RUGBY FOOTBALL UNION

APPEAL HEARING

VENUE: Holiday Inn, Reading

DATE: 1 July 2010

Player: Jack GREEN County: Buckinghamshire RFU (BRFU)

Match: Dorset & Wilts RFU (D&W) U.20's v BRFU U.20's

Venue: Bournemouth RFC **Date of match:** 7 February 2010

Panel: Jeremy Summers (Chairman), LeRoy Angel and John Brennan ("the Panel")

Secretary: Liam McTiernan

In Attendance

D&W

Jack Green ("the Player")

Mr Ricky Green – Assisting the Player

Mr Chris Stagg – U.20's Head Coach

Mr Barry Maidment- Senior Coach

Mr J Lynne Lewis – Former Manager England 18 Group

Mr David Dove – Observer from the D&W Disciplinary Panel

BRFC

Charlie Smith – Player Neale Baker – Youth Chair Andrew McCrea – team physiotherapist

Mr David Levy, solicitor presented the case on behalf of BRFU

DECISION

1. The Appeal, which was heard by way of de novo hearing, was dismissed. For the reasons set out below the original sanction imposed was increased and the Player was suspended for a period of 23 weeks. Having already served 2 weeks of the previous suspension, the Player was further suspended from 1 July 2010 to 25 November 2010. He may accordingly play again on 26 November 2010.

PRELIMIARIES

- 2. This was an appeal against a decision of an RFU Disciplinary Panel dated 13 April 2010 to uphold a citing brought against the Player by BRFU alleging contact with the eyes contrary to Law 10.4 (I) of the Laws of the Game (2009). In consequence of that finding the Player was suspended from playing rugby for a period of 20 weeks.
- 3. Pursuant to a ruling of an RFU Appeal Panel dated 12 May 2010 this appeal proceeded by way of a de novo hearing.
- 4. There was no objection to the composition of the Panel
- 5. The Player denied the offence alleged in the Citing Complaint.
- 6. The Player had received all the papers. Mr Green noted that the BRFU Citing Complaint was still not in the form required by the Disciplinary Regulations notwithstanding a Direction from this Panel dated 28 June 2010. Whilst agreeing that this fact was regrettable, the Chairman noted that the appeal panel on 12 May 2010 had ruled that any procedural failings present in the case should not invalidate the Citing. Further, the Player was fully aware of the allegation against him and no unfairness would therefore result.
- 7. The Chairman indicated that he had requested the inclusion within the appeal papers of earlier statements submitted by the Player and a Mr Chris Smith (BRFU) that had not been included by the parties. No other preliminary point arose.
- 8. The Panel considered the following evidence:
 - a) Written Evidence

Match Officials

1) The Referee's Assessor Report dated 8 February 2010.

- 2) Short statements from the Referee dated 8 March, 13 April and 21 June 2010.
- 3) A statement from Assistant Referee 1 dated 22 March 2010.
- 4) A statement from the Referee Coach appointed to the game dated 25 June 2010.

BRFC

- The Citing Complaint initially submitted on February 2010 and resubmitted, in amended form, as directed by the Chairman on 17 June 2010.
- 2) A statement from Charles Smith, player prepared on February and a further statement dated 29 June 2010.
- 3) An e-mail from Mr Neale Baker dated 10 February 2010.
- 4) A statement from Mr Andrew McCrae, BRFU team physiotherapist dated 15 February 2010.
- 5) A statement from Mr Timothy Graham, spectator and Consultant Cardiothoracic Surgeon dated 11 February 2010.
- 6) A statement from Mrs Angela Rhodes, spectator and parent dated 11 February 2010.
- 7) A statement from Mr Derek Smith, spectator dated 11 February 2010.
- A statement from Mr Mike Rhodes, spectator and parent dated
 11 February 2010.
- 9) A statement from Ms Kate Mathews dated 29 June 2010.
- 10) A photograph of the right eye of Charles Smith taken on 8 February 2010.

The Player

- A statement from Mr Roy Farrant, Manager D&W U.20's dated
 March 2010.
- 2) A statement from Mike Pope, player dated 15 March 2010.
- 3) A statement from Aaron Day, player dated 15 March 2010.
- 4) A statement from Mr Malcolm Lewis, BRFU Sports Therapist dated 16 March 2010.
- A consolidated document containing short statements from D&W players Holman, Napier, Goldsworthy, Beach, Wadman and Long dated between 13 and 17 March 2010.

