

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

IN RESPECT OF:-

Matt McCullagh (*“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 forearm contrary to Law 10.4(a).

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

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. It was agreed by all that notwithstanding the Player's absence (the Player being in Spain with the Irish squad preparing for the 6Nations tournament) the Committee would try to hear the complaint and determine the matter in his absence, adjourning if necessary. Mr Miller and Mr McCall were in Glasgow due to the earlier hearing of Justin Harrison.

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.

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 representative explained that the Player mistimed his jump and made a clumsy attempt to play the ball. The Player had simply tried to lever himself but he was simply clumsy.

The Committee, having established that neither party had any further submissions to make on liability, retired to consider the same. The Committee unanimously agreed that the alleged act was not an act of foul play. The Committee agreed with the Player's position that this was a clumsy accident.

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