

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

VENUE: The Holiday Inn, Bloomsbury

DATE: 6 February 2012

Player: David AYLIFFE

Club: Royston RFC

Match: Cambourne Exiles v Royston 2nd XV

Venue: Cambourne

Date of match: 7 January 2012

Panel: Jeremy Summers (Chairman), Peter Budge and Gerard McEvelly ("the Panel")

Secretary: Bruce Reece-Russel

In attendance:

David Ayliffe ("the Player")

Colin Letch, Chairman Royston RFC

Godfrey Everett, Chairman Royston RFC Discipline

Jason Shackleton, Royston RFC 2nd XV

DECISION

1. **The Player was found guilty on his own admission of striking an opponent contrary to Law 10.4 (a). For the reasons set out below, he was suspended for a period of three weeks to run from 7 to 27 February 2012 inclusive. He is free to play again on 28 February 2012.**

PRELIMINARY ISSUES

2. The Player did not object the composition of the Panel and no preliminary issues arose.

CHARGE AND PLEA

3. The Panel convened to consider the citing of the Player by Cambourne Exiles by letter dated 16 January 2012 following an incident that had occurred in the 35th minute of the second half of a match between the clubs played on 7 January 2012. In consequence of that citing a charge of striking an opponent contrary to Law 10.4 (a) was brought against the Player. The Player pleaded guilty to that charge.

THE CITING

4. The Panel considered:

- i. The Citing Complaint dated 16 January 2012.
- ii. All statements and supporting evidence contained in the RFU Hearing Pack.
- iii. Oral evidence from Mark Lisher, Cambourne Exiles RFC – by telephone.
- iv. Oral evidence from the Player.
- v. Oral evidence from Mr Shackleton.
- vi. Submissions on behalf of the Player.

5. The Citing Complaint read as follows:

“The incident occurred towards the end of the match (approximately 35th minute of the 2nd half, but certainly within 10 minutes of the final whistle), in the Cambourne half, with Royston leading by 12 points to 7 at the time.

The cited player found himself in an illegal position at a Cambourne ruck and was removed from the ruck area by the Camborne no.9 Chris Wallis as he attempted to retrieve the ball. The referee stopped play as the ruck had collapsed. As he regained his feet, the Royston no.7 then swung a fist at the nearest Camborne player, connecting with the face of the Cambourne no.10 Mark Lisher. Lisher immediately fell to the floor and took some time to gather himself and recover to his feet with the help of Cambournes’ coaches. It was immediately clear, even from the touchline, that Lisher has suffered a significant eye injury as he walked from the pitch (see photo 1).

The match referee (John Tidswell of CUDRRS) had seen something of the incident and called over the Cambourne Captain (Ben Yeats) and the nominated Royston Vice-Captain. In a curious move, he offered the teams the option of giving both players (Lisher and Ayliffe) a yellow card, or giving both players a red card. Thus, he obviously considered the incident qualified as a sending off offence, but had mistaken the complicity of Lisher whose only involvement was in receiving the blow to the face. The teams opted to take the yellow cards offered by the referee. Both players were “sin-binned”, the game continued with Cambourne scoring a try to draw level before the final whistle was blown before the players’ 10 minutes had expired.

As a result of the injury sustained, Lisher would not have been able to return to the game. He later attended Addenbrookes Hospital A&E (Cambridge) where he was seen by medical staff worried about a possible concussion and fractured cheekbone as well as receiving 3 stitches to close a bleeding wound in his eyelid (see photos 2 & 3). As a result of the extreme swelling of the eye, Lisher was unable to drive to work until Tuesday 11th January and was forced to alter his work schedule involving giving instruction in health & safety procedures in the NHS. At the time of writing, Lisher is still suffering from swelling & bruising of the injured area and some numbness of the cheek, lip and teeth. The potential full extent of the injury and recovery prognosis is not fully known. At a follow-up hospital appointment on Monday 16th January, a fractured cheekbone was confirmed along with nerve damage, which could [take] 18 months to heal.

