

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Filton, Bristol

On: Tuesday 15 February 2011

JUDGMENT

Player: Nicky Robinson

Club: Gloucester RFC

Match: Gloucester RFC v London Irish RFC

Venue: Gloucester

Match Date: 5 February 2011

Panel: Rick Charles (Chairman), Geraint Edwards and Mike Curling.

Secretary: Liam McTiernan

Attending: The Player.

Bryan Redpath – Head Coach Gloucester RFC

Preliminary

1. The Panel was constituted in accordance with Appendix 5 to the Anglo-Welsh Cup Regulations 2010/11 and the hearing was conducted in accordance with IRB Regulation 17. The Player had no objection to the composition or constitution of the Panel.

Charge and Plea

2. The Player was charged with an offence of dangerous tackling contrary to Law 10(4)(e), in that he dangerously tackled an opponent during the (67th minute of the Elite Hub Broadcast) match Gloucester v London Irish. He denied the charge. The Panel noted that the Player had been cited for an offence contrary to Law 10(4)(j), commonly referred to as a tip tackle. The Panel was informed by the Secretary that the RFU Disciplinary Manager considered that the gravamen of the act of foul play was the lateness of the tackle not that the victim player was driven or dropped to the ground. The Player was content to continue on that basis.

The Facts

3. The Panel read the RFU Citing Report dated 9 February 2011 and

signed electronically by the Citing Officer, Mr Tony Lanaway. The report describes an incident as follows:

“No.9 for London Irish, Allinson, runs across the field towards his left touchline and makes a switch pass to a team mate. Allinson, having passed the ball, continues his line of run into the path of No.10 for Gloucester, Robinson.

Robinson tackles Allinson and drives him up onto his left shoulder, Robinson now partially erect, raises his right elbow to enable him to further lift and tilt the player and drives him down into the ground onto his back, maintaining contact until they both hit the ground. This action constitutes a tip-tackle, in contravention of Law 10.4(j).

Telephone call to referee, Gwynn Morris, 18.40 on Wednesday 9th February. He cannot recall the incident and has not as yet had access to any coverage of the game, still waiting for a promised DVD of match from Gloucester RFC.”

The Citing Officer has recorded that the referee was 3 metres away from the incident. The Panel and the Player did not have any questions to put to the Citing Officer who was not present.

4. The Panel then viewed the DVD recording of the incident at normal and slow speeds. The recording shows the London Irish No9, Darren Allinson (DA), tracking across the field with the ball in both hands. The Player comes forward from the Gloucester defensive line and stops with his back to the touchline facing DA who is running directly towards him. The Player stands still with legs apart and bends forward as DA runs towards him. DA passes the ball to his right to a player in close support and continues towards taking 3 steps before the Player tackles him driving upwards, making contact at waist level. The Player uses both arms in the tackle and his right arm is then raised bringing DA's body to the horizontal. The Player bends forwards and DA comes into contact with the ground on his back with the Player falling over him immediately afterwards. Both players get up and follow play. There is no reaction from DA or any other players. The recording was played with the sound on and the referee can be heard calling “put him down gently” as the tackle is being made.

The Defence Case

5. The Player gave evidence. He explained that he came out of the defensive line to block any pass DA might be considering out to the wing. He set himself to make the tackle, putting his head down anticipating the contact with DA who was running straight at him. He thought DA still had the ball and it was only after he had tackled DA that he sensed that he no longer had the ball. He heard the referee call out telling him to put DA down gently which is what he did,

placing him on his back. He did not drive DA's upper body into the ground or drop him. He did not see DA pass the ball away.

6. Mr Redpath produced an e-mailed statement dated 14 February 2011 from Gwyn Morris, the WRU referee at the game. He states that having seen the recording of the incident, he saw what happened. He goes on to state: *"I did see the incident during the game and told 10 red as soon as I saw the legs being lifted to put the player down gently. As far as I was concerned during the game the player conformed to my request and there was no player reaction after the tackle. 9 green then got up and passed the ball from the next contact area.....I am happy that the player conformed to my request and that no foul play occurred during this incident."*
7. Mr Redpath submitted that the allegation of dangerous tackling was not established to the standard required.

Finding

8. In the case of a citing it is the function of a Disciplinary Panel to review the case and determine on the balance of probabilities whether the Player concerned committed the act of foul play alleged by the Citing Officer in his report. Where a referee has made a decision on the field of play relating to the cited incident, a Panel shall not make any finding contrary to the referee's determination unless it is satisfied to the same standard that the reasons for it are wrong.
9. The Panel considered all the evidence put forward at the hearing. The Panel first considered whether the tackle was contrary to Law 10(4)(j). The Panel found that although the Player lifted DA's legs with his right arm bringing DA's body to the horizontal, he did not drive or drop DA so that his head or upper body came into contact first with the ground. We accepted that he responded to the referee's call and that he had not in any event an intention to dangerously tackle DA or that he was reckless. While it could be said that the technique used by the Player was clumsy we were not satisfied that the referee's reasons for concluding that there had not been an act of dangerous tackling were wrong and we endorsed his decision.
10. The Panel then went on to consider the lateness of the tackle. The incident occurred during a dynamic phase of the game. The Player was stationary with DA running hard towards him and lowered his upper body to make the tackle. We accepted the Player's evidence that he had not realised that DA had passed the ball before DA ran into him and he made the tackle. The recording shows an interval of less than 2 seconds between the ball leaving DA's hands and contact with the Player. In all the circumstances the Panel was not satisfied to the required standard that the tackle was late to the

extent that it amounted to an act of foul play, namely, dangerous tackling. Accordingly the Panel dismiss the citing and the Player is free to pay rugby union.

Rick Charles (Chairman)