

EUROPEAN RUGBY CUP

DECISION OF DISCIPLINE COMMITTEE

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

FRIDAY 24TH OCTOBER 2008 9AM.

IN RESPECT OF:-

Julien Tomas ("the Player")
Club – Montpellier

AND

Ordering Off offence contrary to Law 10.4(a) punching or striking.

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 and Montpellier on the 18th 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 the 26th October 2008 at 12 midnight. This represents a one week suspension commencing on the 18th 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 and the expenses relating thereto. Such costs to be notified to the Player as soon as they have been quantified and any issue arising in relation thereto to be referred back to the Chairman of this Discipline Committee.

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 18th October 2008 at Northampton in England by James L. Jones, Referee. The sending off was in respect of a punching or striking offence contrary to Law 10.4(a).

Present at the hearing on the 24th 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, Julien Tomas.
3. The Coach, Montpellier.
4. Interpreter.

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 by 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 Mr. Hartley the Northampton player who was struck by Mr. Thomas.

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. The Player through the Interpreter, stated that his actions were purely defensive in nature and that as a result of the sequence preceding the Striking Offence that he felt threatened and was provoked. This, he suggested could clearly be seen from the video evidence. In response to the Chairman, he accepted that his reaction was inappropriate in the circumstances but re-iterated that he felt threatened at the time. The Player went on to say that he never had a previous disciplinary issue and this was confirmed by Mr. O'Connor of the ERC. In addition he confirmed that he sought out the other player after the match and apologised for his actions. This was readily accepted by the player in question.

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 low end and the range was that of two weeks suspension. The Committee considered the Players actions were intentional and also considered that there was indeed some threat or provocation. The Committee took due account of the fact that the Player had not contested the red card, had acknowledged guilt from the start, had accepted the Referees decision without challenge and had apologised to the Player after the game finished. In this regard and having regard to his previous unblemished disciplinary record, the Committee concluded that a suspension of one week was appropriate commencing the 18th October 2008 and up to and including Sunday 26th October at 12 midnight. The Chairman reminded the Player that he had the opportunity to appeal this decision and if he wished to do

so such appeal had to be communicated within seventy two hours of receipt of this written decision.

28th October 2008

H. Pat Barriscale
Chairman
Disciplinary Committee.

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