# RUGBY FOOTBALL UNION APPEAL HEARING

**VENUE: Holiday Inn, Bloomsbury** 

DATE: 20th January 2011

#### IN THE MATTER OF:

An appeal by Deal & Betteshanger RFC ("D&B") against the sanction imposed by a RFU Disciplinary Hearing chaired by Jeremy Summers of 17<sup>th</sup> November 2010 ("the original panel"). D&B was found guilty on its own admission of an offence contrary to Rule 5.12 of the Rules of the Rugby Football Union "Conduct prejudicial to the interests of the Union and/or the Game" the sanction being as follows:

- The match played on 30 October 2010 is deemed a 0-0 result. Neither D&B nor [East Grinstead RFC] are awarded league points from the fixture.
- D&B is deducted 15 league points with immediate effect.
- D&B is deducted a further 15 league points, such deduction being suspended until 31 May 2012.
- That suspension is liable to be activated in the event that any adult D&B side is found guilty of misconduct (as defined by the RFU Regulation 1) during the period of suspension. For the avoidance of doubt this will not include any individual and isolated acts of on field foul play.

#### Panel:

Simon Wakefield – Essex County RFU Disciplinary Chairman (Chairman) and Paul Astbury – Middlesex County RFU President ("the Panel").

### Secretary:

Liam McTiernan - RFU

## In attendance for D&B:

Ted Schofield – Chairman Cliff Davis – Director David Storrie – President Elect David Donachie – Director of Discipline

# Observer:

Matthew Ravenscroft – Hon Secretary East Grinstead RFC

# Preliminaries:

- 1. The Chairman introduced the Panel and explained the significance of the composition. D&B agreed to the Panel.
- 2. The Chairman explained the procedure to be followed.
- 3. D&B confirmed that the appeal was against the sanction imposed at the original hearing
- 4. The Chairman explained that it was for D&B to prove on the balance of probabilities that the decision of the original hearing was wrong or that the panel could not have reasonably reached that verdict.

# Evidence:

- 5. The Panel considered the Judgment of the original Disciplinary Hearing.
- 6. The Panel considered the Hearing Pack prepared by the RFU.
- 7. D&B presented a power-point summary of the on-field offences.
- 8. D&B presented the DVD of the match and the events leading up to the abandonment.
- 9. The Panel considered the submissions made by the representatives of D&B and in particular the summary provided by Mr Schofield.

#### **Review of Evidence:**

- 10. The DVD evidence even when accompanied by the explanatory power-point presentation was not clear enough to apportion culpability between the clubs and their respective players with complete accuracy.
- 11. The Panel understood the case D&B were making but did not accept that the events described were as clear as presented.
- 12. The Panel did not accept the claim that the trigger points in the most serious offences were caused entirely by East Grinstead RFC players.
- 13. The Panel reviewed the original report made by the Referee and in particular his statement that the first two fights involved equal participation from players of both clubs and he also apportioned equal blame to both clubs for the "mass debacle" that involved players, replacements and coaches of both sides.

#### **Decision:**

- 14. The Panel did not accept that D&B had proved on balance of probabilities that the decision of the original panel was wrong with regard to the apportionment of blame between the clubs.
- 15. The Panel did not accept that D&B had proved on balance of probabilities that the decision of the original panel with regard to sanction could not have been reasonably reached. In reaching this decision the Panel took into account the following:
  - The rising numbers of such incidents in the game and the clear need for a deterrent.
  - The powers of the original panel in determining sanction were at large in such a case and the decision as to sanction fell within the limits of what was reasonable.
  - The new league points regime of additional points for a win and the opportunity for bonus points made the sanction reasonable in comparison with previously published cases.

## Ruling:

16. The Appeal was rejected and the decision of the original panel regarding sanction stands.

## Costs:

17. Mr McTiernan advised that the matter of costs had already been dealt with.

Simon Wakefield Chairman 22<sup>nd</sup> January 2011