



- i. The Cranleigh match squad contained five qualified front row players, and so one more than is required by RFU Regulation 13.
  - ii. In the 33<sup>rd</sup> minute a Cranleigh front row player was issued with a Yellow Card.
  - iii. In the 37<sup>th</sup> minute a second Cranleigh front row player was issued with a Yellow Card
  - iv. In the 43<sup>rd</sup> minute the first Cranleigh front row player returned from temporary suspension
  - v. In the 47<sup>th</sup> minute the second Cranleigh front row player returned from temporary suspension
  - vi. Between the 43<sup>rd</sup> and 47<sup>th</sup> minute there was at least one, and possibly up to four scrums, where the Referee incorrectly offered Cranleigh the option of taking uncontested scrums, which offer was taken up.
  - vii. Cranleigh did not properly understand the provisions of RFU Regulation 13 but, incorrectly, believed that they could have been subject to further penalty by way of the further loss of a player. As such there was a conscious decision taken by the captain on the day to secure an advantage or at least avoid what it, incorrectly, perceived would be a disadvantage.
  - viii. Cranleigh had 3 qualified front row players on the field between the 43<sup>rd</sup> and 47<sup>th</sup> minute and should therefore have resumed contested scrums during that period.
  - ix. Contested scrums resumed after the 47<sup>th</sup> minute when the second Cranleigh front row player returned from temporary suspension.
4. In essence Cranleigh submitted that having been offered uncontested scrums by the Referee (even though they were aware that this was not correct) they believed that they should not question the Referee's interpretation. In effect the Referee's word was to be respected. The club also felt that the uncontested scrum had not had any impact on the game and that Kingston had not in any event deserved to win the game. In the view of the club, the match should not have to be replayed as result of an error by the Referee. It also felt that the decision by London & SE DOC to overturn the League Secretary in these circumstances had created a dangerous precedent that would impact adversely on the league.
  5. Mr Astbury accepted that the Referee had got into a muddle and that this had not assisted the situation. However, it was not in dispute that Cranleigh, whilst having a full compliment of front row qualified players on the field, had opted to take uncontested scrum(s) between the 43<sup>rd</sup> and 47<sup>th</sup> minutes.
  6. The breach of Regulation 13 was therefore completed and, in other circumstances, might well have led to the deduction of points from Cranleigh. However because of the uncertainty created by the Referee, the DOC had determined that fairness would be achieved by ordering the fixture to be replayed. He noted that Law 3.13 of the Laws of the Game specifically excluded the Referee from responsibility for determining whether or not a player is suitably trained to play in the front row.

7. Mr Wilkes asserted that Kingston had the dominant scrum for most of the game. The two yellow cards were for persistent offending and in Kingston's view reflected the fact that Cranleigh were under pressure and had sought to disrupt the game to relieve that pressure. Kingston believed that Cranleigh had deliberately taken advantage of the Referee's mistake and in effect had refused to go back to contested scrums until the second yellow carded player had returned despite having four qualified front row players on the field at the time.

### **RULING**

8. Pursuant to RFU Regulation 13 this appeal is to be determined having regard to the provisions of RFU Regulation 19. As such the Panel must be satisfied on the balance of probabilities that the DOC<sup>1</sup>:

- (a) Came to a decision to which no reasonable body could have come*
- (b) Made an error in law in reaching its decision; or*
- (c) Failed to act fairly in a procedural sense.*

9. Of those only (a) fell to be considered in the instant appeal. Having carefully considered all the evidence and submissions the Panel determined the decision of the DOC was not one that a reasonable body could have come to. Indeed, as noted above, the DOC could have adopted a more draconian punishment, which would not have been obviously capable of criticism.
10. The appeal is therefore rejected and the order to replay the fixture is confirmed.

### **COMMENT**

11. The difficulties that arose in this match did so at least in part in consequence of the Referee not fully understanding the Regulations. It is hoped that all Referee's Societies will be referred to this decision so that processes can be put in place to ensure that all Referee's are provided with appropriate training to ensure that they are fully cognisant of all relevant Laws and Regulations.

Jeremy Summers  
Chairman

26 February 2012

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<sup>1</sup> RFU Regulation 19.12.1