

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Office of the Judge Advocate General, Royal Courts of Justice

On: Wednesday 18 May

JUDGMENT

Player: Manu Tuilagi

Club: Leicester Tigers

Match: Leicester Tigers v Northampton Saints

Venue: Welford Road

Match Date: 14 May 2011

Panel: Jeff Blackett (Chairman), Jeremy Summers & Philip Evans

Secretariat: Bruce Reece-Russel
Rebecca Morgan

Attending: The Player
Simon Cohen (Operations Manager, Leicester Tigers)
Peter Wheeler (CEO, Leicester Tigers)

Charge and Plea

1. The Player admitted that he had struck an opponent during the 32nd minute of the match, contrary to Law 10(4)(a).

The Citing Complaint

2. The citing report stated: *“Northampton has the ball. The referee awards a penalty kick against Leicester for a high tackle. The Northampton No.9 takes a quick tapped penalty and advances at speed. The Northampton No.14 (Chris Ashton) runs a parallel support line to the ball carrier and is deliberately taken out without the ball by a high challenge from Leicester No.13 (Manu Tuilagi). The force of the illegal challenge takes both players separately to ground. From the video evidence it can be seen that Chris Ashton rises to his feet and advances towards Manu Tuilagi, who is still sitting on the ground with his back towards him and strikes him with his right knee in the upper back/base of neck area an instant before pushing him with both open hands in the upper back/shoulder region, all in apparent remonstrations*

of the illegal tackle. Manu Tuilagi rises quickly to his feet and immediately assaults Chris Ashton with two left-handed punches, followed by a third punch with his right hand. It can be seen from the recording that the punches connect with Chris Ashton's face/temple area and that during this assault Chris Ashton is apparently attempting to ward off the blows in self-defence. The referee had been concentrating on playing advantage to Northampton but had stopped the game when it did not occur. He consulted with his Assistant Referee, Robin Goodliffe, who confirmed that both players had thrown punches that had connected and recommended a yellow card to both players.

I have spoken with both the referee and his assistant concerning this incident. Wayne Barnes confirmed that he did not see the incident. Robin Goodliffe confirmed his view of the time that both players had exchanged punches that had connected, hence his recommendation to the referee for the award of yellow cards to both. From the video evidence available I consider the match officials have responded incorrectly to the facts. A yellow card was awarded in this incident to Chris Ashton for striking with the hand. This was an action that clearly did not occur. The action of striking with the knee by Chris Ashton was missed but should certainly have warranted a yellow card had it been observed by the officials or would have warranted a Level 1 Citing from me had it not been observed by them. Further, I consider that the overtly violent reaction of Manu Tuilagi causing injury to the face of an opponent, whilst explained, entirely warranted a Red Card."

3. The Panel viewed the DVD footage which generally reflected the citing report. The incident started because the Player tackled Ashton without the ball with a high tackle across the upper chest. Contact was across the chest but as the players fell to ground the arm may have moved up to the neck area. Ashton got up and rather petulantly pushed the Player with his hands as he also struck the top of his back with his right knee. This undoubtedly provoked the Player, who got up quickly and attacked Ashton. He threw two punches with his left hand. Both made contact with the right side of Ashton's face – one was open handed and the other may have been. As he did this Ashton tried to push the Player away with his left hand in a defensive manner. The Player then jumped off his feet and threw a forceful and violent punch with his right hand which made contact with Ashton's head just above the left eye. As he did so his eyes were closed. The force of the punch knocked Ashton's head backwards, but he remained on his feet. The players faced each other, with arms in contact, before they were separated by other players. Ashton suffered a laceration above his left eyebrow which immediately started to bleed. He was not concussed, nor was there any damage to the bone. The blood injury was treated with compression and taping until half time when four stitches were inserted to close the wound. The injury did not prevent the player from training subsequently.

