

## **RUGBY FOOTBALL UNION**

### **DISCIPLINARY HEARING**

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

**On:** Tuesday 6 December 2011

### **JUDGMENT.**

**Player:** Chris Ashton                      **Club:** Northampton Saints

**Match:** Leicester Tigers v Northampton Saints

**Venue:** Welford Road                      **Date of match:** 3 December 2011

**Panel:** Jeff Blackett (Chairman), Christopher Quinlan QC, Jeremy Summers.

**Secretariat:** Bruce Reece-Russel  
Rebecca Morgan

**Attending:** The Player.  
Ian Dixey (Counsel)  
Paul Shields (Team Manager)

### **Preliminary Issue**

1. Mr Dixey submitted that under paragraph 10 of the citing procedures for the Aviva Premiership the citing officer must be satisfied that in his opinion the offence merited a red card. If the referee detected the offence and did not send off the Player the disciplinary panel may only uphold the citing if it determines that the referee was wrong. Mr Dixey sought confirmation that the act was not detected because in the citing of another player who took part in the ensuing melee the referee had stated that he saw the Player tackle Tuilagi, but in this citing he said he did not see the incident. The referee confirmed on the telephone that he had seen a tackle but had not seen the Player grab Tuilagi by his hair.

### **The Citing Complaint**

2. The Player accepted that he had grabbed Tuilagi by the hair and pulled him into touch but averred that it was an accident and therefore not capable of amounting to foul play. In those circumstances he denied that he was guilty of an act contrary to good sportsmanship contrary to Law 10(4)(m).

3. The citing report stated:

“Having tackled Alesana Tuilagi (Leicester 11) around the shoulder area and pushing him to the floor, Chris Ashton (Northampton 14), takes hold of the

Leicester player's hair with one hand and then two. Ashton then attempts to pull Tuilagi (by his hair only) towards the touchline. Following the grasping of Tuilagi's hair, Ashton continues with this grip and deliberately pulls the Leicester player towards himself and the touchline, causing obvious stress and discomfort to Tuilagi. I am citing Ashton for an act contrary to Law 10.4(m) Acts contrary to good sportsmanship. This action by Ashton was the catalyst for Tuilagi to remonstrate forcefully with Ashton which, in turn, attracted a number of players from both teams. A mass fracas developed, as a consequence, along the touchline. I spoke to the Referee and he confirmed that neither he nor either of his assistants witnessed the actions of Ashton."

4. The Panel viewed the DVD footage which generally reflected the citing report. The incident started as Tuilagi ran with the ball along the left wing near the touch line, bounced the Player off and ran past him. The Player chased and quickly caught up Tuilagi and grabbed the back of his hair from behind with his left hand. Using the other hand he wrapped and turned Tuilagi so that he was nearer to his own line than Tuilagi. Tuilagi went to ground with the Player still holding a thick bound tress of Tuilagi's hair about six inches from his head with his left hand. He grabbed the hair on the top of Tuilagi's head with his right hand and then dragged Tuilagi backwards and into touch. As they crossed the touchline the Player let go of the tress of hair he had been holding with his left hand but still maintained contact with his right hand on top of Tuilagi's head. Tuilagi knocked the Player's hand away with his left hand and the momentum of the action took both players towards the hoarding at the side of the pitch. Tuilagi then threw a punch in the direction of the Player and then a number of players joined into a general melee. A number of players threw punches. At the end of the melee the referee, having consulted his assistants, sent Tuilagi and Wood (Northampton 7) from the field.

#### **Submissions on behalf of the Player**

5. The Player said that he went to tackle Tuilagi and he bounced him off. He chased back and tried to get him into touch. He put one hand on the ball to stop him from off loading and then reached to back of his collar to turn him into touch. He said that in his mind he had got his shirt and he had no impression of holding his hair at all. He tried to drag him away and thought he had his shirt, and he had no idea about why he reacted as he did. He said that he spoke to him on the field as soon as the kerfuffle had stopped and was surprised when he accused the Player of pulling his hair. He said that this was not part of how he plays nor would he try to upset someone like that.

6. Mr Dixey provided a picture published in the Times newspaper which showed that the Player appeared to have hold of Tuilagi's hair before he was dragged to the ground. He agreed that he kept hold of his hair as he went to ground as while he dragged him into touch. The Player repeated that he thought he had hold of Tuilagi's hair – he said it felt like a jersey. He said: "I was looking around and not able to see I was holding his hair rather than his collar. I did not look because I had a firm grip and was just trying to get him over to the touchline. I could not see I had hold of his hair."

