

RUGBY FOOTBALL UNION

DISCIPLINARY APPEAL HEARING

At: Holiday Inn, Junction 2, M6

On: 1st March 2011

JUDGMENT

Appellant: Mark TAYLOR

Club: Old Halesonians RFC

Match: Worcester U17 v. Old Halesonians U17

Venue: Worcester

Match Date: 12th December 2010

Panel: HHJ Sean Enright, Geoff Payne and Peter Howard

Secretary: Liam McTiernan

Attending: Mark Taylor

Regarding: An appeal against both finding and sanction, imposed by the North Midlands disciplinary panel on 11th January 2011, for offences of referee abuse, contrary to RFU Rule 5.12.

Preliminary Matters

1. The Appellant did not object to the composition of the Panel.
2. The Player admitted abusing the referee verbally, but denied having abused him physically. On enquiry, the Appellant confirmed that he was seeking a *de novo* hearing of his case, pursuant to Regulation 19.10.1.3.

Regulatory Issues

3. We considered the Regulations pertinent to RFU Appeals. In particular:
 - (i) Regulation 19.10.1.3, which sets out the basis upon which a *de novo* hearing may be permitted; namely where it would be in the interests of justice to do so and where there is new evidence to be adduced which was not reasonably available at the original hearing.
 - (ii) Regulation 19.10.5.1, which sets out that which the Appellant must prove in order to succeed on an appeal.

4. Mr Taylor told us that he had not been advised of the need to produce witnesses at the original hearing and had not done so, though he now had a number of available supporting witnesses. The Appellant told us that his lead coach on the day was supportive of his appeal as was his club, which had agreed to finance it.

Findings

5. The Appellant admitted that he had abused the referee. Inevitably, this would mean that the Appellant faced a substantial sanction.
6. The North Midlands disciplinary panel had imposed a substantial sanction. The Appellant had lodged and pursued his appeal in person and without the assistance of his club, Old Halesonians RFC, from which we felt that he might have benefited. He had given long service to his club and had no previous disciplinary record.
7. We were satisfied that there was an issue regarding the allegation of referee assault which, in the interests of justice, ought to be heard *de novo*.

Directions

8. We made the following directions:
 - (i) That the Appellant be allowed a *de novo* hearing on the allegation of referee assault;
 - (ii) That the Appellant produce witnesses of fact in support of his case;
 - (iii) That the Appellant be accompanied to the appeal hearing by an officer of Old Halesonians RFC;
 - (iv) That the accompanying club officer produce, in advance of the appeal hearing, a skeleton argument setting out the area(s) of dispute;
 - (v) That a representative of the North Midlands disciplinary panel attend the appeal hearing;
 - (vi) That the matchday referee attend the appeal hearing.

Costs

9. The Appellant was directed to lodge the appeal fee with the Panel Secretary.

Signed: SEAN ENRIGHT (Chairman)

Date: 1st March 2011