

RUGBY FOOTBALL UNION

APPEAL HEARING

Venue: Holiday Inn, Junction2, M6

Date: 17th November 2010

JUDGMENT

In the matter of Dronfield RFU

Panel: HHJ Sean Enright, John Brennan & Geoff Payne

Attending: Bruce Reece-Russel - Secretary to Panel
Steve Allford - League Secretary
Steve Westerman - Treasurer
Ryley Wing - Director of Rugby
Derek Sherlock - Head Coach
Andrew File - Registration Officer

This Appeal Panel was convened to consider an appeal by Dronfield RFU against a decision of the Midlands League Organising Committee which upheld a sanction of a deduction of five league points for fielding an unregistered player on the 11th September 2010.

1. The Club did not object to the composition of the Appeal Panel.
2. It is not in dispute that Dronfield RFC fielded an unregistered player during a match against Nottingham Casuals at the start of this season. Five league points were deducted by the League Secretary for this offence. The Club then appealed to the Midlands League Organising Committee. The Committee found that the offence was 'in error and that there was no deliberate attempt to deceive or cheat.' We digress to observe that we have reviewed the papers and we concur with that view. No one at Dronfield RFU has acted dishonestly or improperly. The Midland League Organising Committee upheld the five point sanction.
3. The applicable regulations are now set out. Regulation 13(4) creates the offence of fielding an unregistered Player. The usual sanction in a minimum five point deduction.
4. Regulation 19.2.2 stipulates that the Appeal Panel may only depart from the application of Regulation 13 in exceptional circumstances.
5. Exceptional circumstances are restrictively defined by Regulation 19.11.2.2 (a) to circumstances where the application of Regulation 13 has resulted in, or would result in, a perverse and/or unfair outcome.

6. In this case Regulation 13 was breached in error as a result of the Club securing back to back promotions which resulted in them being placed at level 8. In securing level 8 status they failed to realise that the registration requirements were different and more stringent than at level 9. Had they still been playing at level 9 they would not have been in breach of the Regulations. Do these facts amount to exceptional circumstances within the meaning of the regulations? We think not. Dronfield, like many clubs at this level, is staffed only by volunteers who are required to deal with and master complex regulations. We have considerable sympathy with the position this Club now finds itself in, but there are no exceptional circumstances nor is there any compelling reason to depart from the Guidance on sanction. This appeal must be dismissed.

Signed: SEAN ENRIGHT (Chairman)

Date: 17th November 2010.