7. Mr Dixey produced two DVD clips which showed the Player pulling an opponent into touch by grabbing his shirt. This, he submitted, was what he was intending to do on this occasion.

### **Finding**

8. We accept that when the Player initially caught up with Tuilagi he tried to grab hold of the back of his shirt. We also accept that he may have thought initially that he had grabbed his shirt. However we do not accept that he did not quickly realise that he had hold of Tuilagi's hair. Most telling, in our view, was the footage in which the Player held and pulled a tress of hair at least six inches from the top of his head with his left hand and then grabbed hold of the hair on the top of Tuilagi's head with his other hand. He then dragged Tuilagi into touch. It is inconceivable that at this stage the Player did not know what he was doing. We therefore reject his assertion that this was an accident and find the citing proved.

### **Submissions as to sanction**

9. Mr Dixey submitted that pulling an opponent's hair is not a dangerous act in the sense that it is likely to cause injury and in this case it did not cause injury. He referred the panel to two previous cases involving hair pulling: one in 2003 when Brian O'Driscoll was penalised (but not cited) for pulling George Smith's hair and one where Jerry Collins received no penalty for also pulling George Smith's hair in a separate test match. Mr Dixey submitted that any sanction should reflect those earlier two examples where it was not apparently thought necessary to cite the player.

10. Further he submitted that having hair of that length creates an obvious difficulty. In women's rugby there is guidance that hair should be tied up when playing. As the panel had already determined that the start of incident was not a deliberate grabbing of the hair, it should take account that a player who has hair of that length runs the risk that this may happen when someone makes a legitimate grab for shirt.

11. In assessing an entry point, Mr Dixey suggested that other offences within the sanctions guidelines are dangerous or denigrating the authority of officials. This is different to literally all the other offences that arise under Law 10.4. He asserted that it was not similar to spitting which is deeply disgusting and in some ways dangerous.

12. The Player is 24 and in his fifth year as a professional rugby union player having completed two professional seasons in rugby league. In 2008 he received a suspension of one week for three accumulated yellow cards, but otherwise has a completely clean record. He has 18 rugby union caps and 4 rugby league caps.

13. Mr Dixey said that the Player is extremely remorseful.

### **Sanction**

14. There is no guidance in the sanctions table for hair pulling. In our view there is something inherently offensive and abhorrent about pulling an opponent's hair, an

act which includes an element of denigration. This is similar to spitting although less serious. We have, therefore, applied the entry points for spitting but reduced each by one week. That is we start with the following entry points: LE 3 weeks, MR 6 weeks, TE 10+ weeks.

15. In our view, having watched DVD footage of two cases in which George Smith was pulled by the hair, both offending players should have been cited.

16. In assessing the seriousness of the offending we took account of the following factors:

- The offence started accidentally, in that the Player tried to grab Tuilagi by the back of the shirt, but he quickly realised what he was doing and deliberately dragged him backwards. He is a big man and this must have hurt albeit the whole incident took about 2 seconds.
- The offence involved pulling an opponent's hair with his left hand and then grabbing the hair on top of head to help drag him off the pitch.
- The effect on victim was severe – it provoked him and he reacted violently.
- The effect on the game was also severe. This offence was a catalyst for a mass brawl which resulted in two red cards and damaged the image of the game.

17. In those circumstances we determine that this offending was in the mid range on the scale of seriousness. That, in accordance with our decision above, is an entry point of 6 weeks suspension. The Player has not earned full credit – particularly as he did not accept that this was an act of foul play. However, we reduce the sanction from the entry point by 2 weeks to reflect good character, his conduct at hearing and all that we heard to his credit.

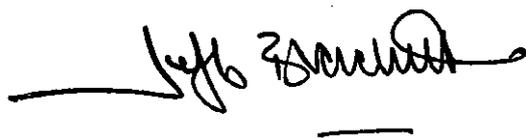
**18. In those circumstances the player is suspended from 7<sup>th</sup> December 2011 until 3 January 2012. He is free to play again on 4 January 2012.**

#### Costs

19. The Player/Club is ordered to pay the normal costs of the hearing of £500.

#### Right of Appeal

20. The Player is reminded of his right of appeal which should be submitted within 48 hours of the publication of this decision.



Signed: *Jeff Blackett*  
Chairman

Date: 6 December 2011

