

RUGBY FOOTBALL UNION
DISCIPLINARY HEARING

At: Holiday Inn, Brighouse, West Yorkshire
On: Tuesday, 3rd November 2009

Judgment

Player: ANITELE'A (ANDY) TUILAGI **Club:** Sale Sharks
Match : Northampton Saints v Sale Sharks
Venue: Franklins Gardens
Date of Match: 24th October 2009
Panel: Antony Davies (Chairman), Mike Hamlin and Barry O'Driscoll
("the Panel")
Secretary: Liam McTiernan (RFU Disciplinary Department)
In attendance: Anitele'a (Andy) Tuilagi ("the Player")
Kingsley Jones (Sale Sharks Coach)
Tony Simpson (RFU Communications Manager, North)

Decision

1. **The Panel found the Player guilty on his own admission of the offence of dangerous tackling. For the reasons set out below, the Panel determined that the Player should be suspended for a period of one week from 4th November 2009 to 10th November 2009 inclusive.**

Preliminaries

2. The Player did not object to the composition of the Panel. There were no other preliminary matters.

3. The Panel convened to consider the citing of the Player by Alan Mansell, the nominated Citing Officer for the above match, for an offence of dangerous tackling,

contrary to Law 10(4)(e).

4. The charge was admitted.
5. The Panel considered the following :
 - (i) The written citing report of Alan Mansell.
 - (ii) A DVD of the incident.
 - (iii) Oral evidence from the Player.
 - (iv) Submissions on the Player's behalf by Kingsley Jones.

The Facts

6. The Citing Officer's report recorded as follows :

“Sale Sharks are defending their goal line. The ball is passed out to the Northampton 12 (James Downey) who receives it 8m out from the goal line and 5m in from the near touch line. He attacks the goal line and is confronted by Sale 12 (Andy Tuilagi) who stoops to tackle and initially makes contact perfectly legally with both arms around the thigh areas of Downey. Andy Tuilagi then adjusts his grip and his stance so that his left arm is around the back of James Downey's upper right leg just above the knee joint. Tuilagi's head and right shoulder are at or about Downey's waist level. Tuilagi then drives his body up towards an upright position forcing Downey's feet to leave the ground. It is at this point that the tackle has the potential to become dangerous as the force of Tuilagi's action drives the legs of Downey above the horizontal. As Downey's body tips over, it can be seen that Tuilagi's right hand is gripping Downey's upper left leg adding force to the tipping motion. As he continues, it is evident that Tuilagi's left elbow is now above his own left shoulder, this being a key indicator of the upward rotating force being applied by Tuilagi on Downey's lower body. This force continues to be applied until Downey's body is in a vertical legs up position. As Tuilagi loses his balance but continues to grip Downey's upper legs, he falls to his right with Downey's body beneath him, which makes contact with the ground at or about the upper back/neck region. Tuilagi then falls onto him ... I consider that Tuilagi had no regard for his duty of care to ensure Downey arrived on the ground safely.”

No action was taken by the Match Officials at the time. ... I am advised that neither the Assistant Referee responsible for the near touch line, nor the Referee, noted the incident and that there was no half time or post match discussion about it.”

7. The Panel viewed the DVD of the incident in real time and in slow motion and frame advance. What the Panel viewed was entirely consistent with the Citing Officer’s description. The Panel noted a number of matters; the Player does not drop or drive Downey into the ground. At no stage does he let him go, but continues to drive with his legs until he himself loses his balance and falls over onto Downey. As the Player takes Downey off the ground and holds him in the horizontal plane, Northampton 13 makes contact with and binds with his right arm to Downey’s torso. There is no injury. There is no reaction from Downey to the tackle, nor from any other player. Having released Downey, the Player gets up and jogs back to his defensive position. The game continues without apparent or discernible remark.

The Player’s Case

8. The Player explained that the incident took place in the 2nd minute of the first half of the game. He was defending his line. His opponent ran straight towards him, carrying the ball, and he carried out what he regarded as a classic tackle to repulse him backwards. As he made contact, Downey moved to the left and as he started to drive with his legs he began to drive Downey forcefully to the Player’s right. He meant to drive Downey backwards and off his feet, rather than to the side and into the air. He maintained that he was not trying to lift Downey into the air. His only motivation was to drive Downey backwards and away from the tryline he was defending.

