## **RUGBY FOOTBALL UNION**

### **COMPETITIONS APPEAL HEARING**

**VENUE: Holiday Inn, Bloomsbury, London** 

**DATE: 9 March 2011** 

Club: Wallingford RFC

Matter: RFU Regulation 13.4.1– Player Registration

Panel: Jeremy Summers (Chairman), Peter Budge and Philip Evans ("the Panel")

Secretary: Liam McTiernan

#### In attendance:

## Wallingford (WRFC)

Nick Castle - President

Neil Bird - Chairman

Martin Hoare - Fixtures and League Contact

Mrs Irene Dallas - Solicitor and Club Member

# RFU

Jonathan Dance - South West Division Organising Committee (SWDOC)

## Observing

Neil Hagerty - RFU Competitions Committee

Tom Brewis – RFU Tournaments and Competitions Department

## **DECISION**

1. For the reasons detailed below, the Panel dismissed an appeal brought by WRFC against a decision of the South West Divisions Competitions Committee dated 11 January 2011 upholding the deduction of 5 league points by the South West Leagues Secretary on 5 December 2010, in light of WRFC having fielded an ineligible player in a league fixture played on 23 October 2010.

#### **PRELIMINARIES**

2. There was no objection to the composition of the Panel. Mrs Dallas confirmed that the club's primary position was that there had been no breach of RFU Regulations and, in the alternative, that if there had been a breach the penalty imposed was disproportionate. The Panel determined to hear both arguments simultaneously and no other preliminary issues arose.

## **THE APPEAL**

- 3. The Panel convened to consider an appeal by WRFC against the decision detailed above.
- 4. It was common ground that the club had played a Mr James Neal in a fixture on 23 October 2010. Mr Neal was born on 4 March 1992 and accordingly had reached his eighteenth birthday on 4 March 2010<sup>1</sup>. It was similarly not in dispute that Mr Neal had been registered as a youth player WRFC by a registration form validly submitted to the RFU on or about 3 September 2010, but that he had not been registered as an adult player as at the date of the match.
- 5. Mr Bird gave the Panel a brief overview of the club, its history and its recent successes. He made it plain the club was in no way disrespectful of RFU Regulations but was appealing because of a desire to demonstrate that, as far the club was concerned, the rules had been followed.
- 6. He explained that Mr Hoare had checked the position with regard to Mr Neal on the evening of 21 October 2010. At that time he was registered a youth player with the club and so had been deemed by the club to have been duly registered. The club had not known, if this was the case, that Mr Neal had to be registered twice, and in Mr Bird's view the club had not at any stage been referred to a Regulation that indicated this was required.
- 7. He accepted that there were two separate systems, but believed that the club had complied with the Regulation as drafted. If, which by implication he did not accept, a Regulation had been breached, there had simply been an error in interpretation and that there had been no deliberate breach.

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<sup>&</sup>lt;sup>1</sup> It was unclear whether WRFC in fact accepted this. However the registration form, submitted by the club, indicated Mr Neal's date of birth to be 4 March 1992.

- 8. In support of the club's secondary submission (that the sanction was in any event disproportionate), Mrs Dallas suggested that the Panel should view any breach as being an honest mistake. Further that it should conclude that the offending had not been intentional, that no harm had been caused, that there had been no attempt to cheat and that no advantage had been gained.
- 9. She referred the Panel to a number of cases which she felt should be taken into consideration<sup>2</sup>. Whilst these did not involve the playing of an unregistered player in a league completion, in her submission they established that, where it could be shown that there had been an unintentional breach of a regulation, the matter should be dealt with other than by the deduction of league points.
- 10. In her submission, if the deduction were to stand, it was very likely that the club would be relegated which would have impact on the club bearing no relation to any breach of regulation that might have occurred.

