panel to proceed and did not require or request an adjournment to enable him to have the Match Officials give evidence.

4. The Panel convened to consider a charge alleging that the Player had been guilty of striking an opponent with the hand, arm or fist in the 44th minute of the second half of the match Doncaster v Nottingham on 3rd October 2009, contrary to Law 10(4)(a). He had been dismissed from the field of play (red card) by the Match Referee, Keith Lewis.

5. The Player pleaded not guilty.

6. The Panel considered :

- (a) The sending off report of the Match Referee, Keith Lewis.
- (b) A DVD of the incident.
- (c) Oral evidence from the Player.
- (d) Oral evidence and submissions from Mr. Lowe.

The Facts

7. The sending off report recorded as follows :

“The ball went into touch approximately 10 metres from the Nottingham try line. A quick throw in attempt was made by Doncaster and the Nottingham number 6 wrapped the Doncaster number 14 up in a tackle to prevent the quick throw. A scuffle ensued between the Nottingham 6 and Doncaster 14. The Doncaster 14 then threw a punch to the face area of the Nottingham 6 which appeared to connect and knock the Nottingham 6 to the ground.”

8. The Referee had not witnessed the incident. It was described to him by the Assistant Referee, Rob Sawyer. The view was described as unobstructed and from 5 metres.

9. The Panel then viewed a DVD of the incident. The incident depicted by the DVD was consistent with the written report of the Assistant Referee. The Player positions himself on the 5 metre line to take a quick throw in from a colleague who has recovered the ball after it has been kicked into touch by a Nottingham defender. The Player has a clear run to the line, which is some 10 metres away. There are no other defenders between him and the line. Immediately he catches the ball, he is enveloped from behind by Nottingham 6. There is scuffling as the Player attempts to break free and a collision with the Referee. Nottingham 6 then releases his grip. There is clear daylight between the two. The Player then swings his right arm backwards towards Nottingham 6 at head height. Contact is made between the hand of the Player and the face area of Nottingham 6. There then appears to be a small time delay before Nottingham 6 falls backwards and onto the floor – a reaction which appears out of proportion with the severity of the contact.

The Player's Case

10. The Player described how he had caught the ball from a colleague on a quick throw, some 10 metres from the line, with a clear and unobstructed run in for a try. Immediately he had caught the ball, he felt another player jump on his back. He tried to shrug him off and, as he did so, the other player went over “theatrically” but did jump straight back up. The Player thought that contact was minimal, if there had been any contact at all. It did not register with him that there had in fact been contact and he was extremely surprised to be called over and sent off. He felt the Assistant Referee had made a mistake. Any contact was accidental, occurring as a result of his legitimate attempts to shrug off the tackling player.

11. When questioned by the Panel, the player conceded that the challenge on him was legitimate. There was daylight between the Nottingham 6 and himself. He could not explain why his arm came back. It was not a hand off, but just part of a struggling motion to get the opponent off him. He could not understand why the opponent fell over. He did not know whether his hand, arm or fist had made contact. He conceded that the opponent got up from the ground and moved away from the incident and appeared to be clearly upset and is restrained by one of his team mates. He had no reason to be angry with the opponent as it was a legitimate tackle. The Player was asked

whether it was reasonable to perceive the risk of contact where a player threw his right arm backwards and behind him in the direction of an opponent, whilst keeping it straight. He conceded that it was foreseeable that a contact would be made where an arm was thrown towards a player at head height.

12. Mr. Lowe confirmed that the view of Doncaster RFC in its internal disciplinary process was that the opponent took a dive – a complete over-reaction, intended to result in a penalty which would bring a good attacking position and clear try scoring opportunity for Doncaster to an end.

Decision as to the Charge

13. The Panel found unanimously that the Player was guilty of the charge of striking with the hand. The Assistant Referee was very clear in his description (with an unobstructed view of less than 5 metres) and this was consistent with the incident viewed by the Panel on the DVD. The opponent has released the Player and there is daylight between them. The Player throws his arm backwards at head height and contact is made between his hand and the face of the opponent, who goes to ground. The Player did perceive, or should reasonably have perceived, a risk of making an illegal contact and to that extent was reckless in his actions. He had been released. It was not necessary for him to strike out as he did.

14. The Panel noted that the action was carried out recklessly. The risk of committing an act of illegal or foul play was, or should have been, apparent. Contact was with the hand, not a closed fist. There was no apparent injury.

Entry Point

15. The Panel characterised the offending as lower end of the scale, giving an entry point of two weeks. No aggravating features were found.

16. The Player has a good record. He is a County player and has represented England at youth age groups. He is also an England Counties player and has played at the top level. He undertakes coaching at the behest of the RFU in schools and local community.

He has a good record.

17. On account of the mitigating factors put forward, the Panel reduced the two week entry point by one week.

Sanction

18. The Player was accordingly suspended for a period of one week from 12th to 19th October 2009 inclusive. He is free to play again on 20th October 2009.

Costs

19. Costs assessed at £200.00 are ordered to be paid by the Player/his Club.

Right of Appeal

20. The Player was advised of his right of appeal as set out in Disciplinary Regulation 11.

Antony Davies

Antony Davies,

Chairman

15th October 2009