

EUROPEAN RUGBY CUP
DECISION OF DISCIPLINE COMMITTEE
HELD AT GLASGOW
FRIDAY 23rd DECEMBER 2005

IN RESPECT OF:-

Justin Harrison (*“the Player”*)

AND

A citing complaint by Terry Vaux (WRU) against the Player arising out of the match between Saracens and Ulster on 17th December 2005.

MEMBERS OF THE DISCIPLINE COMMITTEE:- (*“the Committee”*)

Professor Lorne D. Crerar (Chairman) (*SRU*)

Iain Goodall (*SRU*)

Douglas Hunter (*SRU*)

DECISION OF THE COMMITTEE:

- (i) The Committee found that the Player had not committed an act of Illegal and/or Foul Play and to dismiss the citing complaint.
- (ii) The Player is not suspended from taking part in the game of rugby and is free to play.
- (iii) The Committee made no award as to costs.

INTRODUCTION

This 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 made by Mr Terry Vaux, the Citing Commissioner. The citing complaint concerned the conduct of the Player during a Heineken Cup match played between Saracens and Ulster on 17th December in Vicarage Road, Watford, England. The citing complaint alleged that the Player struck an opponent with his head contrary to Law 10.4(a).

Present at the hearing on 23rd December 2005, in addition to the members of the Committee were:-

Justin Harrison (the Player)

David Miller, Solicitor, Miller, McCall and Wylie

Mark McCall, Director of Coaching, Ulster

Roger O'Connor, Discipline Officer, ERC.

Jonathan Taylor, Hammonds, Legal Representative to the Discipline Officer.

HEARING

At the commencement of the hearing the Chairman confirmed the identities of all present and established that the Committee was convened to consider a citing complaint against the Player.

The Chairman outlined the procedure to be adopted by the Committee for the hearing and that the provisions of the ERC disciplinary regulations would apply. All present agreed to proceeding on that basis.

The Chairman established what evidence had been placed before the Committee prior to the hearing. In advance of confirmation that neither the Disciplinary Officer nor the Player had any preliminary issues. The Player confirmed that he denied having perpetrated an act of illegal and/or foul play.

After consideration of the citing complaint, the video evidence was presented to the committee. The Discipline Officer's position was that the video evidence spoke for itself in being evidence of a prima facie case of striking contrary to Law 10.4(a).

The Player's legal representative explained that in the Player's view, the referee had seen the incident as he had spoken to the Player and the other player involved. He drew the Committee's attention to Regulation 6.6.10. The Player's legal representative further advised that the Player took the view that this was not a case of "striking".

The Player presented his position, speaking directly to the Committee. The Player explained that Chris Chesney, of Saracens, was an old school friend. He said Chesney had made a comment about him. He then commented to him "why did you trip me?". Chesney was approaching me and despite my attempt to stop him coming toward me with my hand on him, I made a clumsy attempt to stop his advances with the push of my head. This was not a malicious incident. I was enjoying a competitive match and made a poor attempt to halt Chesney's progress.

On questioning from the Committee, the Player advised that Chesney had said to him "you are a has been, you're not playing for Australia anymore". The Player said it would have

been easier to push Chesney away or even better to walk away. There was no recoil, it was not an attempt to head butt, it was just a nudge.

The Player's legal representative then addressed the Committee to the definition of "strike" and in closing said that the incident would have never warranted a yellow or red card.

The Discipline Officer's position was leaning the head in to an opponent in this fashion was illegal and/or foul play.

The Player was then asked what the referee had said to the Player and Chesney. The Player stated that the referee said "no more no more just play the game". We explained to him that we are old mates and it was nothing. At no point thereafter did we do anything more in the game.

The Committee adjourned and considered the question of whether the Player's behaviour was a strike contrary to Law 10.4(a). The Committee concluded that it was not a strike. The Committee reconvened and advised the parties that the citing complaint had been dismissed. Neither party sought to make any representations as to costs. The Committee accordingly made no costs award.



Professor Lorne D. Crerar
Chairman
Discipline Committee

23.01.06

Date