- 6) A statement from Daniel Wale, player dated 17 March 2010.
- 7) An undated statement from Mr Barry Maidment, (made at a date in March 2010).
- 8) A statement from Dr JM Evans dated 18 March 2010.
- 9) A statement from Mr AUH Gankande, former England U.18 team Doctor dated 14 June 2010.
- 10) A statement from Mrs Amanda Bolton, spectator and parent dated 21 June 2010.
- 11) A statement from James Walter, player dated 21 June 2010.
- 12) A statement from Mr Steve Warner, spectator and parent dated 22 June 2010.
- 13) A statement from Luke Fowler, player dated 23 June 2010.
- 14) A statement from Mr Chris Stagg dated 24 June 2010.
- 15) A statement from Mr Ricky Green dated 29 June 2010.
- 16) Photographs of the pitch and stand at Bournemouth RFC taken on a day subsequent to the game.

Character Evidence

- 1) A statement from Mr J Lynne Lewis dated 26 April 2010.
- 2) A statement from Mr Alan Hinchliffe, Head Teacher Corfe Hills School dated in April 2010.
- An undated statement from Mr Aaron James TeamBath University Rugby Coach.
- 4) An undated statement from Mr Barry Maidment.

b) Oral Evidence

- 1) The Referee by telephone
- 2) Charles Smith
- 3) Andrew McCrae
- 4) Mike Rhodes by telephone
- 5) The Player
- 6) Mr Stagg
- 7) Mr Maidment
- 8) Mr Lewis
- 9) Submissions from Mr Green and Mr Levy

THE EVIDENCE¹

- 9. The Citing Complaint, amended as at 17 June 2010, indicated that the incident had occurred just prior to half time on the left hand side of the pitch close to the half way line. The score at the time was unknown. Further detail was set out in a short typed statement from Mr Smith that he had prepared on or about 12 February 2010.
- 10. The Referee gave evidence by telephone. He confirmed that neither he, nor any of his Assistants, had seen the alleged incident. He had though been aware that Mr Smith was being treated for an injury and had gone to check on his well being. At that point Mr Smith had immediately alleged that he had been gouged and had asked the Referee if he had seen it. Having not seen the incident, the Referee correctly indicated that he could not take any action, but that that he would look out for any similar instances going forward.
- 11. The Referee had seen a mark below Mr Smiths's eye and was aware that he had been treated with a cold compress. He had not seen any reddening of the eye. His normal practice is not to interfere with treatment and to observe from a metre or so away. The injury he observed was not such as to have caused him any alarm.
- 12. In the break whilst treatment was being administered he had spoken with his near side Assistant Referee who had confirmed he had not seen anything.
- 13. Mr Smith had not made any other complaint either before or after the incident. The incident was not then raised again by any BRFU official either at half time or after the game.
- 14. He confirmed that the incident had occurred on the left hand side of the pitch in front of the stand. He estimated that the stand would have been about 12-15 meters from the incident

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¹ Mr Brennan helpfully prepared a typed note of the evidence during the hearing, and this can be held on file.

- 15. Mr Smith then gave evidence. He described a tackle in open play made by a team mate on a D&W player. He was the next player in and had attempted to "jackal" the ball from the D&W player who had not released following the tackle. He had looked up and seen the Player coming in to clear him out and lowered his body position in anticipation of the contact. The Player had failed to knock him off the ball, but had remained in contact with him.
- 16. Although he could not recall the precise point of contact, he described being head to head with the Player with both of their upper bodies being roughly horizontal with the ground. The Player's right hand had then come up to make contact with his face.
- 17. He had felt two of the Player's fingers enter his mouth and pull outward in a "fish hook" type of action. He believed the Player was trying to get him to release his hold of the ball. He had not done so, and the Player had then moved his hand up his face briefly touching his nose before making contact with his eye.
- 18. He had felt two fingers draw across the area of his eye. One on the eyelid itself, the other just below it. The Player had applied quite a bit of pressure and it had hurt a lot. He screamed out generally in exclamation, released his hold on the ball and went to ground holding his eye.
- 19. The physio had come on immediately. He had not been able see properly out of the eye for two to three minutes and the soreness had then continued into the next day. He had told the physio and the Referee that he had been gouged. He could not recall if there had been any bleeding, but thought that the physio had indicated that the injury "looked nasty". He did not believe any injury had been caused to his mouth and had not mentioned it to the physio.
- 20. Although he had not known the Player's name, he was in no doubt at all that he had been the player concerned. He had clearly seen him come towards him. No other player was in a position to have made contact with his eye and in the manner described. He was able to complete the game and, as he is a second row, frequently thereafter saw the Player who is a prop. In fact he believed that play had restarted with a scrum once he had been treated and cleared to play on.

