

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, London Gatwick

DATE: 10 January 2011

Player: Sox STEVENS

Club: Gravesend RFC

Match: Havant v Gravesend

Venue: Havant

Date of match: 20 November 2010

Panel: Jeremy Summers (Chairman) Peter Budge and Fred Batchelor ("the Panel")

Secretary: Liam McTiernan

In Attendance:

For Havant:

Mick Chalk – Disciplinary Chairman

Tim Forer – counsel and club member representing the club

Rob Matthews – 1st XV Squad Manager

For Gravesend:

Sox Stevens - ("the Player")

Graham Haggart – Chairman

Paul Hathaway – Head coach

DECISION

1. **The Player was found not guilty of striking an opponent contrary to Law 10.4 (a) and the citing brought against him was accordingly dismissed.**

PRELIMINARY ISSUES

2. No objection was taken to the composition of the Panel who explained the procedure to be followed to the Player. Havant confirmed that it wished to proceed with a charge of striking. Mr Cutting, the Havant player concerned who had suffered significant injury, was unable to be present as a result of work commitments which the Panel fully understood.

CITING

3. The Panel convened to consider a citing by Havant RFC dated 24 November 2010 in consequence of which the Player was charged with a single offence of striking contrary to Law 10.4 (a). The Player pleaded not guilty to that charge.

4. The Panel considered:

- i. The Citing Letter
- ii. The match recording
- iii. Oral evidence from the Referee
- iv. Written evidence from Sam Cutting – injured HRFC player
- v. Written evidence from Heather Lowman-Riggs– physiotherapist HRFC
- vi. Oral evidence from the Player
- vii. Written evidence from Jeff Moorey -1st XV Manger GRFC
- viii. Written Evidence from Paul Hathaway – Coach GRFC
- ix. Written Evidence from Malcolm Moaby – Coach GRFC
- x. Submissions from both clubs.

5. The citing letter (submitted by Mr Chalk) recorded as follows:

There is ruck on the far side of the field, approximately 15m from the far touchline and 5m inside Havant's half (Havant are attacking left to right as viewed from the video position), from which the ball is recycled on the Havant side. You can clearly see the Gravesend defensive line set on the back foot of the ruck. The Gravesend no 8 (Sox Stevens) is approximately the 5th defender from the ruck, on the open side.

Havant no 9 passes the ball to the open side. The Havant no10 receives the ball approximately on the Havant 10m line and 20m from the touch line he immediately floats a pass which misses out two Havant players. The Gravesend defensive line is already pressing.

Stevens watches the pass leave the Havant No10's hands and then changes focus to the Havant no 3 (Sam Cutting). Cutting fumbles the ball, approximately in midfield, 10m from the Havant 22m, with Stevens still approximately five metres away, Stevens continues to run directly into Cutting, making no attempt to raise his arms in order to complete or attempt a tackle. Stevens hits Cutting full on the forehead with his head, knocking them both to the floor.

In my opinion, the video clearly shows that Sox Stevens had enough time to pull out of the tackle, as Sam Cutting had knocked the ball on. Stevens showed no interest in the whereabouts of the ball but instead chose to continue with the charge, leading with his head, which resulted in striking Sam on the forehead.

6. The incident had occurred in the 7th minute of the game.

7. The match recording was viewed at normal and reduced speed. This broadly reflected the narrative in the citing letter. It showed the Gravesend defensive line clearly in place at the time the ball left the base of the ruck and was received by the Havant 10. Whilst the citing letter then refers to a floated pass, in view of what subsequently transpired, a far less charitable term could have however been used to describe it. The Player, who was positioned in the defensive line, reacted to that pass and closed in, at full pace or close thereto, on Mr Cutting who was the recipient of the pass from H10.

8. The ball reached Mr Cutting at around head height and slipped through his grasp. At that point he was slightly off balance and appeared to bend his legs slightly

downwards. Shortly thereafter the Player made contact with Mr Cutting with the side of his head clashing with Mr Cutting's forehead.

9. It was not disputed that this clash resulted in a wound that required thirty eight stitches being later administered to Mr Cutting in three layers.
10. The Panel was grateful for Mr McTiernan's technical assistance as a result of which it was established that the Player had collided with Mr Cutting 0.48 of a second after the ball had slipped through his grasp. It had in fact taken an almost identical period of time for the ball to hit the ground once it had been dropped.
11. Mr Forer helpfully took the Panel through the footage and asserted that the Player had sufficient time to pull out from the contact but had, in the view of HRFC, chosen not to do so. The Player had then led with his head and had clearly struck Mr Cutting with it. The Player's arms did not raise to make a tackle and he had gone forward with his shoulder. No attempt had been made to go for the ball or execute a lawful tackle.
12. Mr Forer noted that after the collision the Player had simply walked away and had not returned to check on Mr Cutting. This demonstrated a lack of remorse from which could be gleaned the Player's intent. In the view of HRFC the Player had intentionally struck an opponent with his head. At the very least his actions were reckless, but in the club's view it had been a deliberate act.
13. Mr Forer confirmed that the incident had however not led to any reaction from other GRFC players or from the crowd.
14. The Panel then heard from the Referee who had not previously been contacted. Although he had not seen the match recording and could not therefore fully recall all detail he had a clear recollection of the collision itself. He confirmed that he had an unobstructed view of the incident which he described as "big hit" but one that was not dangerous or untoward. He recalled seeing the Player's near side arm go up to wrap around Mr Cutting and had seen nothing to indicate foul play.

DEFENCE CASE

15. The Player gave evidence. He said he had been committed to making a tackle and had wrapped an arm around Mr Cutting. He had not meant to collide with his head but had unfortunately done so. He was at full pace and had not at the time realised that the ball had been dropped. He had not gone back to check on Mr Cutting because he had not appreciated that the injury had occurred. He did not accept Mr Forer's suggestion that he could have pulled out of the contact.
16. Mr Hathaway accepted that the Player had executed a clumsy tackle, but in his view what had then happened had been accidental.

RULING

17. The Panel reminded itself of the test to be applied if the citing was to be upheld¹. It found that the incident had occurred in a very short space (0.48 of a second) of time

¹ "... where a Match Official, having detected the alleged act, decided that it was either not foul play, or that it was, but he took action other than sending off, the citing Club must prove, on the balance of probabilities, that the Match Official was wrong." Paragraph 4.4, Appendix 4 RFU Regulation 19.

and that the Player had been running at pace if not full speed. There had been no reaction from other players or the crowd. In the absence of such evidence being called, it appeared that no one from Gravesend had seen the incident other than on the match recording.

18. Most critically however the Referee had indicated that he had clearly seen the incident and did not consider that foul play had occurred. This was further corroborated by the match recording which when viewed at reduced speed showed the Player's left arm, which had white tape around it, go around Mr Cutting consistent with an effort to effect a lawful tackle. The right arm was also slightly raised in a forward motion.
19. In light of those findings the Panel was unable to uphold the citing which was accordingly dismissed.
20. The Panel nevertheless had great sympathy for Mr Cutting who unfortunately sustained a serious injury. It is understood that he has recently resumed playing and the Panel hopes that he will continue to enjoy a long and happy playing career. Having regard to the injury sustained, Havant was quite correct in asking that this matter be considered by a disciplinary panel.

COSTS

21. In accordance with the relevant RFU Regulation, the Citing having not been upheld the citing fee is to be retained by the RFU.

Jeremy Summers
Chairman
13 January 2011