

RUGBY FOOTBALL UNION

COMPETITIONS APPEAL HEARING

At: Brighouse Holiday Inn, Leeds

On: Tuesday 29th March 2011

JUDGMENT

Club: Stockport RUFC

Panel: Clif Barker (Chairman), Mike Hamlin and David MacInnes

Secretary: Liam McTiernan (RFU)

Attending: Mike Drew (Director of Rugby, Stockport RFC)
Mike Smith (Secretary, RFU North Competitions Committee)

Regarding: The Panel was convened to consider an appeal by Stockport RUFC against the decision of, and sanction imposed by, the Review Panel of the NCC on 15th February 2011, when the Review Panel found proved an allegation that, in the game against Rochdale on 22nd January 2011, Stockport played, or selected as a substitute or replacement, a player, namely Jonathan Cammus, who did not hold effective registration, contrary to Regulation 13.4.1(a) of the RFU Regulations (the Regulations), as a result of which the Review Panel ordered a deduction of 5 championship points. This appeal was, therefore, an appeal against both the finding of guilt and sanction.

Preliminary Matters

1. Both Mr Drew and Mr Smith confirmed that they had no objection to the composition of the Panel.
2. The Panel were in possession of a bundle of documents for the purposes of the appeal and, at the outset of the hearing, Mr Drew handed in a detailed statement of evidence from himself. Both Mr Drew and Mr Smith confirmed that they were in possession of all the documents before the Panel.
3. The Panel had observed that the letter dated 3rd February 2011 from Mr Drew to Terry Owen-Smith, the League Secretary for National 3 North, in its first sentence referred to an e-mail and to a notification of 28th January 2011. Neither the e-mail nor the notification was before the Panel, but both Mr Drew and Mr Smith confirmed that neither of these documents was necessary for the purposes of this appeal.

4. The Chairman explained the procedure, which the Panel proposed to adopt, to which both Mr Drew and Mr Smith confirmed their agreement.
5. Neither Mr Drew nor Mr Smith wished to raise any other preliminary matters.

Evidence as to Fact

The Panel considered:

1. A copy of the Official Match Result Card (MRC);
2. A letter dated 3rd February 2011 from Mr Drew to Terry Owen-Smith;
3. A document entitled "Rugby Round-Up";
4. An extract from the match programme;
5. A letter dated 4th February 2011 from Terry Owen-Smith to Gillian Stone, the Honorary Secretary of Stockport;
6. A letter dated 8th February 2011 from Mr Drew to Mr Smith;
7. Training Statistics for the Stockport players;
8. Record Sheet produced by the NCC;
9. Appeal Judgment by the NCC Review Panel dated 15th February 2011;
10. Notice of Appeal in the form of a letter dated 22nd February 2011 from Mr Drew to the Disciplinary Manager of the RFU;
11. Letter dated 20th March 2011 from Martin Wroe to Mr Drew;
12. Letter dated 25th March 2011 from Mr Drew to Liam McTiernan of the RFU Disciplinary Department;
13. E-mail dated 25th March 2011 from Mike Deasey of Rochdale RUFC to Mr Drew;
14. Photographic evidence of Stockport players;
15. Written Statement of Evidence of Mike Drew;
16. The oral evidence of, and submissions from, Mr Drew; and
17. Submissions from Mr Smith.

The Facts

The facts are not in dispute. Mike Drew is the Director of Rugby at Stockport and has been since 2003. As such, he is responsible for the completion and submission of the MRC. On 22nd January 2010, Stockport played Rochdale at Stockport in a National 3 North League Game. Mr Drew had been at the Club from 9.00am and, during the course of the morning, there was considerable discussion as to whether or not the pitch was playable due to frost. He became a little exasperated with those who were suggesting that the pitch was unplayable and, as kick off approached, he was interrupted whilst he was completing the MRC.

