

Decision of the Independent Judicial Officer

EUROPEAN PROFESSIONAL CLUB RUGBY

Held at The Sofitel Hotel, Heathrow Terminal 5

Wednesday 25th of November at 12 noon

In respect of

of **Matthew Rees ("the Player") of Cardiff Blues**

And

The issue of the ordering off of the Player (red card) in a match played between Cardiff Blues and Harlequins on the 19th of November 2015 at The Arms Park, Cardiff for an act of foul play contrary to Law 10.4.b of the laws of the game, stamping or trampling another player

Judicial Officer appointed to hear the case:

H. Pat Barriscale, Ireland ("the Judicial Officer")

Decision of the Judicial Officer:

1. The Player having accepted that he committed an act of foul play which warranted a red card the Judicial Officer determined that the appropriate sanction was to impose a period of suspension on the Player;
2. The Player is suspended from taking part in a game of rugby up to and including midnight on Sunday 10th of January 2016. This represents a seven week suspension;
3. No order in relation to costs.

Introduction

The Judicial Officer was appointed by Professor Lorne D Crerar, Chairman of the EPCR Disciplinary Panel pursuant to the Disciplinary Rules found in the Participation Agreement of the European Rugby Challenge Cup 2015/2016. The Judicial Officer was appointed to consider the citing complaint ("the Complaint") which concerned the conduct of the Player during the 73rd minute in a match played between The Cardiff Blues and Harlequins at The Arms Park, Cardiff on the 19th of November 2015.

Present at the hearing in addition to the Judicial Officer were the following persons:-

- Matthew Rees, the Player;
- Gafyn Cooper, Operations Manager Cardiff;
- Liam McTiernan, Disciplinary Officer, EPCR;

After the appropriate introductions were made the Player and his representative confirmed that they had received all of the documentation relevant to the hearing together with the

video clip which was available of the incident. As there were no preliminary issues raised, the Judicial Officer proceeded to the hearing.

Hearing

The Judicial Officer outlined the procedure which he proposed following and this was accepted by all in attendance. Prior to the hearing the Player, through his representative, had complied with the standing directions and had accepted that he had committed an act of foul play which warranted a red card. This was confirmed at the hearing by the Player also. In those circumstances, the Judicial Officer confirmed that the only matter to be considered by him was what sanction, if any, was appropriate in respect of the sending off.

The Judicial Officer requested that the Disciplinary Officer would show the video clip and asked the Player and his representative to address him in relation to the same. The Player explained that as he came in to join the ruck, Harlequins No. 8 was lying at the bottom of the ruck with his head facing towards the attacking team. H8 was trapped and unable to release himself. The Player's intention was to clean out past the ball and past the Player. He said he could see the No. 8 on the ground and as he was carrying out this manoeuvre he accidentally stood on the player who was on the ground.

Mr Cooper suggested that at worst the Player's conduct was reckless, that no injury was caused to H 8 and he was able to continue to play until the end of the game.

The Judicial Officer put it to the Player that in his view the Player could clearly see that H 8 was trapped at the bottom of the ruck and that he intentionally stood down where H 8 was. The Judicial Officer further suggested that he didn't care what part of H 8 he stood on and the Player, with hesitation, accepted that this was probably the case. The Judicial Officer suggested that the player H 8 was particularly vulnerable as he was trapped and it was fortunate that he did not suffer more serious injuries as the contact was in the eye area. The Player responded by suggesting that the entire incident happened very quickly and there was no premeditation on his part to hurt the player on the ground. He suggested that no real injury was caused and that H 8 was able to continue and complete the match without difficulty. The Judicial Officer reminded himself again at this stage of the injury by viewing the two photographs which were taken, one immediately after the match and the other on Monday 23rd of November. These clearly show two stud marks on H 8's face and a black eye on the Monday.

Sanction

The Judicial Officer explained that he would firstly be considering the entry level which was appropriate for this offence under the provisions of 7.8.32 of the Disciplinary Rules. He would then go on to consider whether there was any aggravation under 7.8.34 and what the appropriate mitigation (if any) was under 7.8.35. The Judicial Officer specifically asked the Player and his representative to address him in relation to the entry level. They responded by saying that they considered the offence was reckless and that the appropriate entry level should be mid-range. The Judicial Officer went through each of the criteria as set out in 7.8.32 and the Player responded to those appropriate. He emphasised again that there was no premeditation on his part, the injury was, thankfully, not serious and it had no real effect on the match save that Cardiff were down to 14 men. The Judicial Officer put it to the Player that it appeared to him that the offence was intentional and/or deliberate, the player was vulnerable and the injury while not overly serious was in the eye area.

As far as aggravating factors were concerned, the Disciplinary Officer said that he had carefully considered all of the matters as set out in 7.8.34 and did not believe that there were any matters that he needed to bring to the attention of the Judicial Officer.

The Judicial Officer then requested the Player to address him in relation to mitigating factors. Mr Cooper, on behalf of the Player, stated that he had accepted responsibility for the offence from the start and did not contest the red card in any way. He had sought out the player H 8 in the tunnel after the match was over and apologised to him for the offence. He was playing rugby for 15 years as a professional and had only one yellow card during that period. He suggested his disciplinary record was exemplary and that this offence was completely out of character for the Player. He was capped 61 times for Wales, 9 times as Captain and had played in three test matches for the Lions. He had been Captain of Cardiff for 2 years and prior to that Captain of Scarlett's for 2 years. He was an Assistant Coach with Cardiff under 18 team and regularly mentored young players both inside and outside of his Club. They emphasised that it was completely out of character for the Player and could not explain why it had happened.

As there was nothing further to be said by any of the participants at the hearing the Judicial Officer said that he would consider all matters and reconvene shortly thereafter.

Conclusion

The Judicial Officer reconvened the hearing and as far as the entry level was concerned, he said that he was satisfied that it was an intentional and deliberate stamp on a player who was in a particularly vulnerable position at the time. The stamp was to the head of the other player, it was completed and whereas the injury was not overly serious it was to the eye area. In those circumstances, he considered the appropriate entry point was at the top end and that 12 weeks was the appropriate entry point. There were no aggravating factors to be considered. As far as mitigation was concerned, he accepted that the Player had not contested the act of foul play which warranted a red card. He had apologised and shown remorse, he had conducted himself appropriately both before and at the hearing and had an impeccable disciplinary record over his career. In the circumstances, the Judicial Officer felt that a deduction of 5 weeks was appropriate to take account of these mitigating factors. The Disciplinary Officer suggested to him that he could, if he wished under the regulations, mitigate by up to 6 weeks under 7.8.36. The Judicial Officer said that he was not prepared to do that and in exercising the discretion available to him, he said that he felt that 5 weeks was appropriate as far as mitigation was concerned. In those circumstances, the Player was banned from all rugby for a period of 7 weeks to end at midnight on Sunday 10th of January 2016.

As there was no application made in relation to costs no order was made in this regard.

The Player was reminded of his right to appeal this decision pursuant to the Disciplinary Rules of the Tournament and particularly 8.2.1 thereof if he wished to do so.

H. Pat Barriscale
Judicial Officer

Dated: Thursday, 26 November 2015