- 21. Mr Green explored at some length why Mr Smith had not taken any further action on the day and the circumstances behind his statement and the photograph he had submitted.
- 22. Mr Smith explained that, having been told by the Referee that he could do nothing, he believed that was the end of the matter. For that reason he had not discussed the incident at the ground because he thought that would be inflammatory in circumstances where nothing could be done.
- 23. He had then been called at home that evening by his manager Mr Chris Smith (no relation) and advised that the incident had been seen and that, if he wanted this, BRFU could cite the player concerned.
- 24. He had decided that he wished to pursue that avenue and made rough handwritten notes of the incident that night. He did not have any alcoholic drinks after the game. He had then typed up his formal statement from those notes on 12 February 2010.
- 25. The photograph had been taken on a mobile phone on the morning after the game (8 February) by the head groom at his family's riding yard.
- 26. The Panel then heard from Mr McCrae who was on duty as the BRFU physio at the match. His evidence was consistent with his statement given on 15 February 2010. He had not seen the incident, but had been alerted by Mr Smith's scream described above. The scream was sufficiently pronounced that Mr McCrae had expected to find a fracture.
- 27. Mr Smith had told him he had been gouged and had also made the same complaint to the Referee whilst he was being treated. Mr McCrae had not been present during Mr Smith's evidence, but his testimony confirmed that he had been told by Mr Smith whilst treating him that the Player had first made contact with his mouth before moving up to his eye.
- 28. He had observed the eye to have been red and watering. Although he had not had to treat a similar incident before, he had no doubt that the injuries were the result of a gouge. He had noted abrasions above and below the eye, but fairly indicated that at the time these were less pronounced than in the photograph submitted. The bruising had by then developed overnight.

- 29. There had been a trickle of blood, but nothing that water could not rectify. He had applied a cold compress and was satisfied after a few minutes of treatment that Mr Smith could safely play on.
- 30. On questioning from Mr Green, Mr McCrae indicated that he had made notes relating to the game, including of the incident, as he is obliged to do for the purposes of satisfying his Continuing Professional Development requirements. He had then made his statement on 15 February from those notes having been requested to do so by BRFU. The notes were not available at the hearing.
- 31. The case advanced by BRFU concluded with evidence, given by telephone, from Mr Mike Rhodes. This was consistent with the written statement he had provided on 11 February 2010.
- 32. Mr Rhodes' son Ed is the BRFU U.20's captain. Mr Rhodes had been seated in the stand close to half way with a good view of the stand. He recalled Mr Smith as having been on the ground, but had seen a D&W hand make contact with Mr Smith's face. This led Mr Smith to scream out at which point he had seen the hand withdraw. Mr Smith was then seen holding his face.
- 33. Mr Rhodes described how the incident had been observed by a number of parents who had become quite agitated. He recalled that the Referee had been at the other side of the incident and he believed would have therefore been unsighted.
- 34. He had not been able to identify the Player but recalled another spectator running down from behind him in the stand indicating that he knew who the offender was and then speaking to someone at the pitch side. He described the parent's reaction as outrage.
- 35. In cross examination, Mr Green indicated that the distance from the stand had subsequently been measured and was about 70 feet.² Mr Rhodes accepted that he had not been able to see the incident clearly, but had seen a hand on Mr Smith's face and that this had led to the scream.
- 36. The incident had been discussed by some parents after the game, but he did not know if BRFU officials had also discussed it.

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² This information had not been disclosed before the hearing and so could not be verified.

