

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**VENUE:** Holiday Inn, Bloomsbury, London

**DATE:** 18 May 2010

**Player:** Craig NEWBY

**Club:** Leicester Tigers

**Match:** Leicester Tigers v Saracens

**Venue:** Welford Road

**Date of match:** 8 May 2010

**Panel:** Jeff Blackett (Chairman), Jeremy Summers and Michael White ("the Panel")

**Secretary:** Liam McTiernan

**In attendance:**

Craig Newby ("the Player")

Richard Smith QC - Counsel for the Player

Peter Wheeler – CEO Leicester Tigers

**DECISION**

1. **The Panel found the Player not guilty of dangerous charging an opponent and accordingly the citing was dismissed.**

**PRELIMINARIES**

2. The Panel convened to consider a charge alleging that the Player had been guilty of dangerously charging an opponent contrary to Law 10.4(g) of the Laws of the Game 2010.
3. The offence was denied.
4. There was no objection to the composition of the Panel, and no other preliminary issue arose.

5. The Panel considered:-
  - a. The Citing Report
  - b. The match recording.
  - c. Evidence from the Player.
  - d. Submissions from Mr Smith QC.

### **THE FACTS**

6. The Citing Report recorded as follows:

*“Saracens No.10 (Jackson) receives a pass from a ruck. Leicester No.8 (Newby) starts marginally offside and looks to charge down Jackson's kick. Newby jumps in the air as Jackson drops the ball onto his boot. As Newby is coming down toward the ground he begins to turn his body so that his right side is facing Jackson. Newby's right elbow is raised and makes dangerous contact in the face region of Jackson. Play continues and Jackson continues to play on. In my opinion this was a dangerous charge by Newby and an insidious act of foul play that could have caused considerable damage. The referee did not see the incident and confirmed neither of his assistants saw it, although he did recall Jackson complaining to him about the incident in the aftermath. This act of foul play is serious enough to warrant referral to a Disciplinary Panel and I raise this citing accordingly.”*

7. None of the match officials had apparently seen the incident.

### **THE PLAYER'S CASE**

8. Mr Smith QC indicated that the citing needed to be viewed in context. He was concerned that the words used by the Citing Officer in his report implied that the Player had deliberately turned his body and raised his arm so as to make a more effective (and unlawful) contact with Saracens 10.
9. There had been no such deliberate turning and no contact with the face of Saracens 10 as suggested in the Citing Report. In Mr Smith's view the Player had not set out to charge dangerously into his opponent and, whilst his actions

may have been clumsy, they did not pose an improper risk. If the Player's charge could be viewed as being late it was not in any event a matter that was worthy of a dismissal. The Player therefore did not necessarily accept that an act of foul play had occurred. In the alternative, if foul play had occurred it had no sanction was warranted.

10. Mr Smith was able to advise the Panel that Simon Cohen of Leicester Tigers had spoken with Mr Jackson who had confirmed that no contact had been made with his face. Mr Jackson was available by telephone to confirm the position had the Panel wished to hear from him.
11. The match recording was then viewed. The Panel was provided with an additional piece of footage that had not been available to the Citing Officer. The recording showed Saracens recycle attacking ball from a breakdown on the left hand side of the pitch at about half way. The ball is then passed back to Saracens 10 who is about 10 metres to the right of the ruck. It appeared that the Player started his run from a marginally offside position. At the point at which Saracens 10 received the ball the Player was about 8 metres from him and clearly intent on closing down that distance. At the point Saracens 10 kicked the ball the Player was about 1 metre from him, and already in the air anticipating the kick. Whilst he had not executed a classic two arm charge down, his left arm could be seen to have lifted toward the direction of the kick in a manner consistent with an attempt to block the flight of the ball.
12. The Player then gave evidence. He explained that he was trying to charge the kick down but had realised he was not going to be able to make it. To the extent that his body may then have turned slightly he was trying to avoid being kicked in the face by the follow through and not trying to take out the fly half. He did not know where his arm had ended up but had not believed he had made contact with Mr Jackson's face. He was adamant that he had not tried to make contact with his face and noted that Mr Jackson is somewhat smaller than he is.
13. He was able to recall the incident and in particular Mr Jackson trying to complain to the Referee. He thought that he had realised he was not going to be able to make the charge down once the ball had been kicked but by then he was already committed.

14. In closing Mr Smith submitted that it was not possible to avoid a collision in such circumstances and in a contact sport it was unrealistic to expect a player to do so. Whilst the challenge might have been clumsy he had not set out to cause injury (and none had been caused). However the risk of injury arising in such circumstances through the lawful playing of the game was unavoidable.

### **FINDING**

15. The Panel had the benefit of being able to view television footage not available to the Citing Officer. On the evidence available to the Citing Officer, the Panel had no hesitation in agreeing that the citing was properly brought. However, having seen the additional footage and having heard from the Player, the Panel was not satisfied that an act of foul play had occurred and the citing was accordingly dismissed. In so doing the Panel also had regard to the evidence from Mr Jackson, again not available to the Citing Officer, that there had been no contact with his face.

### **COSTS**

16. The citing having been dismissed there was no order for costs.

*Jeremy Summers*

For the Chairman

19 May 2010