As a result of what Mr Drew describes as a "senior moment", he made errors in his completion of the team and replacements on the MRC. In that respect, he correctly entered Joshua Cammus as playing in the second row. However, in his confusion, he also entered the same person as one of the replacements at No.17, albeit that he inadvertently entered an incorrect christian name,

Jonathan, for the Cammus at No.17. There is no-one by the name of Jonathan Cammus at the Stockport Club and, consequently, although Joshua Cammus holds effective registration with the Club, Jonathan Cammus does not.

In addition, at the time when he completed the MRC, Mr Drew was unsure as to whether the Club had decided to play Nicholas Smith at No.7 or to play David Hopkins at No.7 and use Nicholas Smith as a replacement at No.17. In any event, Mr Drew included Nicholas Smith at No.7 on the MRC and did not include David Hopkins at all at No.17. Mr Drew accepts, therefore, that the MRC was false in a number of ways but maintains that these were unfortunate administrative errors by him and not carried out with any deliberate or dishonest intention to falsify the MRC.

When Terry Owen-Smith, the League Secretary, checked the submitted MRC against all the Stockport players who held effective registration, it not surprisingly revealed that Jonathan Cammus did not hold effective registration. As a result, the League Secretary imposed a deduction of 5 championship points for this error of playing or selecting as a replacement a player by the name of Jonathan Cammus, who did not hold effective registration, pursuant to Regulation 13.4.1 of the Regulations. Regulation 13.4.1(a) states: *"A Club may only play or select as a replacement or substitute players who hold effective registration for that Club in accordance with the Player Registration Regulations. The only conclusive evidence of Effective Registration is the Computerised Listing held by the RFU as at the Kick Off time of the match in which such players play. Each Club is responsible for ensuring its strict compliance with this Game Regulation and must take all reasonable steps to ensure compliance"*.

The Stockport Club then sought a Review of the League Secretary's decision but a Review Panel of the NCC confirmed the League Secretary's finding of guilt and sanction at a hearing on 15th February 2011. Again, that Review Panel found that Stockport were in breach of Regulation 13.4.1(a) of the Regulations by playing or selecting as a replacement Jonathan Cammus, who did not hold effective registration.

The basis of Mr Drew's contentions throughout this matter has been that Stockport were not in breach of Regulation 13.4.1(a) because, although there may well have been errors on the MRC, all the players who actually played for Stockport on that day or who actually were replacements held effective registration.

Mr Drew contends, therefore, that the League Secretary and the Review Panel sanctioned Stockport for a breach which they did not commit. By the same token, however, Mr Drew accepts that Stockport were in fact in breach of Regulation 13.6.12 of the Regulations. In that respect, Regulation 13.6.12(a)(i) states as follows: *"Each Club shall be responsible (i) for correctly completing the Match Result Card in accordance with these Game Regulations and any other relevant instructions and (ii) passing the completed*

Match Result Card to the Referee (or such person who is designated by him) no later than 15 minutes before kick-off”.

Furthermore, Regulation 13.6.12(c) states: *“Each Club must ensure that information provided on a Match Result Card is accurate and legible. The provision of false or misleading information on players or replacements shall be a serious breach of this Game Regulation and may give rise to a severe penalty”.*

In all the circumstances, therefore, Mr Drew submits that this Panel should allow Stockport’s appeal but concedes that, if the Panel does so, it nevertheless has power to deal with Stockport for a breach of Regulation 13.6.12. In that respect, Mr Drew also submits that an appropriate sanction for the actual breach committed by Stockport would be a fine of £25.

In answer to questions from the Panel, Mr Drew accepted that, having completed the MRC, he did not check it before handing it to the referee just before the kick-off. He also accepted that, when he met with the referee and Rochdale’s representative after the game in order to check the accuracy of the Result Declaration on the MRC, he again did not check that his listing of the players and replacements on the MRC was correct.