## SWDOC RESPONSE

- 11. Mr Dance made plain from the outset that SWDOC was not asserting any deliberate malfeasance or intention to cheat. He knew the club well and commended it on the tremendous achievements it had made.
- 12. However the game concerned involved an English Club Championship (ECC) fixture all of which are governed by a set of RFU Regulation 13, "Adult Competitions".
- 13. In his submission there had been a breach of Regulation 13 and he referred the Panel to Regulation13.4.1 (a) which provides as follows:
  - A Club may only play or select as a replacement or substitute players who hold Effective Registration for that Club in accordance with the Player Registration Regulations. The only conclusive evidence of Effective Registration is the Computerised Listing held by the RFU as at the Kick Off time of the match in which such players play. Each Club is responsible for ensuring its strict compliance with this Game Regulation and must take all reasonable steps to ensure compliance.
- 14. The only exception (applying to clubs at level 9 and below) to that requirement provided for by 13.4.1(b) did not apply in this instance as WRFC play at level 6.

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<sup>&</sup>lt;sup>2</sup> Thomesians 2010, Plymouth Albion 2010, Redruth 2010 and Berkshire and Oxfordshire 2010.

- 15. For the purposes of determining Effective Registration regard must also be had Regulation 14, "Registration of Players".
- 16. SWDOC did not dispute that Mr Neale had been validly registered as a Youth player. However, as WRFC had acknowledged, there were two separate systems in being. That being so, Mr Dance submitted that WRFC could not have reasonably believed that Mr Neale only needed to be registered in one of those systems. In this respect he felt that it was significant that WRFC had previously registered 8 adult players who had previously been registered as youth players. He submitted that this strongly suggested that WRFC knew that that there was a need to register anyone over 18 as an adult for the purposes of Regulation 13 before such players could play in an ECC fixture.
- 17. There was no issue of dual registration, the requirement was for all players to be registered in accordance with the regulations, and this had not happened. Whilst SWDOC readily accepted this had been a mistake, Regulation 13 is an integral part of the league system and so it is not appropriate simply to ignore non-compliance just because a mistake has been made. All clubs, particularly those at level 6 and above are well aware of the need to register players, and the obligation is firmly on clubs to ensure that this is done correctly.
- 18. Whilst sympathetic to WRFC's argument as to the impact of the sanction he noted that Appendix 2 to Regulation 13 specifically provides that where an ineligible player is selected or played in an ECC fixture the appropriate sanction is a *deduction of not less than 5 championship points*. Indeed this sanction had not long ago been increased from 2 to 5 points to reflect the points now on offer for a league fixture. This in itself reflected the importance attached to adherence with this particular regulation.
- 19. Mr Dance commented that he had not had prior notice of the cases to be relied upon by Mrs Dallas but felt that all could be distinguished on their facts. Further, there was in fact a direct precedent this season from WRFC's own league, South West 1 East. High Wycombe had been deducted 10 league points for having played an unregistered player on 2 occasions. That decision had not been appealed.

### **FINDINGS**

20. The Panel carefully considered the Regulations and the helpful submissions of the parties. It did have not inconsiderable sympathy for the club, however it was not

persuaded by forceful arguments advanced by WRFC. In rejecting the appeal the Panel found as follows:

• There are two separate registration systems, one for adult players and one for

youth players

 Subject to certain age grade exceptions provided for under Regulation 15, and which are not relevant in the present proceedings, if a youth player wishes to

play in an adult ECC fixture he must first hold Effective Registration pursuant to

Regulation 13.

Mr Neal was not registered for the purposes of Regulation 13 as at the date of

the game concerned.

• The breach by WRFC was not intentional, however the club had an obligation

only to select players appearing on the Rugby First register prior to the game in

question and had acted in error in not so doing.

Having regard to Appendix 2 to Regulation 13, the sanction was correctly

imposed and could not be viewed as disproportionate.

<u>RULING</u>

21. In all the circumstances the Panel dismissed the appeal, and the appeal having been

unsuccessful the appeal fee lodged by WRFC is to be forfeited.

COMMENT

22. Whilst not excusing the breach, the Panel considered that the present wording of

Regulation 13 could be made clearer in relation to the need to register players if they

are to play in an adult ECC fixture notwithstanding that they are already registered by

a club as a youth player. The Panel understands that a review of the RFU Regulations

is presently ongoing, and would hope that this issue can be addressed as part of that

review.

Jeremy Summers

Chairman

15 March 2011

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