RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Royal County Marriott, Durham.

On: Tuesday 2nd November 2010.

JUDGMENT

Player: Peter Clarke

Club: Richmond RFC

Match: Bury St. Edmunds -v- Colchester

Competition: Suffolk Sevens Tournament

Match Date: Saturday, 15th August 2010

Panel: Antony Davies (Chairman), Robin Wannop & Derek Morgan.

Secretary: Liam McTiernan (RFU Discipline Department)

Considering: The sending off of Peter Clark, Richmond RFC, while playing for

Bury St. Edmunds, during the (7th minute of the second half) match Bury St. Edmunds -v- Colchester, for receiving two yellow

cards, contrary to Law 10(4)(m).

<u>Plea</u>

The Player and his club were happy to have the case heard in their absence, on a 'papers-only' basis, having indicated their intent to plead guilty in advance of the hearing.¹

Evidence as to Fact

The Panel considered:

- a) The sending off report completed by the Assistant Referee, Justin Jupp.
- b) A statement written by the Player, Peter Clarke.
- c) A statement written by the Bury St. Edmunds Coach, Richard Martin.

¹ Agreed with the RFU Discipline Department as per RFU Regulation 19.4.1.2.

d) The Richmond RFC response, written by Tony Gadsby-Peet, Richmond Disciplinary Committee Chairman.

The (Assistant) Referee's Report

The (Assistant) Referees report recorded as follows: "Bury No.7 was yellow carded in the first minute of the game for an attempted punch that missed. Colchester were the dominant team playing an expansive sevens game, whereas Bury appeared intent on making the game more physical and going into contact more. In the second half, Bury players appeared more frustrated leading up to the offence detailed below.

"Preceding the reported offence, Bury won a ruck between their 22m and 10m lines. After play moved on, the Bury No.7 was lying on ground and tripped a Colchester player with his hand while that player was moving away from the ruck. Players were tracking back to the next breakdown that was between Colchester 10m and 22m lines in the far 15m channel from Justin Jupp's touchline.

"Approximately half-way across the pitch on the Colchester 10m line, the Bury No.7 was jogging behind the Colchester No.14. The Colchester player was unsighted with his back to the Bury No.7. The Bury player then punched the Colchester player around the back/side of his head with a single right-handed punch, with no apparent provocation. Both players continued to their respective positions on the field until the referee blew the whistle to stop play. The incident was reported to the referee, whom then issued the Bury No.7 with his second yellow and then red card.

"During that discussion the Colchester coach came onto the field to check on the player, but I was not aware of that player requiring any blood treatment or having to leave the field immediately. The referee, Jono Tatam, was unsighted and did not see the incident. He issued the second yellow card on my advice."

Statement of Peter Clarke

By virtue of his guilty plea by proxy, the Player accepted the contents of the (Assistant) Referee's Report. Nothing in his statement contradicted any factual assertion contained therein. The Player did make some reference to both earlier provocation and provocation in the immediate build-up to the actions which are the subject of this disciplinary hearing. He did not wish to rely upon these allegations.

Statement by Richard Martin

The statement of the Bury St. Edmund's coach did not call into question the accuracy of the (Assistant) Referee's report. He made some limited reference to the allegation made by the Player as to the provocation he experienced, but his statement was of little further assistance to the Panel.

The Richmond RFC Response

Richmond RFC, who was to enforce any suspension issued against the Player, immediately banned the Player for one week from 17th August to 24th August 2010, pursuant to the relevant RFU Regulations.

Sanction.

Having regard to the fact that both yellow cards were for foul play offences the Panel assessed this matter as being at the top end entry point, the prescribed sanction for which is at the low end of the tariff of the most serious of the two offences. That being striking, the Panel imposes a suspension of 1 week. The Player, having been banned from playing rugby for a period of 1 week by his club, from 17th August to 24th August 2010, is accordingly free to play again with immediate effect.

<u>Costs</u>

The Panel makes an award of costs² against the Player/Club in the sum of £80³.

Right of Appeal

The Player/Club has a right of appeal against this decision as set out in RFU Regulations.⁴

Signed: Antony Davies, Chairman.

Date: 10 November 2010.

² As per RFU Regulation 19.8.3.1.

³ As per RFU Regulation 19, Appendix 3.

⁴ As per RFU Regulation 19.10.1.4.