

EUROPEAN RUGBY CUP
DECISION OF DISCIPLINE COMMITTEE
HELD AT GLASGOW
FRIDAY 23rd DECEMBER 2005

IN RESPECT OF:-

Kevin Yates (*“the Player”*)

AND

A citing complaint by Terry Vaux (WRU) against the Player arising out of the match between Saracens and Ulster on 17th December 2005.

MEMBERS OF THE DISCIPLINE COMMITTEE:- (*“the Committee”*)

Professor Lorne D. Crerar (Chairman) (*SRU*)

Iain Goodall (*SRU*)

Douglas Hunter (*SRU*)

DECISION OF THE COMMITTEE:

- (i) The Committee found that the Player had committed an act of Illegal and/or Foul Play and to uphold the citing complaint.
 - (ii) The act of foul play did not merit a Red Card (Ordering Off) and so in accordance with Regulation 6.6.29 the Committee declined to impose a suspension upon the player.
 - (iii) The Player is not suspended from taking part in the game of rugby and is free to play.
 - (iv) The Committee made no award as to costs.
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INTRODUCTION

This Committee was convened by Professor Lorne D Crerar, the Chairman of the ERC Discipline Panel pursuant to the discipline regulations of ERC in respect of a citing complaint made by Mr Terry Vaux, the Citing Commissioner. The citing complaint concerned the conduct of the Player during a Heineken Cup match played between Saracens and Ulster on 17th December in Vicarage Road, Watford, England. The citing complaint alleged that the Player struck an opponent with his hand contrary to Law 10.4(a).

Present at the hearing on 23rd December 2005, in addition to the members of the Committee were:-

Kevin Yates (the Player)

Steve Diamond, Head Coach, Saracens.

Roger O'Connor, Discipline Officer, ERC.

Jonathan Taylor, Hammonds, Legal Representative to the Discipline Officer.

HEARING

At the commencement of the hearing the Chairman confirmed the identities of all present and established that the Player was before the Committee to answer a citing complaint. The Chairman outlined the procedure to be adopted by the Committee for the hearing and that the provisions of the ERC disciplinary regulations would apply. The Player and all present agreed to proceeding on that basis.

The Chairman established what evidence had been placed before the Committee prior to the hearing. In advance of confirmation that neither the Disciplinary Officer or the Player had any preliminary issues.

After consideration of the citing complaint, the video evidence was presented to the committee. The Discipline Officer's position was that the video evidence spoke for itself in being evidence of a prima facie case of striking contrary to Law 10.4(a).

The Player for his part admitted that he had struck an opponent but sought to explain his actions. He explained that he was frustrated because the Ulster player was offside and he just lashed out. Steve Diamond explained that this was about the third or fourth maul early in the match in which Ulster players were going offside.

The Player continued by explaining the he was not looking at his opponent, the victim player. He had no intent to injure and this was not a malicious action. He repeated that it was just a lash designed to get the opponent out of his side of the maul.

On questioning by the Committee the Player advised that there had been no "niggle" in the match and that the opponent, whom he had struck, had continued playing.

The discipline officer's position was in light of the admission from the Player, that he had struck an opponent, the citing complaint should be upheld further to Regulation 6.6.5. The Player had nothing further to add. The Committee retired to deliberate.

The Committee considered that the Player had struck an opponent and so in terms in Regulation 6.6.5, the citing complaint was to be upheld.

The Committee the required to consider whether any additional sanction should be imposed upon the player. In this regard, the Committee would ordinarily reconvene and hear from the Player and/or his representative as to sanction, along with hearing from the Discipline Officer should he wish to make any representations on the matter.

However, during the course of the Committee's discussions as to liability, it became clear that the Committee were unanimously of the view that the incident complained of in the citing was not an incident that, if detected by the referee, would have resulted in an ordering off. The Committee noted the terms of Law 10.4(a) of the IRB Laws of the Game and noted the wide discretion available to a referee if he detected such an incident. The Committee noted that this was not an offence for which an ordering off was prescribed.

It was the Committee's unanimous view that whilst the incident was an act of illegal and/or foul play for which there could be no excuse on the field of play, equally it was not an incident which merited a red card.

The Committee reconvened the hearing and advised the parties that in light of this initial determination, they did not propose to hear further on the matter. The Player was advised that although the citing had been upheld, no sanction was to be imposed and the Player was free to play.

Neither party sought to make any representations as to costs and in light of the same, the Committee declined to make an award of the same.



Professor Lorne D. Crerar
Chairman
Discipline Committee

23.01.06

Date