- 37. There was no application at the conclusion of the BRFU case, and the Player then gave evidence.
- 38. The Player categorically denied the allegation, and indicated he could only recall the circumstances of the incident because there had been a long break for an injury.
- 39. He recalled trying to clear out Mr Smith but had made contact too high on his body and therefore went over his back. He had then grabbed Mr Smith with his arms below the waist as he has been coached with the intention of twisting him and using his body weight to "flop "him to the ground.
- 40. He had hit a great many breakdowns during the game and over his career. He had no recollection of the events described by Mr Smith which he described as "nonsense". Whilst he regarded gouging as disgusting he also thought it was disgusting to make a false allegation.
- 41. He was not asserting that no injury had been sustained, but was adamant that it had not been caused by his hand.
- 42. On questioning from the Panel has stated that his hand had made contact with Mr Smith's torso. He could only recall what he was doing but imagined other D&W players would have joined the breakdown (and so might have made contact with Mr Smith's eye). He had no recollection of any scream or reaction from the crowd. He recalled a player having treatment after the breakdown but did not know if that was Mr Smith. He had not been aware of any complaint to the Referee.
- 43. He similarly denied any contact with Mr Smith's mouth as had been alleged. He stated that he would have known had he done so. He therefore agreed with the suggestion from the Panel that any contact could not have occurred accidentally.
- 44. His statement of 31 March 2010 was put to him. He stated that this had been poorly worded and he was not saying he could have accidentally have made contact with Mr Smith's eye.³

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³ Mr Green indicated that he had purposefully not included the statement in the appeal papers.

- 45. Under cross examination from Mr Levy he stated that he could not be sure that he knew which ruck had led to the incident. It was though put to him that his statement of 31 March made it clear that he knew which ruck had been involved.
- 46. He confirmed that he was suggesting that Mr Smith was making a false accusation but, when asked why Mr Smith would do so, he could only say that it was perhaps because BRFU had lost the game.
- 47. He rejected the suggestion that, having referred to accidental contact in his written statement, he had accepted that his hand had been where it should not have been.
- 48. He had given a truthful account. If Mr Smith's injury had been caused by another D&W player, then knowing his team mates as he did, this would have been accidental.
- 49. He initially stated that he had lost a University place as a result of these proceedings. It though transpired that his current place at Bath University was in fact in jeopardy because he had failed to study for his course as conscientiously as he should have done.
- 50. The Panel then heard evidence in person from Messrs Stagg, Maidment and Lewis, each of whom are plainly impressive men of rugby. With no disrespect to them it is not necessary to set out their evidence in full. Each had known the Player for some time and spoke of him in glowing terms. All thought him incapable of committing the alleged offence. They had independently watched the game closely and had not seen, or even been aware of, any incident. They had similarly not noticed any untoward reaction from the BRFU parents.
- 51. They were surprised that no BRFU official had raised the matter with the match officials either at half time or after the game. Had the position been reversed, they would have raised it with the match officials.
- 52. They found it equally strange that no BRFU official had said anything about the matter to any one at D&W on the day of the game. The post match events had in fact been very cordial.

53. Mr Green invited the Panel to consider in particular the written statements provided by Mrs Bolton, Mr Farrant, Mr Warner and Mr Pope.

SUBMISSIONS

- 54. Mr Green submitted a written summary that was agreed by Mr Levy. The Chairman reviewed with Mr Green his primary submissions which he confirmed were as follows:
 - 1) The Player was not guilty of the alleged foul play.
 - 2) The alleged incident had not been seen by the match officials who were in a good position to do so had it occurred.
 - 3) No complaint had been made by BRFU at the time.
 - 4) The incident had not been seen by anyone at D&W.
 - 5) The injuries could have been caused by another player.

FINDINGS

- 55. The Panel very carefully considered the evidence and submissions. The allegation being of a serious nature it reminded itself of the standard of proof to be satisfied if the Citing was to be upheld.
- 56. Although no argument was raised to the contrary, the Panel had no hesitation in finding that, given the seriousness of contact with the eyes, had the offending in the detail as alleged been detected by the match officials, a red card would have been issued.
- 57. Accordingly the primary matters for the Panel to determine were whether an act of foul play had occurred and, if so, whether the Player was responsible.
- 58. As the Player himself indicated, central to that determination was the Panel's assessment of the credibility of the witnesses and in particular the Player and Mr Smith.
- 59. The Panel was able to consider the evidence and demeanour of both. It found Mr Smith to be a wholly credible witness. In contrast it did not find the Player to be believable in his denial of the accusation made against him. It was therefore led to conclude that, perhaps because of his age and inexperience,

he had not been willing to accept responsibility for his actions, however fleeting and out of character they might have been.

