

EUROPEAN RUGBY CUP
DECISION OF DISCIPLINE COMMITTEE
HELD AT THE LEINSTER SUITE, BUSWELLS HOTEL,
MOLESWORTH STREET, DUBLIN 2
31st day of October 2006

IN RESPECT OF:-

BRENT COCKBAIN ("the player")

AND

The citing complaint that the player's actions had breached law 10.4(B) of the laws of the game.

MEMBERS OF THE DISCIPLINE COMMITTEE:- ("the Committee")

Hugh Logan IRFU – Chairman

Philip Orr IRFU

Mark McParland IRFU

DECISION OF THE COMMITTEE

1. The Committee found on the admission of the player that he had committed an act of illegal and foul play which merited a red card.
 2. The player is suspended from taking part in the game of rugby up to and including Sunday 19th November 2006.
 3. No application was made by either party with regard to costs.
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INTRODUCTION

The 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 dated the 22nd October 2006 made by Douglas Hunter the Citing Commissioner. The citing complaint concerned the conduct of the player during a Heineken Cup Match played between Neath/Swansea Ospreys ("the Ospreys") and Sale Sharks ("Sale") on the 20th October 2006 at Liberty Stadium Swansea.

The citing complaint alleges that the player with a single action stamps on a Sale player who is defenceless and prone on the ground as the ball was being played by a Sale player and the referee issued a yellow card to the player. This was a breach of law 10.4(b) of the Laws of the Game.

Present at the hearing on the 31st October 2006, in addition to the members of the Committee were:-

Roger O'Connor – Disciplinary Officer for ERC

Max Duthie – Solicitor for ERC

The Player

Kevin Hopkins - Director of Rugby Ospreys

Legal Observers – Liam Collins and David Martin

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 arising out a match for which ERC appointed a Citing Commissioner, the procedures for which are set out in rule 7 of the Heineken Cup Disciplinary Rules ("the rules") and the Chairman outlined the procedures to be adopted by the Committee for the hearing with particular reference to citing cases.

The player and all present agreed to proceed on that basis.

The evidence presented to the Committee prior to the hearing was in the form of a Skeleton Argument prepared and delivered by Mr Durthie. All parties confirmed that they had received

the documentation in good time and the Chairman confirmed that the only additional evidence would be the video of the incident available to the hearing.

Prior to the commencement of the formal hearing the Chairman invited the player's representative to confirm whether or not he had any preliminary issues that he wished to raise and he confirmed that there were no preliminary issues.

The Chairman then narrated the terms of the citing complaint and asked the player how he wished to plead in relation to the citing complaint and the player himself and his representative stated that he was pleading guilty to an act of illegal or foul play as alleged.

The Chairman upon receiving the players guilty plea indicated to the parties that the Committees task was to establish whether or not the act of foul or illegal play warranted a red card and the Chairman invited submissions on the evidence from each of the parties.

Mr Duthie on behalf of ERC opened to the Committee the terms of his Skeleton Argument and then presented the video clip of the incident the subject matter of the complaint.

In summary the evidence presented and as seen on the video was to the effect that after 39 minutes of the first half at approximately 5/10 metres just inside the Sale half and just beyond the 15 metre line on the tunnel side of the ground there was a ruck at which the Ospreys 4 with a single action stamps on a Sale player who is defenceless and prone on the ground as the ball was being played by a Sale player. Mr Duthie contended that the player did not look for the ball, that the ball was well away from the player who was stamped on, that the player clearly looked down at the man on the ground and that he had to step over other players of his own team to carry out the action.

Furthermore Mr Duthie directed the Committee to consider the players intent and he submitted that there was compelling evidence that he had intended to step on the Sale player on the ground, that he did not try to ruck the ball and if his actions were not intentional that at the best it was reckless and that the player had completed his action and had not just attempted same.

On behalf of the player Mr Hopkins made the case that the referee is a very experienced official and that he having seen the incident close at hand had dealt with same by way of a yellow card and that as such the player had received his punishment from the official.

The player on his own behalf indicated that his side were attempting to go forward that a ruck had formed, that at first he had himself gone to ground at that ruck but had come to his feet quickly and seeing the Sale players hands on the ball in the ruck had attempted to remove his hands by the use of his foot. He asked the Committee to consider the video which had three different view angles of the incident and in one of those it could be seen that the Sale player who was then on the ground had his hands on the ball. The player stated in evidence that he had stepped over his own player who was on the ground to try to make contact with the Sale player's hand or arm which he regarded was interfering with the ball on the ground and in so doing missed both the hand and arm and stood on the chest of the Sale player. The player accepted that his action amounted to foul play and that he was guilty of same.

The substance of the evidence therefore was that the player had committed an act of foul play which merited a red card and should therefore be considered for sanction. Mr Duthie made reference to Mr Hopkins contention that the sanction had already been dealt with by way of the referees yellow card and he submitted to the Committee an additional argument and case references dealing with how the Committee should deliberate in such a case where a yellow card had been issued by the referee.

Neither side made any reference to the Committee specifically on the sanctions as laid down in Appendix 1.

The Committee retired to deliberate in private both on the question of the red card and also the possible sanction. In carrying out its deliberations the Committee followed the guidelines as set out in the sanctioning policy applicable to these cases and the disciplinary hearings relating to same and in so doing both on the admission of the player and the evidence found that the citing complaint was proved, that the player had committed an act of illegal or foul play

which merited a red card and was deserving of sanction by way of suspension from playing the game.

On the matter of sanction the Committee were of the opinion that the player's honest and forthright manner in dealing with this incident together with his immediate apology both at half-time and at full-time to the injured Sale player merited serious consideration. Furthermore it had been reported on behalf of the player that at 32 years of age he had never previously been sent off the field of play, that he was a well respected international player and that in finding himself in this situation was going to mean a potential loss of further international caps to him.

Having considered all the various factors that we are required to do under the rules including the seriousness of offending, aggravating and mitigating circumstances and having taken full account of all the evidence presented to us we the Committee have concluded that the player should be suspended from today Tuesday 31 October up to and including Sunday 19 November 2006. This suspension is effective immediately as of the date of this decision.

No application was made by either side to the Committee with regard to costs.

The parties are reminded of their right of appeal against this decision under Schedule 4.8 of the 2006/07 Disciplinary Rules

Hugh Logan

Chairman – Discipline Committee

31 October 2006