RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Venue: Holiday Inn, M6 Junction 2

Date: 12th April 2010

JUDGMENT

Match: Coventry Technical RFC v Old Wheatleyans RFC

Venue: Coventry Technical RFC

Match Date: 20th March 2010

Panel: HHJ Sean Enright, John Brennan and Bob Taylor.

Attending: Bruce Reece-Russel (Secretary to Panel)

Brenda Parkinson (RFU Discipline)

Mark Snell (Referee)

Ricky Rees (Secretary of Coventry Technical) Mr Thomas (President of Coventry Technical)

Mark Tucker (Coventry Technical)

Andrew Hibberd (Secretary of Old Wheatleyans)

Paul Wright (Captain of Old Wheatleyans)

Kevin Smith (Committee Member of Old Wheatleyans)

The Panel convened to consider a charge under RFU Rule 5.12 brought against each club arising out of the abandonment of a league match played between these two teams on the 20th March 2010.

Charge and Plea

Old Wheatleyans were charged as follows: On 20th March 2010, Old Wheatleyans RFC players left the field of play and refused to continue playing the match Coventry Tech RFC v Old Wheatleyans RFC, causing the match referee Mark Snell to abandon the match, such an act being prejudicial to the interests of the game and/or the Union.

Old Wheatleyans admitted the charge.

Coventry Technical were charged as follows: On 20th March 2010, Coventry Tech players were involved in incidents which, together with the opposition leaving the field of play and refusing to continue playing, caused the match referee Mark Snell to abandon the match Coventry Technical v Old Wheatleyans, such an act being prejudicial to the interests of the game and/or the Union.

Coventry Technical RFC denied this charge.

1. We dealt first with the charge against Coventry Technical

Evidence as to Fact

- 2. We considered a report from Mr Snell and heard live evidence from him. Mr Snell adopted his report and expanded upon it. He told us that the game ended two minutes before half time when Old Wheatleyans walked off and refused to continue playing. He told us that during the course of the first half he received two complaints by Old Wheatleyans of punching off the ball. He did not see anything. He consulted his assistant referee who saw nothing either. During the course of the first half he penalised Coventry Technical four times for technical offences. They did not engage in back chat and got on with the game. He did not criticise the conduct of Coventry Technical in any way. He related the incident which resulted in the game being abandoned. He told us that as the ball moved away from a ruck he heard a shout and turned to see an Old Wheatleyans player on the ground with a facial injury. He did not see the incident. He consulted his assistant referee who also did not witness the incident. Shortly after Old Wheatleyans left the field and declined to return. He told us that Coventry Technical had offered to remove the player who was alleged to have committed the assault. This offer was declined by Old Wheatleyans. He confirmed one particular detail in his report, namely that Old Wheatleyans appeared to be "looking for an excuse to leave early." He told us that Coventry Technical wanted to get on with the game. Mr Snell believed he had control of the game and wished to continue the match.
- 3. No other evidence was presented in support of the charge against Coventry Technical.
- 4. We took the view that given the particular circumstances, namely match abandonment following a recent ban for a similar allegation, it was right that Coventry Technical be charged. However, on close scrutiny there was no evidence which could justify an adverse finding by the Panel. Even if it had been proved to the requisite standard and it had not that a player from Coventry Technical had punched an opponent, that alone would not be sufficient to prove the charge under 5.12. We dismissed the charge against Coventry Technical.
- 5. We turned to the case of Old Wheatleyans. In this regard we considered a statement from Mr Adam Mason, Chairman of the Club, who was unable to attend the hearing. He had been playing on the day in question and shortly before half time he had taken over the duties of captain from Mr Wright and led his players off the field owing to what he termed "systematic, unprovoked acts of violent foul play" by Coventry Technical players.
- 6. We also considered a statement from Mr Dean Bryant who was also unable to attend the hearing. He witnessed a single act of violence in which a Coventry Technical Player punched one of his players in the face. We saw a photo of this player who was bleeding from the face and had apparently sustained a deviation of the nose. Mr Bryant saw no other incident of foul play.
- 7. We heard other evidence of incidents of foul play from Mr Wright and Mr Hibberd. However, in view of the guilty plea tendered by the club and the disciplinary action

they had taken against their own chairman, we did not feel it necessary to make detailed factual determinations on this evidence. We heard no evidence which undermined the guilty plea made by the Club or lessened culpability. We found that the decision by Mr Mason to lead his players from the field was a serious error for which there was no justification. We found as a fact that there was no oblique motive for Old Wheatleyans leaving the field and that their culpability was limited accordingly.

- 9. In mitigation we heard that the Club had an excellent disciplinary record. They had conducted their own internal inquiry and as a result they had banned their chairman, Mr Mason, from playing for a period of three weeks. We were satisfied that the players and committee members who attended the hearing are reputable individuals who have the best interests of the game at heart and will in due course repair relations with Coventry Technical.
- 10. Notwithstanding these findings, the offence is a serious one in our judgment and must be marked accordingly.

Sanctions

- (a) The Club is formally reprimanded.
- (b) We order that the Club have eight league points deducted.
- (c) In respect of next season, we order a four-point deduction, suspended on condition that the club is not convicted of a further offence contrary to section 5.12, occasioned by match abandonment.
- (d) The result of this match will be recorded as a league win for Coventry Technical. The score will be recorded as 0–0 for the purposes of league records.

Costs

Old Wheatleyans RFC will pay the sum of £150 costs.

Right of Appeal

The Club is hereby advised of the right to appeal. Any such appeal must be lodged with the RFU Disciplinary Office not later than 1000hrs on the 14th day following receipt of this judgment

Signed: Sean Enright, Chairman.

Date: 12th April 2010.