- 60. The Panel was accordingly satisfied, to the standard required that the Citing had been proved, and in so doing made the following findings.
 - Mr Smith suffered an injury to his left eye consistent with gouging.
 - The injury occurred at the ruck as described by Mr Smith. We reach that conclusion not simply because of Mr Smith's testimony, but because of the following evidence:
 - o Mr McCrae was alerted by the scream at the breakdown; and
 - Mr Rhodes similarly heard the scream, which he was clear resulted from an unidentified hand that he saw make contact with Mr Smith's face.
 - Mr McCrae further provided compelling corroboration of Mr Smith's evidence, both in describing the injury and more particularly in confirming the immediate complaint by Mr Smith to himself and the Referee.
 - No evidence was meaningfully advanced to suggest that the injury was caused by anyone other than the Player. In the time that has elapsed since the match no positive inquiries appear to have been made to identify other players who could have been involved.
 - The Player's denial of any offending and his assertion that Mr Smith had falsely accused him drew us to the conclusion he knew he had made contact with Mr Smith's eye.
- 61. The parties were invited back into the hearing room and advised that the Citing had been upheld and that accordingly the Appeal had been dismissed as regards to conviction.
- 62. The Chairman took time to review with Mr Green the factors the Panel were required to consider in determining entry point, aggravating circumstances and mitigation. Mr Green urged the Panel to conclude that the offending was not intentional, that the Player had no previous record and that he had truly exceptional character references. The offending he submitted was totally out of character. Whilst accepting that his son had been, to a certain extent, the author of his own misfortune by not studying diligently, he asked the Panel to

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⁴ As set out in Regulation 8.2.5, 8.2.7 and 8.2.8 of the RFU Disciplinary Regulations ("DR").

accept that this had occurred because of the effect of these proceedings on his morale. He lived for rugby and, despite being able to play pending this Appeal, he had not done so since shortly after the first hearing.

63. Mr Levy indicated that, on instructions, he was urging leniency. Having regard to the lack of any serious injury he asked the Panel to find that the offending was reckless and not intentional.

SANCTION

64. As required the Panel first made an assessment of the seriousness of the conduct of the Player and in so doing had regard to the judgment in the RFU case of *Hartley*⁵. The following statement of principle from that decision has since been adopted by the IRB in a letter to all Judicial Personnel dated 10 July 2009:

Contact with an opponent's eye or eye area is a serious offence because of the vulnerability of an eye and the risk of permanent injury. It is often the result of an insidious act and is one of the offences most abhorred by rugby Serious offences of this sort – and particularly those known colloquially as "eye gouging" must be dealt with severely to protect players, to deter others from such activity and to remove offenders from the game to ensure that they learn the appropriate lesson. Clearly "contact" encompasses a wide range of activity from applying pressure with an open hand to a finger intentionally inserted into the eye socket intending to cause injury. Offences which would properly be classified as at the Lower End of the scale of seriousness would include, but not be limited to, wiping with an open palm or fist without any real force or intent and causing no injury. circumstances it might also include reckless contact with a finger into the eye area. Offences which would properly be classified as at the Top End of the scale of seriousness would include, but not be limited to, an intentional act designed to cause serious discomfort or injury to the eye or area around the eye of an opponent. The most serious offences in this category would be where permanent damage is caused.

⁵ 24 April 2007

65. The IRB directive referred to a letter from Mr Bernard Lapasset, Chairman IRB, dated 1 July 2009 which expressed concern about lenient sanctions imposed on Schalk Burger (South Africa v British and Irish Lions) and Sergio Parisse (Italy v New Zealand) in June 2009. Mr Lapasset said:

"The prevalence of eye-gouging in the Game is a major worry for the IRB with cases ranging from reckless to intentional. In order to arrest recourse to this heinous act it is necessary that strong sanctions are disbursed as a deterrent...... We felt it necessary... to express our strongly held view that such serious offences of this sort must be dealt with severely to protect players, deter others from such activity and to remove offenders from the game to ensure that they learn the appropriate lesson."