Many of the spectators watching the match were clearly shocked by such unprovoked violence and the extent of the injury sustained by Lisher. The committee of Cambourne Exiles RFC feel obliged to cite Ayliffe for this excessively violent act which did not appear to be properly dealt with by the match referee at the time. There is no place for such an act in the game at any time or under any circumstances. We feel that appropriate sanction should be taken to deter the player from such action in the future which may result in more serious injury and also to deter others from acting in a similar way."

6. There was no match footage.
7. Mr Lisher gave evidence by telephone. Happily the injury had not required any surgical intervention as there had been no impairment of his vision. Although he still had numbness in his teeth and cheek, he had played for 5 minutes the week after the incident and had completed a full game the week after that.

MITIGATION

8. The Player gave evidence and appeared to the Panel to be wholly genuine and credible in his remorse. He stated that whilst contesting a breakdown when he had been struck by a blow on the side of the head. He could not really recall what had happened then but he accepted he had lashed out with a single strike in a reactive and self defensive manner. He did not aim the blow at any particular part of the body and at the time did not know where he had made contact. He readily accepted that he should not have reacted in the way that he had, and that such conduct has no place in the game.
9. He had been sickened by the consequences of his actions and had repeatedly apologised to Mr Lisher, whom he knew, on the day and also in the week following the game.
10. He had been playing rugby for 17 years and had a previously unblemished disciplinary record.
11. Both Mr Letch and Mr Everett spoke of the Player in very high terms and the Panel had no hesitation in concluding the incident was entirely out of character.
12. In this regard Mr Shackleton, who had played in the game, gave evidence which corroborated that assessment and asserted that the Player had reacted to his having been struck. Although he now accepted that it was not Mr Lisher who had struck the Player, he had seen Mr Lisher standing over the Player with his fists clenched in a provocative manner. He could readily understand why the Player had thought he had been hit by Mr Lisher and he too had come to that conclusion at the time. However, he had subsequently spoken to another Cambourne player, Chris Wallis, after the match who had admitted to having struck the Player.
13. A number of other Royston witness statements referred to that admission, although Mr Wallis himself made no reference at all to having made such an admission in a statement he had submitted in support of the citing. In any event Royston did not accept the evidence of Mr Wallis and, given his role in the incident, were disappointed that Cambourne had thought it appropriate to invoke the disciplinary process. The clubs had historically enjoyed a good relationship.

SANCTION

14. As required the Panel undertook an assessment of the seriousness of the offending having regard to the criteria set out Regulation 19.11.9 of the RFU Regulations. In this regard the Panel found as follows:

- a) That the Player had deliberately struck an opponent.
- b) He may not have intended to cause injury but in all the circumstances had been reckless as to that risk.
- c) The offending consisted of single strike, delivered with clear force to the face of an opponent. The Panel accepted that there had been not inconsiderable provocation, in that the Player had himself been struck and had reacted to that action.
- d) Injury was caused as set out above.
- e) The victim was removed from the game, and required treatment as described. Any vulnerability was a direct result of the victim player's behaviour.
- f) There was no inherent vulnerability
- g) There was no premeditation.
- h) The conduct was complete.
- i) There were no other relevant factors constituting the Player's offending.
- j) There were no other relevant circumstances.

15. In all the circumstances the Panel would assessed this offending as being at the MID RANGE the scale of seriousness. The mid range entry point for striking an opponent is a suspension for a period of five weeks.

16. None of the aggravating features prescribed by Regulation 19.11.11 were found to be present.

17. Having regard to Player's plea, clear record and obvious remorse the Panel determined that he was entitled to the maximum possible credit by way mitigation and reduced his period of suspension by two weeks. The Player was accordingly suspended from playing rugby for three weeks as set out in paragraph 1 above.

COSTS

18. The Player and/or his club are ordered to pay costs of £125. The citing having been successful the deposit lodged is to be returned to Camborne.

APPEAL

19. The Player was advised of his right of appeal.

Jeremy Summers

Chairman

8 February 2012