RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Filton, Bristol

On: Tuesday 15 September 2008

JUDGMENT

Player: Tim Payne

Club: Wasps

Match: Bath v Wasps

Venue: Bath

Date of Match: 12 September 2009

Panel: Rick Charles (Chairman), Mike Curling and John Doubleday

Secretary: Liam McTiernan

Attending: The Player.

Trevor Woodman (Forwards Coach Wasps)

Charge and Plea

1. The Player was charged with Acts contrary to good sportsmanship contrary to Law 10(4)(I), in that he received two yellow cards during $(22^{nd}$ and 43^{rd} minute of the second half) the match Bath v London Wasps. He pleaded quilty to the charge.

The Facts

2. The Panel read 2 RFU Caution Reports both dated 14 September 2009 and signed by the Referee, Mr C White and the Assistant Referee Mr JP Doyle. The first report describes an incident 62 minutes into the game during the second half. The report states that the Wasps Prop No 1 committed a technical offence following a Team Warning. The second report describes a subsequent incident 83 minutes into the game for an incident of foul play. On that occasion the particulars of the offence are stated as being repeated infringement (eg two yellow cards) and reference is made to Law 10(3). However, the offence is described as one of foul play and the narrative report of the incident states as follows:

"London Wasps No.1 was carded in this instance for collapsing the scrum. On the advice of the Assistant Referee, JP Doyle, I sent London Wasps No.1 from the field of play, having issued him with a Red Card for having

committed two Yellow Card offences which I had sanctioned as such."

- 3. The panel then viewed the DVD recording of both incidents which occurred near the Wasps try line during periods of sustained Bath pressure. The first incident took place at a scrum 5 metres from the Wasp's try line with a Bath put in. An earlier scrum collapses and is reset after a short delay. It collapses again and is reset again. The Player goes down as the scrum starts to move towards the try line. The Referee is standing a few feet on the relevant side of the scrum and immediately signals a penalty to Bath and awards a yellow card to the Player. The second incident occurs 21 minutes later during a period of Bath pressure after the Player had returned to the field. A penalty is awarded to Bath on the Wasps 5 metre line and following a short stoppage the scrum takes place. Bath win possession. The Referee indicates a penalty advantage and after a short period of play during which no advantage occurs he awards the penalty, indicating that it was for an offside infringement at the scrum. A further scrum takes place and collapses as the Player is moving forward. The Referee indicates an advantage to Bath. After a short period during which the advantage is played, the Referee awards the penalty to Bath and after consultation with the Assistant Referee awards a yellow card and then a red card to the Player.
- 4. The Player had little to say. Trevor Woodman stated that the team warning had been given directly following an offside infringement by the Wasps No 15, not because of problems in the scrum. On the first occasion it was accepted that the Player caused the collapse of the scrum. On the second occasion the Wasps scrum was going forward and it was not the Player's intention to go to ground. Trevor Woodman described the Player as an England international, a British Lion and a professional player who had never been sent off before. He suggested that in all the circumstances a sanction of sending of sufficient would be appropriate.

Sanction

- 11. The Panel undertook an assessment of the seriousness of the player's conduct. We had some difficulty in assessing this as we found it the 2 acts to be very similar, both in our view capable of amounting to the same act of foul play under Law 10(4)(j) dangerous play in a scrum, ruck or maul. We noted that the first act had been reported by the Referee as a technical offence and that the second act as both foul play and a repeated infringement under Law 10(3). We found this approach to be inconsistent but viewing the context of both incidents we concluded that on balance the offending was at the LOWER END of seriousness.
- 12. The LOWER END entry point for an offence of acts contrary to good sportsmanship is "sending off sufficient". We took into account the Player's previous good record and his acknowledgement of culpability and concluded that the entry point was the appropriate sanction. Our conclusion is that the sending off was sufficient sanction in this case and we award nothing further.

<u>Costs</u>

13. Costs of £250.00 are awarded against the Player/Club.

Right of Appeal

14. The Player was reminded of his right of appeal under Regulation 11.

Rick Charles (Chairman)