

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Offices of Russell Jones & Walker, 50-52 Chancery Lane, London

DATE: 6 April 2011

Player: Tristan WESLEY

Club: Richmond FC

Match: Worthing v Richmond

Venue: Worthing

Date of match: 26 March 2011

Judicial Officer: Jeremy Summers

Secretary: Liam McTiernan

In Attendance:

Tristan Wesley ("the Player")

Tony Gadsby-Peet – Chairman Richmond FC

DECISION

1. **The Player was found guilty of conduct prejudicial to the interests of the game in that he had struck an opponent contrary to Law 10.4 (a). For the reasons set out below, and in the unique circumstances of this case, he was reprimanded and warned as to his future conduct.**

PRELIMINARY ISSUES

2. The Player did not object to the matter being heard by a sole Judicial Officer, as is provided for under RFU Regulation 19.5.1.1.
3. The Player confirmed that he had received the case papers and the match footage and understood the procedure to be followed.
4. The Judicial Officer was appointed to consider a breach of RFU Law 5.12 that arose in the following circumstances. An incident of foul play had occurred in the 23rd minute of the match in consequence of which, and following a report from his Assistant Referee, the Referee had issued a yellow card to W12 and a red card to R6.
5. It was however accepted by the Player, Richmond and the Assistant Referee¹ concerned that R6 had not been involved. All parties further accepted that the Player (R4) had in fact been the offending party.

¹ The AR had, at the time, believed the Player to have been the guilty party, He had however been persuaded otherwise by his fellow Assistant who thought the offender was R6, and it was this number that was ultimately given to the Referee who had himself not seen the incident.

6. In the circumstances, and pursuant to RFU Regulation 19.8.1.3, the Judicial Officer directed that the red card issued to R6 (Tom George) be removed from his record.
7. In order that the matter could be considered as against the Player, the RFU issued proceedings under Law 5.12 which fell to be considered by the Judicial Officer. As noted this alleged that, in striking an opponent, he had acted contrary to the interests of the RFU and the game.
8. The Player pleaded not guilty to the charge brought against him.

THE FACTS

9. The Judicial Officer considered:
 - i. The Sending Off report and an addendum thereto dealing with R6.
 - ii. Testimony from the Assistant Referee.
 - iii. The match recording.
 - iv. Testimony from the Player.
 - v. Submissions from Mr Gadsby-Peet.
 - vi. Minutes of Richmond FC Disciplinary Panel hearings held on 31 March 2011.
10. The match recording had been viewed by all concerned prior to the hearing and the proceedings commenced with the Assistant Referee giving evidence by telephone conference call.
11. As noted above, he confirmed that R6 had been erroneously dismissed. He then described an altercation between W12 and the Player following a passage of open play where Richmond were in possession following a line out. At an ensuing break down both players were pushing and grappling each other. He saw W12 push the Player whereupon the Player put his head into W12's face causing him to recoil. W12 put his hand briefly to his face/mouth but otherwise made no reaction.
12. W12 had not been injured, and immediately rejoined play. There was no reaction from any other player.
13. He confirmed that both players had initially been equally involved in the scuffle but thought that the Player had then stepped into W12 and that the resultant contact had therefore not been accidental.
14. The match recording was then viewed and the Player gave evidence.
15. He stated that he had joined a ruck at which he had initially been unopposed and so had bridged over the ball carrier who had gone to ground. W12 had then come into contact with him. He had felt W12's hand/fingers around his face and, although he was clear not to assert that there had been any contact with his eyes, he had reacted to W12's actions. This led to an altercation between the two of them with neither wanting to back down or let the other go.
16. He accepted there had been a slight clash of heads but asserted that, at the point of contact, both he and W12 were moving toward each other as part of that altercation. The contact had therefore been accidental and certainly not intentional. He noted that he was taller than W12 which may have made the incident look worse than it

was from the AR's position on the touch line. He pointed to the fact that there had been no injury and that W12 had immediately rejoined play both of which he felt to be significant factors. He though accepted that he should have not have allowed himself to react in the way that he had, and expressed genuine regret for having done so.

17. Mr Gadsby-Peet confirmed that the club had convened its own disciplinary hearing and had looked at the incident very carefully. The club has no tolerance of foul play and treats disciplinary matters extremely seriously. However, having considered the incident the club had concluded that the contact had occurred accidentally and, to the extent that foul play had occurred, it would not have warranted the Player's dismissal.
18. He pointed to the fact that as part of their scuffle both players had advanced towards each other, been pushed away and returned to push again. Against that backdrop immediately before contact was made W12 could be seen heading slightly towards the Player. In his view this had contributed to the collision and there had accordingly been no improper intent on the part of the Player.
19. The club thinks highly of the Player who is in his sixth season at Richmond and is not in any way regarded as a dirty player. The Player is 30 has been playing rugby since he was 8 without having previously been sent off.

FINDINGS

20. The striking of an opponent with the head is a serious offence and the Judicial Officer accordingly gave careful consideration to all the evidence and made the following findings:
 - a) The Player's head made contact with the face of W12.
 - b) That contact emanated from an altercation, that was, in itself, low level in nature, involving both the Player and W12 in equal measure.
 - c) From the match footage it appeared that, at the point of contact, both players were moving towards each other as part of the general altercation as described.
 - d) The Player, who is taller than W12 was between the AR and W12. The AR was some 15 metres from the incident on his touchline and therefore may not have been able to see W12 moving toward the Player.
 - e) There was no injury and no reaction from any other player.
 - f) AR2 was mistaken in having identified R6 as the culprit. The Player was wearing R4.

21. In light of the above and on the balance of probabilities, not least because of the of the Player's actions immediately before his head came into contact with W12's, the Judicial Officer found that an act of foul play had occurred. However, in the view of the Judicial Officer it was at the very lowest possible end of the scale of seriousness.

SANCTION

22. The matter however came before the Judicial Officer as a breach of Law 5.12 rather than a pure act of on field foul play.

23. Pursuant to RFU Regulation 19.8.2.2 the punishments available for a breach of this law are stated to include but to not be limited to “a reprimand, a financial penalty or suspension from playing...”
24. As such the Judicial Officer was not constrained to apply the sanctions recommended in Appendix 2 to RFU Regulation 19.
25. In the perhaps unique and exceptional circumstances of this case, and having regard to the facts as set out above, the Judicial Officer determined that a period of suspension was not the appropriate sanction in this instance.
26. The Player is therefore able to continue playing with immediate effect, although he is formally reprimanded and warned as to his future conduct.
27. In the event that he should at some future time trouble the disciplinary process again, it is anticipated that this ruling will be taken into consideration if it is appropriate to do so.

COSTS

28. The Player and/or his club are ordered to pay costs of £200.

APPEAL

29. The Player is advised of his right of appeal as set out in the RFU Regulations.

Jeremy Summers
Judicial Officer
6 April 2011