The MRC must thereafter be sent to the League Secretary by post. An envelope is not necessary as the MRC itself has provision on one side for the name and address of the League Secretary. Mr Drew normally posts the MRC on the morning after the game and he did so on this occasion. Mr Drew accepted, however, that, before dropping the MRC into the post box, he again did not check that its contents were accurate.

On behalf of the Review Panel of the NCC, Mr Smith accepted that, although on the face of it and initially it appeared that a player, Jonathan Cammus, had been selected as a replacement whom did not hold effective registration, he now accepted that the 18 players who actually played or were actually selected as replacements all held effective registration. Mr Smith also accepted that Stockport had not deliberately or dishonestly submitted a false MRC with a view to misleading the League Secretary in any way and that the errors were in fact administrative errors. However, Mr Smith stressed the importance of the accurate completion of the MRC.

Finally, it was accepted by the parties that the MRC contained a number of false entries. Firstly, Nicholas Smith was not the No.7 and this should have read David Hopkins. Secondly, the fictitious Jonathan Cammus was not the replacement at No.17 and this entry should have read Nicholas Smith. Thirdly, Joshua Cammus did not play at No.4 in accordance with the MRC but played at No.5 and, likewise, Paul Ralph did not play at No.5 but played at No.4.

Decision

The Panel was satisfied on the evidence that all the players who actually played or were actually selected as replacements for Stockport held effective registration. The Panel concluded, therefore, that Stockport did not breach Regulation 13.4.1(a). Accordingly, we allowed Stockport's appeal and quashed the decision of the Review Panel of the NCC.

However, the Panel was also satisfied that Stockport were in breach of Regulation 13.6.12(c) in that, in several respects, the information provided on the MRC was inaccurate, false and misleading.

Sanction

Regulation 13.10.11(a) of the Regulations provides as follows: *"Where the Committee finds there has been a breach of RFU Regulation 13, it may impose such sanction as it deems appropriate. Sanctions available to the Committee may include: loss of match or Competition points; transfer of Competition points; review of result; deduction of Competition points to be effective at the commencement of the following Season; deletion of Club's results from its League Table; placing a Club at the bottom of its League; relegation of a Club by one or more Leagues or Levels; a financial sanction, including monetary fine or compensation award payable to any third party, sponsor or Club; expelling or suspending any Club from membership of a Competition; or any such other penalty as the Committee deems appropriate in accordance with the Sanctions Guidelines"*.

The Sanction Guidelines can be found on pages 181 to 184 of the Handbook. The Panel noted that, if a MRC contains deliberately false or misleading information, then the appropriate sanction is a deduction of not less than 20 championship points. Furthermore, the Panel also noted that, where there is no suggestion of the MRC being deliberately rendered false or misleading, the recommended sanction for inaccurate information being included on the MRC is a fine and/or a deduction of championship points.

A deduction of 5 points is, of course, equivalent to one win with a winning bonus point. The Panel accepted that the MRC in this case was not falsified deliberately or dishonestly. However, Regulation 13.6.12(c) makes it clear to Clubs that the provision of false (i.e. not deliberately or dishonestly false) information on players or replacements shall be a serious breach and may give rise to a severe penalty. Everyone, including Mr Drew, accepts the importance of the accuracy of the MRC. The Panel noted that there were several inaccuracies on the MRC. Furthermore, it was clear to the Panel that Mr Drew failed to check its accuracy on the three occasions, when he could and should have done so. The Panel also noted that Stockport was fined £25 some two years ago for a minor breach of referring to the Christian name of one of their players as Mike rather than Michael. The omissions and errors in the present case are far more serious than that and, in the opinion of the Panel, amounted to a serious breach, albeit one caused by inadvertence.

In all the circumstances, therefore, the Panel concluded that the appropriate sanction for a breach of Regulation 13.6.12(c) was a deduction of 5 championship points.

Costs

The Panel did not order a return of the appeal fee of £125 because the Club have been found to be in breach of Regulation 13 in any event.

Signed: Clif Barker, Chairman

Date: 5th April 2011