

**EUROPEAN RUGBY CUP**

**DECISION OF DISCIPLINE COMMITTEE**

**HELD AT ERC HEADQUARTERS  
3<sup>rd</sup> FLOOR  
HUGUNOT HOUSE  
35/38 ST. STEPHEN'S GREEN  
DUBLIN 2.**

**FRIDAY 24<sup>TH</sup> OCTOBER 2008 10AM.**

**IN RESPECT OF:-**

Fabian Rofes ("the Player")  
Club – Montpellier.

**AND**

Ordering Off offence contrary to Law 10.4(b) stamping or trampling.

**MEMBERS OF THE DISCIPLINE COMMITTEE ("the Committee")**

Pat Barriscale (IRFU) Chairman.  
Richard McGhee (SRU)  
Gerard Spotswood (IRFU).

**DECISION OF THE COMMITTEE:**

- (i) The Committee considered the Player's Ordering Off in the match between Northampton Saints and Montpellier on the 18<sup>th</sup> October 2008 at Northampton by James L. Jones, Referee. The Committee suspended the Player from taking part in the game of rugby up to and including Sunday 9<sup>th</sup> day of November 2008 at 12 midnight. This represented a three week suspension commencing on the 18<sup>th</sup> October 2008.
- (ii) The Committee made an award of costs against the Player being 50% of any reasonable costs arising out of the convening of the Disciplinary Committee in respect of this hearing. Such costs to be notified to the Player as soon as they have been determined and any issue arising in relation thereto to be referred back to the Chairman of this Discipline Committee.

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**INTRODUCTION**

This Committee was convened by Professor Lauren D. Crerar, the Chairman of the European Rugby Cup Discipline Panel pursuant to the discipline regulations of the European Rugby Cup in respect of the Ordering Off of the Player during the European Rugby Cup match played between Northampton Saints and Montpellier on the 18<sup>th</sup> October 2008 at Northampton in England by James L. Jones, Referee. The ordering off arose out of a stamping or trampling incident which occurred during the match after a general warning had

been given by the Referee to both teams.

Present at the hearing on the 24<sup>th</sup> day of October 2008, in addition to the members of the Committee were:-

1. Roger O'Connor, Disciplinary Officer, European Rugby Cup.
2. The Player, Fabian Rofes.
3. The Coach, Montpellier
4. Interpreter.

## HEARING

At the commencement of the hearing, the Chairman outlined the procedure to be adopted by the Committee for the hearing and that the provisions of the European Rugby Cup Disciplinary Regulations will 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 and enquired as to whether all present had received the same in good time. The Chairman then confirmed what additional evidence was to be presented before the Committee and this comprised of a statement completed by Carlos Lobbe, the injured party arising from the stamping or trampling offence.

The Chairman then invited the Player and/or his representatives to confirm whether or not they had any preliminary issues that they wished to raise. There were none such. The Player was asked whether he admitted committing the act of Illegal and/or Foul Play and whether or not he wished to contest the Ordering Off. The Player admitted committing the act of Illegal and/or Foul Play and stated that he did not wish to contest the Referee's decision.

The Player was invited to explain his actions and to present any evidence he wished the Committee to take into account. He suggested that his actions were not intentional and that he stood on the player accidentally as he was committed to joining in the ruck and was focused on that solely. He said that the stamping incident was an accident and he did not intend to hurt the player in any way. He accepted the statement of the injured player as provided but emphasised that he had no previous discipline breaches. This was confirmed by Mr. O'Connor of the ERC. In addition he stated that he had sought out the player afterwards and apologised to him. This was readily accepted by the player.

The Committee retired to deliberate in private in respect of what, if any, sanctions would be appropriate in the circumstances. In this regard, the Committee considered that the entry point for sanction was at the mid range which carried a suspension of five weeks. The Committee were satisfied that the players actions were intentional and that there was no provocation giving rise to the same. The Committee considered that the Player at the time of the incident was vulnerable as he was lying on the ground but that no serious injury arose as a result of the incident and the player was able to continue thereafter. The Committee took into account the mitigating factors which were that the Player accepted his guilt from the start, did not question the referees decision at the time of the sending off, had no previous discipline breaches and apologised to the player immediately after the match. In the circumstances the Committee determined that the appropriate sanction was the imposition of a period of suspension of three weeks commencing the 18<sup>th</sup> October 2008 and ending on the 9<sup>th</sup>

November 2008 at 12 midnight. The Chairman reminded the Player that he was entitled to appeal this decision and if he wished to do so such appeal must be communicated within seventy two hours of receiving this written decision.

**28<sup>th</sup> October 2008**

**H. Pat Barriscale**  
**Chairman**  
**Disciplinary Committee.**