

EUROPEAN RUGBY CUP

DECISION OF DISCIPLINARY COMMITTEE

**Held at The Leinster Suite, Buswells Hotel, Molesworth Street, Dublin 2
8th day of November 2006**

In respect of **ROSS FORD** ("the Player") and the citing complaint that the Player's actions had breached Law 10.4(a) of the Laws of the Game

Members of the Discipline Committee:-

Mark McParland, IRFU, Chairman
Roger Morris, WRU
George Spotswood, IRFU

Decision of the Committee:-

1. The Committee found on the admission of the Player that he had committed an act of foul and illegal play which merited a red card
2. The Player is suspended from taking part in the game of rugby up to and including Wednesday, the 15 November 2006
3. The Committee made no ruling as to costs

Introduction

The Committee was convened by Professor Lorne D. Crerar, the Chairman of the ERC Discipline Panel pursuant to the Discipline Regulations of the ERC in respect of a citing complaint dated the 29 October 2006 made by Denis N. Templeton, the Citing Commissioner. The citing complaint concerned the conduct of the Player during a Heineken Cup Match played between Northampton Saints ("the Saints") and the Border Reivers ("the Borders") on the 28 October 2006 at Franklin Gardens.

The citing complaint alleged that the Player punched an opponent from the Saints to the head in breach of Law 10.4(a) of the Laws of the Game.

Present at the hearing on the 8 November 2006 in addition to the members of the Committee were:-

Roger O'Connor, Disciplinary Officer ERC
David Martin, Solicitor to ERC
The Player
Michael Nicholson of Harper MacLeod, Solicitor for the Player
Steve Bates, Director of Rugby Border Reivers

Hearing

At the commencement of the hearing, the Chairman confirmed the identities of all present and established that the Player before the Committee was the Player required to answer the citing complaint arising out of 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 procedure 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 Martin. 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 and the correspondence furnished by Mr Bates consisting of letters from the Player and Mr Bates to the Saints and Mr O'Connor respectively and a letter from the injured party.

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 narrated the terms of the citing complaint and asked the Player how he wished to plead in relation to the citing complaint. The Player and his Representative stated that the Player accepted the citing and made no contention of the accusation.

The Chairman upon receiving the Player's guilty plea, indicated to the parties that the Committee's task was to establish whether or not the act of foul or illegal play warranted a red card and the Chairman invited submissions from the parties.

Mr Martin on behalf of the ERC opened to the Committee his skeleton argument and then presented the video clip of the incident, the subject matter of the citing.

In summary, the evidence presented as seen on the video was to the effect that after twenty three minutes of the first half, a maul formed following a lineout some five meters outside the Borders twenty two meter line and as the Borders drove forward in possession of the ball, the Saints No. 6 ("the Opponent") pulled the Player to the ground. The Player, while being held on the ground, punched the Opponent in the area of his left temple at a time when the Opponent was defenceless. Mr Martin contended that the Player brought his arm straight back and punched the Opponent.

Furthermore, Mr Martin directed the Committee to consider the Player's intent and he submitted that there was compelling evidence that the Player had intended to punch the Opponent at a time when the Opponent was lying on his back, on the ground pinned under the Player with no opportunity to defend himself against the Player's actions.

The Player said that he was a truly sorry for his actions and that it was not in his nature to strike another player. At the time of the incident, he was doing his best to get back into the game. He stated that the Opponent had taken him out of the game and he was doing his best to get back to help his team. He stated that he did not follow through with the punch and that he threw a punch out of frustration without aiming it at the Opponent's head.

Following the incident and following the game, he felt really bad. He did not strike players and this was the first time he had ever been in trouble. He did not wish to cause the Opponent damage. He had many sleepless nights conscious of what other people would think of him as a result of the incident. Contrary to the Citing Commissioner's reference a melee, the players from both sides merely pulled the Player and the Opponent apart and there was no subsequent brawl.

Mr Nicholson on behalf of the Player, stated that the Player had been suspended by the Borders immediately and had missed the game against Ulster during the week prior to the hearing. The Player had also been expected to be in the Scotland squad for the autumn tests. As a result of the incident, he had been omitted from the match 22 against Romania.

Mr Nicholson informed the Committee of the Player's background. He was twenty two years of age and had been playing professional rugby for five seasons. This was his first citing and he had never been suspended. This was verified in an e-mail from the Scottish Rugby Union. He had captained his country at under 16 level and had been capped at under 18 and under 19 level. He had played two World Cups at under 21 level as well as competing for Scotland in the Commonwealth Sevens Tournament. He had been capped by Scotland as a replacement on three occasions. He was the Border's Player of the Year and the Scottish Young Player of the Year. He did not wish to be known as a dirty player.

Mr Martin on behalf of the ERC referred the Committee to the sanctions as laid down in Appendix 1 and the entry levels for the offence. He asked the Committee to award ERC one third of the costs of the hearing, limiting such costs to the Committee's costs and the room hire.

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 on the evidence, found that the citing complaint was proved, that the Player had committed an act of illegal and 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 the incident, his apology and the overall effect of the Player's actions on the game merited consideration. The Committee also considered the Player's age, the fact that he had been a professional over five years with an exemplary discipline record and the fact that he had lost the opportunity to advance his international career by being omitted from the Scottish panel to play Romania.

Having considered all the various factors that we were required to do so under the Rules including the seriousness of the offence, the 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, Wednesday, the 8 November 2006 up to and including Wednesday, the 15 November 2006. The suspension is effective immediately as of the date of this Decision.

The Committee made no ruling as to costs.

Both parties were reminded of the right of appeal against this Decision under Schedule 4.8 of the 2006/07 Disciplinary Rules.

Mark McParland
Chairman, Discipline Committee
8 November 2006