

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: Holiday Inn, Bloomsbury

DATE: 17 November 2010

Player: Michael MARSH

Club: Worthing RFC

Match: Worthing v Lydney

Venue: Worthing

Date of match: 6 November 2010

Panel: Jeremy Summers (Chairman), Philip Evans and Elizabeth Riley (“the Panel”)

Secretary: Liam McTiernan

In Attendance: Michael Marsh (“the Player”)
David Hinchliffe – 1st XV Manager

DECISION

1. **The Player was found guilty of stamping on an opponent contrary to Law 10.4 (b). For the reasons set out below he was suspended from playing rugby for a period of 1 week 17 to 24 November 2010. He is free to play again on 25 November 2010.**

PRELIMINARY ISSUES

2. The Player did not object the to composition of the Panel, and no preliminary issues arose.

FACTS

3. The Player was dismissed from the field of play in the 32nd minute of the second half of the match.
4. The Referee’s report recorded as follows:

“Worthing were in possession of the ball at a breakdown, approximately 15m inside the Lydney half, 20m from the right-hand touchline. As I looked to scan mid-field offsidess I noticed two players in the middle of the field, slightly ahead of play. As I turned to look I saw the Worthing 9 lash out with his right boot and strike the Lydney player on his upper body, on his side. I stopped the game, separated the teams following the minor fracas that ensued after the incident. AR1 had also seen the incident. I called him across and I told him what I had seen, he concurred but added that the Worthing 9 had been held unnecessarily and dragged a number of metres by the Lydney player who was on the ground prior to lashing out. I had not seen this as had been watching play. The AR agreed that the sanction should be a red card for the Worthing 9 but offered no sanction for the Lydney player. It should be noted that the player had not been involved in any other incidents of foul play in the game.”

5. The use of the phrase “lash out with his right boot” perhaps suggested that the offending was in fact a kick rather than a stamp. The Panel was however helpfully advised by Mr McTiernan that he had contacted the Referee who had confirmed that the offence was one of stamping.
6. The match footage which was viewed did not show the actual point of contact but did show the Lydney player concerned with his back pushed up against the Player’s legs pushing him away from the breakdown with his arms behind him locked around the Player’s legs.

MITIGATION

7. The Player did not dispute he had made contact with an opponent, but explained he had been trying to free himself from the grasp of the Lydney player (15) who he believed was deliberately trying to prevent him (as the scrum half) getting to an attacking ruck on the Lydney 22.
8. He had spoken to L15 after the game and both had apologised to each other.
9. Mr Hinchliffe spoke on behalf of the Player who is regarded highly. He is 27 and has been playing for 20 years without previous disciplinary blemish. He had seen the incident and whilst he did not view the offending as intentional he accepted it was reckless. The Referee’s report was agreed.

RULING

SANCTION

10. The Panel undertook an assessment of the seriousness of the offending having regard to the criteria set out in 19. 8.2.5 of the RFU Regulations. In this regard the Panel found as follows:
 - a) That the Player had not acted intentionally in that he had not deliberately stamped on an opponent.
 - b) The Player had, however been reckless.
 - c) The offending consisted of a single stamp to an opponent’s back and/or side.
 - d) There was no effect on the victim.
 - e) There was no effect on the game.
 - f) The victim contributed to the overall position by his actions, and could not be regarded as being vulnerable.
 - g) There was no premeditation.
 - h) The conduct was complete.
 - i) There were no other relevant factors constituting the Player’s offending.

11. In light of these findings the Panel assessed the offending as being at the LOW END of the scale of seriousness. The low end entry point for this offence is a suspension of 2 weeks.
12. None of the aggravating features set out in Regulation 19.8.2.7 were found to be present.
13. Having regard to the matters advanced in mitigation, the Panel gave credit by way of reduction of 1 week from the entry point, and the Player was accordingly suspended for a period of 1 week.

COSTS

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

APPEAL

15. The Player was advised of his right of appeal as set out in the RFU Regulations.

Jeremy Summers

Chairman

21 November 2010