

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Filton, Bristol

On: Tuesday 6 October 2009

JUDGMENT

Player: Joe Maddock

Club: Bath

Match: Bath v Leicester Tigers

Venue: Bath

Date of Match: 27 September 2009

Panel: Rick Charles (Chairman), John Doubleday and Jonathan Dance

Secretary: Bruce Reece-Russel/Liam McTiernan

Attending: The Player

David Guyan (Bath Team Manager)

Thomas Sheppard , Solicitor (Representing the Player/ Club)

Alan Mansell (Citing Officer) via telephone link

Charge and Plea

1. Following a citing the Player was charged with an Act of Dangerous Tackling contrary to Law 10(4)(e), in that he on 26 September 2009 dangerously tackled an opponent during (27th minute of the second half) of the match Bath V Leicester. He denied the charge.

The Citing Complaint

2. The Panel read the RFU Citing Report dated 30 September 2009 and signed by the Citing Officer, Mr Alan Mansell. The report describes an incident 67 minutes into the game during the second half. Mr Mansell gave evidence via a telephone link and presented his report which describes the incident in the following terms.

Leicester attacking from the kick ahead. A defending Bath player fly hacks the ball upfield where it is fielded by L22 (Dan Hipkiss) in a wide left field position. Hipkiss attacks with the ball and is tackled and held in an upright stationary position approximately 10m out from the Bath goal line where he is able to off-load the ball to L19 (Geoff Parling) who is running forward at speed but is confronted by the B14 (Joe Maddock) standing in a stationary position immediately in front of him. Geoff Parling is able to release his pass out left to a supporting L player and the ball is approximately 2 metres out from his body when Joe Maddock makes contact (DVD replay at 67.35 on timer). It can clearly be seen from the original sequence and the end-on replay on the DVD that Joe Maddock has committed an act of foul play with his right arm on Geoff Parling around the neck. The force of the blow knocks Parling's head backwards and folds the the legs and body under. This action is contrary to Law, held to be dangerous and warranting a citing. The match officials did not see the offence and no action punitive action was taken at the time.

Mr Mansell added that in his view the tackle was in direct contravention of the IRB Directive relating to dangerous tackles. The incident appeared quite clear to him. The Player was the last line of defence. The Player was stationary before the tackle and altered his posture before impact. Geoff Parling (GP), the Leicester No 19, caught the ball and shipped it out. GP's feet got tangled. GP passed the ball out and the Player tackled him with an upwards movement and caught GP in the neck area with his right arm.

3. In response to questions from the Panel Mr Mansell stated that he considered it was the contact between the right arm of the Player and the neck area of GP that was the act of foul play. The Player was rooted and stationary but could have mitigated that impact. GP's legs folded upon impact. Mr Mansell confirmed that he had not spoken to the Referee or the Assistant Referee about the incident before making his report.

4. In response to questions from Mr Sheppard Mr Mansell accepted that GP was coming at speed towards the Player. An impact between them was inevitable. The Player was stationary, lowered his body slightly and drove upwards. Mr Mansell was asked to explain his comment that the GP's feet were in a tangle and he stated that he had considered whether GP had slipped or tripped. His conclusion was that there had not been a slip or trip but that GP had been trying to readjust his feet. He did not consider that GP's readjustment of his feet had a material effect on what happened next. Mr Mansell was clear that the chronology of the incident was that GP's legs folded after the contact with the Player. His legs folded but his head are stayed still while his body goes forward under the arm of the Player.

5. The Panel watched the DVD of the SKY recording of the incident at normal and slowed speeds. The Panel also watched a DVD of the incident produced by the Club which was the same coverage in a different format. After the incident GP gets to his knees, then quickly to his feet. There is no reaction to the incident from the Leicester Players. The Assistant Referee is on the touchline in line with the incident

Submission of No Case

6. Mr Sheppard submitted on behalf of the Player that the DVD recording of the incident did not show an act of dangerous tacking. He suggested that after taking the ball above his head, taking a couple of steps and passing the ball to his left GP lost his footing and fell into the tackle to which the Player was already committed. It was the trip and fall forwards that caused the contact at the higher level of GP's body. There was no injury. GP is significantly taller than the Player. The DVD evidence shows that both GP's lower legs were parallel to the ground with the soles of both feet facing behind him just before the impact with the Player. The Assistant Referee was on the spot and clearly watching as he indicated that the pass by GP was forward.

7. The Panel was satisfied to the required standard that the Citing Officer had established a case for the Player to answer and ruled accordingly.

The Defence Case

8. The Player gave evidence. He was the last line of the Bath defence in this move by Leicester. He was facing a big guy travelling at speed and he considered that he had 2 options. First, he could try to disrupt the pass that was coming. Secondly, he could put in a solid hit and try to wrap the ball up. He decided on a wrap up tackle. It all happened very quickly in a matter of seconds. He aimed his tackle to impact just below GP's chest. GP is about 6ft 6inches tall compared to the Player's 5ft 8inches. He used both arms with hands open. There was no swinging arm. He was not completely stationary but moving forward very slowly and a little sideways towards the touchline. A microsecond before impact he planted his legs. His left arm went around GP contacting in the upper back area. His right arm came at the same level hitting GP on the shoulder and as GP fell towards him his arm went over the top of the shoulder to the neck area. It all happened in a split second and he had no intention to make contact in the neck area. In that split second GP fell towards him dropping by as much as a foot. He had no opportunity to mitigate the impact as the Citing Officer suggested.

9. Mr Sheppard submitted that the DVD footage confirmed the Player's account that he was the last line of defence and that contact between the Player and GP was inevitable. He pointed out the height and size difference between GP and the Player and suggested that DVD evidence clearly showed that GP was out of control before the impact. The stride before impact GP's right foot slips, he loses his footing and falls forward with both feet off the ground with the soles of his boots pointing down the pitch behind him. GP was out of control and falling down before the impact. Mr Sheppard pointed out that the Player used both arms with open hands to make what was a legitimate tackle and that the Assistant Referee was close by looking at the incident and did not react, nor did the other Leicester Players in the vicinity. Mr Sheppard submitted that on the

balance of probabilities there was no evidence of a dangerous tackle by the Player and that accordingly the citing should be dismissed.

Decision

10. The Panel reviewed the Citing Officer's Report, watched the DVD recording a number of times and took account of what the Citing Officer and the Player had said. The DVD recording shows an incident that took place in a matter of a few seconds and ended with contact between the Player's right arm and the left shoulder then neck area of GP. There was a difference of view between the Citing Officer and the Player about the chronology of that very short period. The Citing Officer refers to a tangle of feet but maintained that what he described as the folding of GP's body occurred after the impact, whereas the Player is adamant that GP falls towards him before any contact was made. The Panel noted the absence of any reaction from the Leicester players, including GP, and that the Assistant Referee was close to the incident and clearly watching it as the pass by GP was judged to be forward.

11. The Panel understood the basis of the Citing Officer's case but having reviewed the DVD recording found that GP had slipped and was falling forwards as he passed to his left but before any contact with the Player took place. By stumbling forward and downwards the Player in effect caused contact to be made above his shoulders which would have been likely but for his action to have been a legitimate tackle below the shoulder. Accordingly the Panel concluded on the balance of probabilities that the offence of dangerous tackling did not occur and dismissed the citing. The Player is free to play with immediate effect.

Costs

12. There is no Order for Costs.

Rick Charles (Chairman)

8 October 2009