

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, Coventry

DATE: 18 February 2010

IN THE MATTER OF

Stuart Philpott

AND IN THE MATTER OF

Rule 5.12 of the Rules of the Rugby Football Union

Match: Coventry RFC v Birmingham & Solihull RFC

Venue: Coventry

Date of match: 5 February 2010

Panel: Jeremy Summers (Chairman), John Brennan and Bob Taylor ("the Panel")

Secretary: Bruce Reece-Russel assisted by Brenda Parkinson

In attendance:

Birmingham & Solihull

Russell Earnshaw – Player/coach

Terry Dixon – Director

Eugene Martin- Assistant Coach

Stuart Philpot – Club Captain

RFU

Peter Emberson – Match Observer

DECISION

1. **Mr Philpott was found guilty on his own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union and was suspended for 2 weeks from Friday, 5 February 2010 with the result that he will not be free to play again until Saturday, 20 February 2010.**

PRELIMINARIES

2. The Panel convened to hear the following matter:

STATEMENT OF OFFENCE

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

PARTICULARS OF OFFENCE

On the 5th February 2010, Stuart Philpott, Birmingham & Solihull RFC having being replaced on the field of play entered the ground (as defined in the iRB Laws of the Game Rugby Union 2009) and became involved in a brawl with players and/or other personnel from Coventry RFC (approximately 33rd minute of the second half) these acts being prejudicial to the interests of the Rugby Football Union or the Game

3. The Chairman and Mr Brennan indicated their support for Moseley RFC and no objection was taken to the composition of the Panel.
4. No other preliminary matter arose.
5. Mr Philpott formally admitted the offence with which he had been charged.
6. The Panel considered:-
 - a. A written report and oral evidence from Peter Emberson, the Match Observer appointed to the game.
 - b. A written report from Steve Savage, the RFU Referee Panel Development Officer present at the game.
 - c. A written report from Mr Sawyer, the Assistant Referee.
 - d. Mr Dixon's submissions made on behalf of Mr Philpott.
 - e. Mr Earnshaw's submissions made on behalf of Mr Philpott

FINDING

7. On 5 February 2010 CRFC hosted B&S in a Championship game at the Butts Park Arena. The events in question took place in the second half and were recorded by Mr Sawyer, the Assistant Referee as follows:

“During the game at around the 74 minute period a scrummage took place ...

Following the scrummage a scuffle broke out between several players who had taken part in the scrummage. On seeing the scuffle I attempted to verbally manage the players to claim down whilst the game continued.

At this point I saw the Birmingham No. 2, hooker and captain, who had recently been replaced / substituted, enter the field of play to get involved in the scuffle. Immediately following the No.2's entry into the field of play a large number of track suited personnel from both teams' benches rose from their seats and became involved.

At this point I asked the referee to stop the game. Several more players from the field of play from both teams then became involved causing a large brawl on and off the field of play around the technical areas. The incident continued for a period of around a minute before being calmed, allowing the game to continue to its conclusion.”

8. Mr Emberson, the Match Observer, recorded events as follows:

“The mass brawl lasted over a minute all told with only about 8 players who should have been on the field involved but the extra 12-14 people from both benches added to the confusion resulting in some 20 people pushing and throwing punches on the half-way line, close to the touch-line right in front of the spectators in the stand.”

9. No injuries resulted from the incident and the Panel was not advised of further problems having arisen thereafter.

SANCTION

10. There is no prescribed tariff for a breach of Rule 5.12, and any sanction accordingly lies within the discretion of the Panel.
11. Mr Philpott was entitled to credit because he had pleaded guilty to the offence with which he had been charged at the first possible opportunity namely, during the course of Birmingham & Solihull's internal disciplinary process.
12. The Panel also took into account Mr Philpott's good disciplinary record. He had been a professional rugby player since he had left school aged 18 and had played for the following five years at leading clubs without ever having received a yellow card for foul play or a red card. He was clearly held in high regard at Birmingham & Solihull RFC and was now the captain of the team.
13. Mr Philpott's explanation for his actions was that he felt compelled to leave the technical area in the stand to defend a team mate who was being punched by two Coventry players whilst he was pinned to the ground. There was no evidence to gainsay that account. What is more, Mr Philpott's hitherto good character in a rugby playing sense lent credence to his account. The Panel accepted it.
14. There was no evidence that Mr Philpott's actions caused injury.
15. That said, as Mr Philpott was the first to recognize, he had no business leaving the technical area and entering the field of play.
16. Moreover, the sequence of events tended to suggest that Mr Philpott's intervention sparked off a chain of events that turned a violent incident into a mass brawl that reflected no credit whatever upon any of those involved.
17. Birmingham & Solihull RFC's internal disciplinary procedure had been necessarily truncated because Mr Earnshaw was abroad with the England 7's team. Suffice is it to say that following Mr Philpott's admission of guilt and knowing the date of this hearing, the club suspended him pending the outcome of this hearing. Mr Philpott had not been considered for the two league matches in the interim period.
18. In all the circumstances, the Panel decided to suspend Mr Philpott for a period of 2 weeks commencing from Friday, 20 February 2010 with the result that he will not be free to play again until Saturday, 20 February 2010.

COSTS

19. Mr Philpott was ordered to pay costs of £200, payable within 21 days of receipt of this judgment.

RIGHT OF APPEAL

20. Mr Philpott was advised of his right of appeal. Any such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14th day following receipt of this judgment.

John Brennan
For the Chairman
23 February 2010