RUGBY FOOTBALL UNION DISCIPLINARY HEARING

At: Holiday Inn, Swindon.

On: Tuesday 5 October 2010.

JUDGMENT

Player: Chris Budgen Club: Exeter Chiefs

Match: Harlequins RFC v Exeter Chiefs

Venue: The Stoop **Date of Match:** 25 September 2010

Panel: Christopher Quinlan (Chairman), Mike Curling and John Doubleday

Secretariat: Bruce Reece-Russel, RFU Disciplinary Manager

Liam McTiernan

Citing Officer: Budge Pountney

Attending: The Player

Robin Cowling, Exeter Team Manager

Chris Over, Solicitor

The Citing

1. The Player denied the act of foul play. He was cited for an alleged act of striking an opponent contrary to law 10(4)(a) in the second half of the Aviva Premiership match played between Harlequins RFC v Exeter Chiefs on 25 September 2010.

2. The citing report stated:

"When viewing the incident of the Elite Hub tight view the timing is at 1.08.28. Harlequins 15 (Mike Brown) takes a quick tap penalty and runs approx 2-3m in the hope of drawing Exeter 18 (Chris Budgen) onto him. Brown passes the ball to the supporting player on his left. Immediately after Brown has passed the ball Budgen hits Brown with a swinging right forearm/fist into the facial area of Brown.

"Brown is on the floor trying to recover from the shot and a member of Harlequins medical staff arrives on the pitch however Brown does get up on his own accord and carries on. "Budgen made no attempt to make a legal tackle and neither of his arms gripped around the body of Brown and in the midst this incident he strikes Brown with his right forearm/fist.

"When viewing from the Wide angle on Elite Hub the incident is at 1.09 and the referee is clearly seen to be about 5m directly behind the incident.

"It is worth noting that Brown had already been flat out earlier in the 1st half when he took a heavy blow to the head from a failed tackle on his behalf, however although he had received treatment he had shown no complaints from that earlier incident and had played an active part in all of the game since."

- 3. The Panel viewed the footage of the incident. The footage provided an elevated side-on view of incident. The Harlequins 15 (Mike Brown 'MB') took a quick (tap) penalty and ran towards the Exeter defensive line. As he neared Chris Budgen (CB) MB passed the ball to a supporting player on his left (i.e. away from the camera). A fraction of a second later, contact was made between CB and MB. At the point of contact, CB's right arm was raised upwards, his hand going across MB's chest towards his (MB's) shoulder; his left arm was also raised but lower. Following (and in consequence of) the contact, MB went to ground and play continued. MB received treatment before playing on.
- 4. The Player's case was advanced first by questioning of the Citing Officer, who presented the citing via telephone conference call. Thereafter, CB told us that he had attempted to effect what he called a "ball and all" tackle. When he saw the ball being passed away, he was committed to the tackle, but attempted to pull out; he did not carry through and wrap both arms round MB. He denied making contact with MB's head or face with his forearm or at all. He insisted that contact was between his upper arm/shoulder and MB's chest.
- 5. The citing report is silent as to whether any one of the match officials saw the incident. The Citing Officer had not spoken to any of them. It is clear from the footage that the referee (1) was behind MB, and turned his head away from him (and so the incident), following the ball (2) he did not signal an act of foul play and (3) neither assistant referee 'flagged the incident'.
- 6. In advance of the hearing, the Panel Chairman asked for attempts to be made to ascertain from MB as to where he could assist as where contact was made. We were told that Harlequins and MB had no complaint and could not help.

Decision

- 7. Principally, two issues arose:
 - a. The point of contact; and

- b. The nature of the act
- 8. Firstly, the <u>point of contact</u>. The footage provided us with a side-on view of the incident. The view was from CB's left side. The angle was such that the point of contact was obscured by MB's upper body. At the point of contact, one cannot see on the footage:
 - a. what part of CB's hand/arm/shoulder made contact with MB
 - b. where on MB such contact was made
 - c. the location of MB's head or face
- 9. Further, the quality of the footage is such that the crucial 'contact area' was blurred. We were not provided with any other angle. MB could not help us. Accordingly we were not satisfied that contact was probably made with MB's head or facial area.
- 10. Secondly, the <u>nature of the act</u>: was it a strike? In a case such as this, the Chairman is able to (and did) draw on the considerable rugby knowledge of those with whom I sit. Contact was made after the ball had gone. However, professional rugby union is a highly dynamic sport. Analysis by the Panel of the footage (with the assistance of Mr McTiernan) revealed that (according to Mr McTiernan) that the first contact between the players came approximately 6 or 7/25 of a second (i.e. less than one third of a second) after the ball had left MB hands. Of course, that of itself, does not prevent the action being a strike but it helped with context.
- 11. The Panel were not satisfied on the balance of probabilities that the Player did strike MB. The Panel considered also the question of whether it was a dangerous tackle. The Panel were not satisfied on the balance of probabilities that it was. Accordingly, the Panel dismissed the citing and the Player is free to play with immediate effect.

Christopher Quinlan (Chairman)

5 October 2010