

RUGBY FOOTBALL UNION

COMPETITION APPEAL HEARING

At: Holiday Inn, Brighouse, West Yorkshire

On: Tuesday, 1st February 2011

JUDGMENT

Panel: Antony Davies (Chairman), Clif Barker and Austin Newman

Club: **HOUGHTON RUGBY CLUB**

Attending: Nick Willings (Club Coach, Houghton RC)
Ralph Johnson (Club Manager, Houghton RC)

Steve McCafferty (RFU North Competitions Committee)
Paul Kaminski (RFU Competitions)

Secretary: Liam McTiernan (RFU Disciplinary Department)

Decision under Appeal

Decision of RFU North Competitions Committee Appeal Panel (S. McCafferty, D. Clarke and M. Wroe) dated 5th January 2011 (“the Decision”)

The Decision

1. The essential facts were not in dispute. On 13th November 2010, Houghton completed and submitted a match result card for the game against Hartlepool BBOB on which it did not record Johnny Morton as having played in the game. On 25th November 2010, the League Secretary sent to Houghton a notice of presenting false or misleading information in the prescribed form, referring to the breach of Competition Regulations, for which the penalty was the deduction of twenty Championship points. Houghton submitted an appeal against the twenty Championship point deduction.
2. The appeal was heard on 5th January 2011. The appeal was rejected, but the RFU North Competitions Committee which heard it took the view that by not recording details on the match card of an unregistered player, Houghton were guilty of providing misleading, as opposed to false, information. The Panel decided that the primary decision imposed by the League Secretary of a twenty point deduction should be reduced to ten points. It is against that decision that Houghton further appeal, as they are entitled to do, to the RFU Appeal Panel.

Grounds of Appeal

3. Mr. Willings accepted the factual basis upon which the decision had been made, and raised no issue with the application of the appropriate Regulations. Houghton's appeal was against the severity of the sanction which it regarded as extremely harsh and disproportionate to the technical nature of the commission of the breach.
4. Mr. Willings stressed that Houghton had not deliberately falsified details, but were guilty of at most a minor administrative error. Houghton were entitled, under a local variation to RFU Regulations, to play four, not two, unregistered players. Mr. Morton had been a member of Houghton RC for ten years until the previous year, when his work had taken him into Leeds, where he joined Moortown RFC and registered with them. He was not playing for Moortown this season, but had played for Houghton as an unregistered player in accordance with the Rules. Houghton did not check the registration status of the player. Mr. Willings explained the procedures in place at Houghton for completion of the match cards and described how, with Clubs at Level 9, administration was made more difficult by the struggle to turn out a full side each week. Changing the match card on a Saturday afternoon was a regular thing. Mr. Johnson, the Official who filled in the card, and who has been involved in administration at Houghton for forty years, made a simple clerical error in not fully checking that the card was correct. There was no allegation that this was a deliberate intention to mislead. Mr. Morton had been a long time player at the Club and was a paid up member, whose selection on the day was a very late change. The Club had not benefited at all from the misdemeanour.
5. Mr. Willings submitted that it was wrong that innocent players should be insulted by a ten point deduction when they bore no responsibility for the unfortunate mistake of a hard-working Club Official with over forty years' association with the Club. He feared that players would leave the Club because there would be no incentive to stay, resulting in the Club no longer being viable. He felt the punishment failed to reflect that at Houghton's level it was an entirely amateur game, run by well-meaning volunteers. To hit Clubs at the bottom end of the pyramid with such Draconian measures was out of all proportion in the circumstances.
6. Mr. Johnson explained that he had filled in the card. There had been a late change which he was aware of. He had watched the game, so he knew exactly who was playing and he said it had occurred to him during the game that he ought to change the match card to reflect the fact that Mr. Morton was playing. He assumed he had been de-registered from Moortown and so was entitled to play as an unregistered player. He could not explain the oversight in failing to record Mr. Morton on the match card as having played in the game. When he had received notification as to the error, he had written to the Secretary of RFU North Competitions Committee accepting that Mr. Morton had played, that he was not registered as a Houghton player and that his name had not

appeared on the match card. The Club believed it had done nothing wrong in playing him. It had not known that Mr. Morton was still registered with Moortown. He personally was devastated that his clerical error had cost the Club twenty points.

The RFU North Competitions Committee Position

7. Mr. McCafferty explained the reasons for the continuing obligation to have correct match result cards and records. He felt the Panel had applied the Regulations correctly and consistently. Where match card offences are found to have been committed deliberately, the deduction is not less than twenty points, being the equivalent of four wins. He felt his Panel had given sufficient credit for Houghton's admission of the offence and the fact they felt it had not been committed deliberately. They had dealt with the matter on the basis that Houghton had played an unregistered player. Had they known he was actually actively registered with Moortown at the time, it would have been a higher sanction. He also clarified that in the previous ten years, Mr. Morton had actually had three seasons registered to Moortown, three seasons to Houghton and one to Seaham.

Decision and Findings

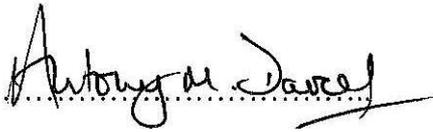
8. In order to succeed with this appeal, the Appellant has to prove on the balance of probabilities that the decision appealed against was wrong or was one which could not reasonably have been reached.
9. We have a great deal of sympathy for Clubs and their amateur administrators at all levels of the game and are appreciative of the efforts made to keep rugby alive at the lower end of the community game. Volunteers are the life blood of the game and must be supported and valued. Sometimes mistakes are made and these are not deliberate or made with any intent to deceive.
10. Against this, we have to measure the interests of other stakeholders within the game and indeed other administrators. We can well see the justification and necessity for accurate recording and reporting of who is participating as a player. Completing the match card is not a complex, difficult or onerous task and accurate completion is sacrosanct to the proper administration of the game, including ensuring the safety of players and that proper insurance etc. is in place. Had it been found that the match card error was deliberate, or with intent to deceive, then the penalty would have been a deduction of not less than twenty points. We are of the view that this error does properly require some deduction of match points, though less than twenty as the offending was not deliberate. We feel that a 50% reduction from the starting point is a sufficiently significant deduction in all the circumstances. We note that Houghton claim that they could have played Mr. Morton legitimately if they had put him on the card. However, they appear to have taken no steps whatsoever to check the registration position. If they had, they

would have discovered Mr. Morton was registered elsewhere. If they had properly put him on the match card which was returned, it would have come to the Registrar's attention that he was still registered with Moortown. The fact that Mr. Morton has been registered with Moortown and Houghton on three separate occasions in the last ten years indicates to us that the player and the Club should have been aware of the potential for registration elsewhere, but appeared to take no adequate steps, if any at all, to check the registration position. Accordingly, this is more than a mere technical error on the match result card.

11. We hear appeals against imposition of Championship points deductions for registration offences on a regular basis. It is important for Clubs competing in Leagues of whatever level to have some element of consistency in the way these are dealt with, accepting of course that all Clubs are different and each case will turn on its own facts. However, we can see no significant unfairness or deviation in this case. The Decision was entirely consistent with many similar fact cases. Accordingly, we cannot conclude that the Decision was wrong, nor was it one which could not on the facts have been reached reasonably.

12. It follows that the appeal fails, and the appeal fee is to be forfeit.

13. There is no further appeal against this Decision.

A handwritten signature in black ink, appearing to read 'Antony Davies', written over a dotted horizontal line. The signature is cursive and includes a long horizontal stroke at the end.

Antony Davies,
Chairman
14th February 2011