- 66. Sadly in a game in England this season a player was left blind in one eye. This only too well underscores why this offending is so dangerous, and why severe sanctions are necessary against anyone who targets an opponent's eye, even where damage is slight.
- 67. In assessing the seriousness of the Player's conduct the Panel took account of the following features of the offending:
 - a. The offending was deliberate. Mr Smith gave very clear evidence that the Player failed to clear him out and then, in attempt to "persuade" him to release the ball, made unlawful contact first with his inner mouth and then with his eye. The Panel spent some time carefully considering this element, but in light of all the evidence concluded that the offending was neither accidental nor reckless and was clearly designed to cause discomfort to Mr Smith.
 - b. As stated, the actions were not reckless.
 - c. The actions were serious. The Player used some force drawing his fingers across the eye such that bruising to the eyelid and a small cut below the eye resulted. There was no provocation and the Player was not acting in retaliation.⁶
 - d. Mr Smith sustained some injury as set out above although happily, and perhaps fortuitously, no lasting damage was sustained.

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⁶ 8.2.5 c) DR required the Panel to consider these elements, although it is unlikely they will ever provide much assistance in relation to contact with the eyes.

- e. There was some crowd reaction, but otherwise no effect on the game.
- f. Mr Smith was in an extremely vulnerable position. Offending of this type is rightly abhorred within the game and thus is not expected, which of itself can increase a player's vulnerability.
- g. This offending happened on the spur of the moment and there was no premeditation.
- h. The conduct was completed.
- i. There were no other relevant features constituting the offending
- 68. In our view the Player, for reasons that may only be known to him, deliberately targeted Mr Smith's eye intending to cause serious discomfort to him in order to secure his release of the ball. He must have realised that there was a risk of causing a serious injury and he had no concern for the welfare of his victim. In those circumstances, the Panel categorised the offending as being at the **Top End** of the scale of seriousness.
- 69. In cases where the offending is classified as being at the Top End of the scale of seriousness, a Disciplinary Panel must then assess the appropriate entry point within a given range. The Top End range for offences of contact with the eye or eye area is 24 156 weeks (3years).
- 70. The Panel had regard to Guidance Note 3 at Appendix 9 DR, and in all the circumstances determined that the appropriate entry point for this offending was 24 weeks. Had the Player caused more serious injuries the entry point would have been higher. This entry point reflects the factors already mentioned, the game's abhorrence for offending of this nature and the need for offenders to be dealt with severely.
- 71. With reference to Regulation 8.2.7 DR there are two aggravating features in this case:
 - a. The absence of remorse and/or contrition. The Player did not express any remorse for the injuries which had been caused. Nevertheless the Panel determined not to add anything to the entry point because this lack of remorse can be taken into account by making no reduction to the entry point which would have been available had the Player pleaded guilty.

- b. The need for a deterrent to combat a pattern of offending. Despite a number of previous high profile cases involving contact with the eye or eye area over the past two years, the sanctions imposed do not seem to have deterred this insidious offence and higher sanctions are necessary to change the behaviour of some players and indicate that this conduct will not be tolerated. Deterrence in this case merits an increase of 6 weeks from the entry point.
- 72. Having considered the aggravating features in this case we considered the mitigating factors listed in Regulation 8.2.8 DR:
 - a. The presence and timing of an acknowledgement of culpability/guilt by the player – since he contested the matter, and appealed the initial finding, he is not entitled to any credit for this factor.
 - A good record and/or good character the Player is 19 years
 old and has no disciplinary matters recorded against him.
 - c. The age and experience of the player he is a young man, and it is hoped, he will be the wiser for this experience.
 - d. The player's conduct prior to and at the hearing. The Player was polite and respectful throughout the proceedings and maintained his dignity after the finding against him.
 - e. The Player has shown no remorse;
 - f. Off-field mitigating factors no other relevant factors were present
- 73. The Panel noted the impressive character evidence given on behalf of the Player and concluded that a discount of 25% should be given by way of credit for mitigation. This produces in total a sanction of a **23** week suspension.
- 74. The Panel was informed that the Player had already served 2 weeks of the suspension imposed on 13 April 2010, and credit is given for that period.
- 75. The Player submitted a letter from St Albert RFC in Canada indicating that he had been offered the ability to play for that Club between May and September 2010. He informed the Panel that he had not taken up this offer because of these proceedings.

76. In light of that position, the suspension will run from 1 July 2010 until 25 November 2010. The Player may resume playing on 26 November 2010.

COSTS

77. The appeal having been dismissed the appeal fee is to be forfeited.

Jeremy Summers Chairman 6 July 2010.