9. There was no reaction from Downey, who was not injured. The matter was not mentioned again during the game. He did not consider he had committed any acts of foul play in the game and was surprised when his Coach had called him in on the Monday following the game and showed the incident to him. It had not at that stage been cited. He had then accepted that his left arm and elbow were at one point higher than his shoulder, though he did not realise that at the time. He had conceded to his Coach, and did so to the Panel, that he had lifted Downey off the ground and tipped him so that he went to ground on his upper back and that he had ended up on top of him. He

had not intended to drive the Player into the ground and at no stage did he drop him. He maintained that he did not realise the player was in the air – the prospect of injury did not even cross his mind.

10. On the Player's behalf, Kingsley Jones confirmed that the Player is not coached to tackle in this way because this type of tackle has inherent dangers. Mr. Jones had seen the tackle live during the game and was not surprised when he was notified that it was to be cited as foul play. He conceded that once the Player's elbow was above his shoulder, the tackle was dangerous and likely – quite rightly in this case – to be the subject of a citing complaint. He had spoken to the Player about the inherent dangers of this type of tackle even before it had been confirmed to him that it was to be cited.

11. Mr. Jones asked the Panel to consider the contribution Northampton 13 appeared to have made to the manner in which Downey was held in the air and in which he went to ground, and the part of Downey's body which first touched the ground, which he maintained was clearly not his head or neck.

Entry Point

12. The Panel considered the criteria set out in DR 8.2.5 and found the following matters of relevance :

(a) There was no intention to drive the player into the ground or cause injury. The Player did not drop Mr. Downey – he went to ground when the Player lost his balance. The charge is laid (correctly in the Panel's view) pursuant to Law 10(4)(e) not 10(4)(i).

(b) The Player's actions could not be regarded as merely careless. His initial contact was legal, displaying good technique, but the manner in which he carried out the act of driving with his legs when he had hold of Mr. Downey was spontaneous and reckless and he did not take any action to bring his opponent safely to the ground after lifting him. He execution of this tackle was dangerous.

(c) The Player's intention was to drive Mr. Downey backwards and away from the tryline. Instead, as Mr. Downey goes to the side, he collides with Northampton 13 who aids and abets the momentum. N13 has bound onto N12, which exacerbates the

rotational forces.

(d) No injury was sustained by Mr. Downey. He continued to play the rest of the game without treatment. In fact, there was no evidence that he reacted in any way to the tackle.

(e) It is an intrinsic part of this offence that the victim player will be vulnerable in that once he has been taken off the ground, there is nothing he can do to control the manner in which he goes back to ground, particularly as in this case he still had hold of the ball.

(f) The forces involved in this particular tackle appear to be rotational rather than in the vertical. The victim player' body cartwheels or rolls as a result of the forces applied, rather than going straight up and down. In fact, when he makes contact with the ground, the forces between his body and the ground are in the horizontal plane rather than the vertical. He makes contact with the ground firstly with his upper back/shoulders, then his lower back, then his legs. It is for this reason that (and indeed extremely fortunately) there is no injury or apparent reaction.

(g) Although the Panel does not feel in any way bound by precedent from any other cases, we have viewed a number of similar incidents to the intent that there should be some level of consistency in approach.

13. Having considered and balanced all of the above factors, the Panel finds by a majority that the offending should be characterised as being at the LOWER END of the scale of seriousness. Appendix 2 to the Disciplinary Regulations gives a recommended sanction for a low end offence of dangerous tackling (Law 10(4)(e)) of two weeks.

14. The Panel finds no aggravating factors.

Mitigation

15. The Player is twenty three and has already played some twenty test matches for Samoa. He has been a professional for four years at Leicester, Leeds and now Sale. He is highly regarded by his Coach as having a great deal of potential. His Coach has

arranged for specific coaching to ensure this type of tackle is not repeated.

16. The Player has been named in the Samoan squad to play in the autumn Internationals. He is the only outside centre named and would expect to play. He has one previous citing recorded against him for a dissimilar matter.

17. The Player did not believe at the time that he had done anything wrong. He has since been educated and, having analysed the tackle, he fully accepted why he was appearing before a Disciplinary Panel. He expressed contrition and remorse and genuine relief that no injury had been caused.

18. Taking account of the above, the Panel felt that the Player was entitled to some reduction in sanction and accordingly the Panel reduces the suspension by one week.

Sanction

19. The Player is therefore suspended for a period of one week from 4th November 2009 to 10th November 2009 inclusive. He may play again on 11th November 2009.

Costs

20. Costs of £250.00 are ordered to be paid by the Player/Club.

Right of Appeal

21. The Player was reminded of his right of appeal as set out in Disciplinary Regulation 11.

Antony Davies

Antony Davies,

Chairman

6th November 2009

