RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Junction2, M6

On: 31st January 2011

JUDGMENT

Player: Alex Davidson

Club: Luctonians RFC

Match: Nuneaton v Luctonians

Venue: Nuneaton

Match Date: 8th January 2011

Panel: HHJ Sean Enright, Peter Howard and John Brennan.

Attending: Alex Davidson (the Player)

Simon Green-Price (Luctonians RFC administrator)

Secretary: Bruce Reece-Russel and Brenda Parkinson.

Charge and Plea

1. Alex Davidson ("the Player") of Luctonians RFC was charged with stamping on an opponent contrary to Law 10(4)(b) during the course of the match Luctonians RFC v Nuneaton RFC on 8 January 2011. The Player denied the charge.

Evidence

- 2. The Panel read a report from the referee, Mr Watters, heard him give evidence by phone and watched DVD footage of the incident.
- 3. The Panel also heard evidence from the Player

Finding

- 4. The Panel considered the charge to be proved.
- 5. It was evident from the DVD that there had been contact between the Player's boots and an opponent. Following a lineout close to

Nuneaton's try line, the Luctonians' pack drove towards the line. The Player took part in the maul. One of the Nuneaton players was either driven, fell or went to ground immediately in front of the Player. The Player's right boot raked the side of the head of the prone player as he advanced forwards. The Player's left boot raked the head of the prone player as he drove past him.

6. The issue in this case was whether the contact described above was accidental or not. The Player maintained that it was. The Panel was inclined to give the Player the benefit of the doubt in respect of the first contact. At this point, the Player was grappling with an opponent who had him in a head-lock. However, the Panel was satisfied on the balance of probability that the second contact was not an accident and was, at least, reckless. The Player must have been aware of the presence of the player on the ground. He had trampled on him only a few moments before. The Player knew that the ball was in his own side's possession further back in the maul. The Player told us that in relation to the second contact there was "backward movement with the left boot [i.e. the Player's left boot] as an acknowledgment of the fact that there was somebody there. I would never have done it intentionally." This invited further questioning. When questioned, the Player said: "The second time I knew there was somebody there. It was a rucking motion." The ball was in the possession of one of Player's team mates in the midst of a maul some little way behind the Player at this point in time. The Player acknowledged that he knew that. It follows that any attempt on the Player's part to ruck cannot have been legitimate. Law 16.3(d) states: "A player rucking for the ball must not intentionally ruck players on the ground. A player rucking for the ball must try to step over players on the ground and must not intentionally step on them. A player rucking must do so near the ball." The referee enjoyed a clear view of the incident from a short distance away. He formed the view that the raking was intentional.

Entry Point

7. The panel considered the players conduct justified a mid-range entry point. Its determination of the seriousness of the conduct was based on the following evaluation of the criteria set out at RFU Regulation 19.8.2.5. The Player's conduct was: (a/b) accidental in respect of the first rake and reckless in respect of the second; (c) as set out above; (d) no injury (the Panel gave the Player the benefit of the doubt in that regard, having been told, with apparent sincerity, that the cut the Referee noticed had been sustained in an earlier incident); (e) sending off; (f) the victim was prone as is normally the case in offending of this sort; (g) the Player acted in the heat of the moment; (h) the conduct was completed.

Aggravating Features

8. There were no aggravating features.

Mitigating Features

9. The Player has enjoyed a long career in the professional ranks. The Player wrote to the victim on the day after the game to express his regret in the customary way. The Player had been suspended for stamping on one previous occasion in 2008 for 3 weeks. The Player represented England Counties in the past. In his paid role as Director of Rugby for Luctonians RFC, the Player takes part in an extensive coaching programme in local schools.

<u>Sanction</u>

10. The Panel sanctioned the Player by imposing a 2 week suspension, being the recommended sanction for a low-end offence of this nature. The Player was afforded one week's credit to reflect the one week suspension imposed by Luctonians' disciplinary committee. The Player was suspended with immediate effect on Monday 31 January 2011. The Player will be free to play again on Monday 7 February 2011. The Player was ordered to pay £200 on account of costs.

Right Of Appeal

11. The Player is reminded of his right of appeal. Any such appeal must be lodged with the RFU Disciplinary Office not later than 10am on the 14th day following receipt of this judgment

Signed: Sean Enright, Chairman.

Date: 31st January 2011