

RUGBY FOOTBALL UNION

Disciplinary Hearing

JUDGMENT

Player: Charlie Sharples Club: Gloucester Rugby

Match. Sale Sharks v Gloucester Rugby Date: 31st October, 2009.

Venue: Edgeley Park, Stockport.

Panel: Mike Curling (Chairman) and Roger Morris

Secretary: Liam McTiernan

Attending: the Player
Rob Burgess, Head of Rugby Operations at Gloucester Rugby.

Preliminary Matters

1. The commencement of the hearing was delayed due to the non-arrival of the third appointed panel member. In the circumstances RB having consulted with the Player agreed that the hearing continue with a two man panel. No objection was then raised to the members of the Panel.
2. RB invited the Panel to consider a preliminary point namely that the Player had indicated a willingness to enter a plea of guilty if the reference to Law 10.4.h. on the Charge Sheet be amended to Law 10.4.e. He suggested that consistency of sanctioning must be desirable and he referred to two cases namely Siviatu and Lemi. In the case of Siviatu there had been a sanction of a week's suspension imposed for an offence under Law 10.4.h. This he felt could only be achieved if the Law reference was amended. As to Lemi he said that the sanction had been imposed by reference to Law 10.4.e. albeit that it had been a Law 10.4.h. offence.
3. The Panel considered the issue of Entry Point was premature. Further having had the benefit of viewing DVD footage of the Siviatu incident it considered that to be clearly an offence under Law 10.4.h. and found it impossible to reconcile that with the sanction. As to Lemi the reason there had been a reference to "Dangerous tackling" in para. 9 of the judgment was because at the time there was no specific sanction for (inter alia) "tackling a player in the air" and the Panel had used what it considered to be the best available alternative. The Panel therefore indicated that the Charge should remain as drawn. After consultation with the Player RB agreed that the hearing continue on that basis.

Charge and Plea

4. The Player then entered a plea of guilty to the Charge

Evidence

5. The Panel then viewed the DVD footage of the incident at full speed, half speed and frame by frame.
6. RB said that the Player had been looking at the ball just prior to contact and was intending to tackle his opponent (as he had done previously) when the opponent had caught the ball whilst on his feet. The Player had been shaping to make the tackle but the opponent had “jumped late” and given the Player’s speed contact had been inevitable. The Player had not intended to tackle the opponent in the air. The Panel were then shown further DVD footage from the match which showed the Player on two previous occasions either competing (by jumping with the same opponent) for the ball or tackling him legally when he had caught the ball from a kick-off. The Player had shown by raising his arms immediately after the contact that he regretted the incident seeming, in his opinion, to signify “sorry ref”.

Mitigation

7. RB said that the Player was 20 years of age and was a local lad and a product of their Academy. He made his debut for the club at 18years of age and had no appeared in 19 1stXV matches. He said that the Player had expressed genuine remorse for what had happened. The opponent had landed on his back and not on his “head/shoulder” area as mentioned in the referee’s report. The player had received some minor treatment but thereafter played on for the remainder of the match. In RB’s opinion there were no aggravating factors.

Sanction

8. The Panel then undertook an assessment of the seriousness of the Players conduct and concluded it to be reckless bordering on careless rather than intentional. There was no malicious intent in his actions made in the heat of the moment and no significant injury to the opponent although he had clearly been vulnerable. The Panel members reminded themselves of the matters referred to in the judgment of HHJ Jeff Blackett in the case of Lemi-paras. 7 (b) and (c) and 7(sic) and 8 (sic). There had been minimal reaction from the Sale players. There was no premeditation, the incident being spontaneous. The Panel did not consider there to be any aggravating factors and as such the Panel judged this to be a LOW END offence with an entry point of 3 weeks. We have deducted one week for the guilty plea so the appropriate sanction is a two week suspension. The Player is therefore suspended from playing from 4th November 2009 to and including 18th November 2009 and may play again on 19th November 2009.

Costs

9. Costs of £250.00 are awarded against the Player/club.

Right of Appeal

10. There is a right of appeal against the decision which must be lodged with the RFU Discipline Department by 0900 hrs Mon 9th November 2009.

Signed: Mike Curling
 Chairman

5th November 2009.