Submissions on Behalf of the Player

4. The Player said that he made the initial tackle on Ashton because he was certain that he had the ball. When he was on the floor after the tackle he felt Ashton strike him on the back of the neck and he thought he had hit him. He immediately reacted by standing up and pushing Ashton away with his left hand twice. He then saw that Ashton's right fist was clenched and he punched him to the side of the head with his right hand. After the match he apologised to Ashton and the players hugged each other.
5. Mr Cohen submitted that this offending could properly be assessed as at the lowest end of the scale of seriousness because there was significant provocation from Ashton. Had he not kneed the Player in the back after the tackle none of the subsequent events would have occurred. Ashton was not vulnerable – the players faced each other and the injury, although a laceration, did not cause concussion. The slow motion footage made the punch look much worse than it actually was and it had no effect on the game. He also showed significant remorse. In reality, the first two contacts from the Player were open handed pushes, so this could be sanctioned as a single punch. Other similar cases had previously been assessed as at the lowest end of the scale. Mr Wheeler said that the Player comes from a Samoan family with a culture of honesty, discipline and hard work. He is a committed, physical and very skilful rugby player, but has a very good record with no offences recorded against him. He has played for England at U16, U18 and Saxons level and has been selected for the U20 7s tournament in Glasgow and for this year's Churchill Cup. He is clearly a very good prospect for the future at Leicester and with England. He added that this was the biggest game of his career – a local derby and the semi-final of the Aviva Premiership – and he certainly over reacted.

Sanction

6. The Panel undertook an assessment of the seriousness of the Player's conduct:
 - a) The Player intended to strike an opponent three times. The two strikes with the left hand made contact and were more that "pushes" and the third punch with the right hand was delivered with significant force. Had this punch been delivered on the high street it would have led to criminal prosecution.
 - b) The contact was completed with the fist.
 - c) The Player was undoubtedly provoked by Ashton, who struck him in the back with his knee. We accept that the Player thought at the time that he had been punched and he reacted immediately. Had Ashton not kneed him in this way the Player would not have reacted.

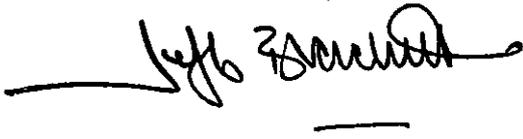
- d) Ashton was not vulnerable.
 - e) The first two punches caused no injury, but the third caused a laceration which required four sutures.
 - f) There was no reaction from any other players.
 - g) This was not premeditated – the Panel accepts that the Player acted instinctively.
 - h) This punch looked terrible and harmed the image of the game of rugby. Violence of this sort is completely unacceptable and undermines the integrity of the game and could deter parents from allowing their children to participate.
7. In those circumstances the Panel assessed that this offence was properly classified as being at the Top End of the scale of offending. The Top End entry range is 8 – 52 weeks. We determined that the appropriate entry point within that range is 10 weeks. This reflects the injury and the violence of the attack but takes into account the provocation and the youth and inexperience of the Player. There are no aggravating features and the Player is entitled to credit for all the mitigating features, notably his good record, youth and inexperience, remorse and good conduct at the hearing. We have therefore reduced the sanction by the maximum permissible discount of 50% and determined that he should be suspended for 5 weeks. Since the end of the season is near we sought evidence about the Player's plans for playing during the next 5 weeks. We were informed that he is due to play for the England U20 7's team over the next weekend, the Aviva Premiership final on 28 May (or England v Barbarians on 29 May if not selected for Leicester) and for England Saxons in the Churchill Cup on 4, 11 and 18 June. We are therefore satisfied that the suspension may be served without any break as he will miss five meaningful matches. For so young a player this is significant, particularly as this would have provided him with the opportunity to stake a claim for the England RWC11 squad – an opportunity which he might now miss.
8. **The Player is therefore suspended from 19 May to 22 June. He may play again on 23 June 2011.**

Costs

9. Costs of £500.00 are awarded against the Player/club.

Right of Appeal

10. The Player is reminded of his right of appeal against this decision.

A handwritten signature in black ink, appearing to read 'Jeff Blackett', with a horizontal line underneath.

Signed: *Jeff Blackett, Chairman*

Date: 18 May 2011