

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Venue: Holiday Inn, Bloomsbury, London

Date: 28th March 2011

JUDGMENT

Players: Grant Livingston (London Scottish RFC)
Ali Lyons (Richmond RFC)

Venue: London Scottish

Match Date: 5th March 2011

Panel: Philip Evans (Chairman), Robert Horner and Dr Julian Morris

Secretary: Liam McTiernan

Attending: Ali Lyons (the Player)
Martin Goudie (Counsel for Grant Livingston)
Tony Gadsby-Peet (Richmond)

FACTS

1. Both players faced the same charge contrary to law 10(4)(a), of punching or striking an opponent during the 21st minute of the first half of the match between London Scottish and Richmond. Both players entered guilty pleas to the charges.
2. The charges related to the same incident in which the two players punched each other. Therefore the hearing was conducted as a joint matter.
3. There was no video evidence available to the Panel. The only footage that had been available had been of extremely poor quality and could not be placed in a format suitable for viewing at the hearing.
4. The Panel based its factual finding on the referee's report which was not challenged by either player. Richmond was in possession at a breakdown in the middle of the pitch on their own 22m line. The ball was passed left and the referee followed the ball and his attention was drawn to two players, Lyon and Livingston who were "fronting up" to one another. As the referee blew the whistle to stop play, Lyons swung at least one punch which made contact with the upper chest and head area. The referee saw no provocation for the actions. Livingston then retaliated, throwing a clear punch which made contact with the head of Lyon. Although Lyon then fell to the floor, the referee was of the opinion it had not been due to the contact.

5. The referee asked Livingston to step away from the players until Lyon had been seen by a physio, which he did. Livingston was immediately apologetic and stated that his actions were stupid. Lyons made no comment.
6. Both players were shown a red card. Neither was injured.
7. Livingston approached the referee after the game and was very apologetic. Lyons however left the ground straight away (he told the Panel because he was upset with himself as a result of what had happened) and made no apology at the time or after.

PREVIOUS DISCIPLINARY MATTERS

8. Lyon had no previous disciplinary matters.
9. Livingston had one previous finding against him for a red card in a match on 30th August 2008. In that incident he punched out several times at other players at least three of which had landed on the face or head of opposition players. At the conclusion of that hearing the RFU panel issued a warning to Livingston, they advised him *"to reflect very carefully on his actions that day. Had his blows struck and injury resulted it is likely that the Panel would have viewed the matter in a very much more serious light."* He was suspended for a period of three weeks.

MITIGATION

10. Lyon had the benefit of a good disciplinary record, having played rugby at a high level for many years. However he had displayed little remorse as a consequence of his actions.
11. Livingston did not have the benefit of good character but had demonstrated instant, persisting and appropriate remorse for his actions.

FINDING

12. The Panel concluded the players were equally culpable in the incident. The panel concluded this matter fell at the low end entry for offending of this type. As there had only been one blow each and although they were toward the head area the evidence was that little force had been used. There had been no injury to either party as a result and neither player had been in a vulnerable position when they received the contact. The game was not outwardly affected.
13. Having concluded the offences were lower end the starting point was two weeks in each case. The Panel considered that the previous offending of Livingston amounted to an aggravating feature and that his sanction should be increased as a consequence. That aggravation took the period of suspension to 4 weeks but given the Panel's view on mitigation as set out above a reduction of one week was warranted. Therefore the period of suspension in his case was one of 3 weeks.

14. Following an internal hearing London Scottish had suspended Livingston for a period of 3 weeks from the 7th March. His suspension therefore expired today, 28th March 2011, and he is free to play hereafter.
15. In the case of Lyon, the Panel concluded there were no specific aggravating features. The Panel went on to consider mitigation but in the absence of any real remorse the panel felt unable to conclude that a 50% reduction should be allowed. Therefore the sanction in Lyon's case was a suspension of two weeks.
16. Richmond had also conducted internal disciplinary procedures and had suspended Lyon for a period of 2 weeks. His suspension was therefore served between 8th March and 22nd March.
17. The Panel commend both clubs for their prompt and appropriate disciplinary procedures in this matter.

COSTS

18. The Panel order that each player and or his club shall pay costs in the sum of £200 within 21 days of receipt of this judgment.

APPEAL

19. Both players are advised of the right to appeal. Such appeal must be lodged with the RFU Disciplinary Department no later than 1000hrs on the 14th day following receipt of this judgment.

Signed: Philip Evans, Chairman

Date: 29th March 2011