

Decision of the Independent Judicial Officer **EPCR**

Held at Huguenot House, St. Stephens Green Dublin
on Thursday the 7th May 2015

In respect of

Bill Meakes ("the Player")

And

a Red Card showed to him in respect of an alleged act of foul play contrary to Law 10.4 (e) of the Laws of the Game, namely a player must not tackle (or try to tackle) an Opponent above the line of the shoulders."A tackle around the Opponents neck or head is dangerous play" in the Final of the European Challenge Cup 2015 between Gloucester Rugby and Edinburgh Rugby played at the Stoop on Friday the 1st day of May 2015 ("the Match")

The Judicial Officer appointed to review the showing of the red card in order to determine what further action (if any) should be taken as required under DR 7.2. was Mark McParland IRFU ("the JO")

Decision

The Player having admitted the act of foul play in respect of which he received a red card in breach of Law 10.4. (e), the JO upheld the Red Card and suspended the Player from playing Rugby Union during the period of two weeks from the 1st day of May 2015 to the 17th day of May 2015 (inclusive). No award of costs was made to either party.

Introduction

The JO was appointed by Professor Lorne D. Crerar Chairman of EPRC Disciplinary Panel pursuant to the Disciplinary Rules of the European Rugby Cup Disciplinary Rules 2014/2015 to consider the showing of a Red Card ("the Red Card") to the Player in the match.

The Report from the Referee, Jerome Garces FFR confirms that the Television Match Official ERIC GAUZIN FFR referred an incident to him and asked him to check for foul play "Gloucester 13 made a dangerous tackle on (an Opponent) without ball. Red Card was recommended for dangerous tackling – playing (an Opponent) without the ball"

THE HEARING

In addition to the JO, the following were present at the hearing

- The Player
- David Humphrey's Director of Rugby Gloucester Rugby
- Liam McTiernan Regulations Executive EPRC

Preliminary Matters and Procedures

At the commencement of the Hearing, the JO noted the identities of all present and narrated the reason as stated in the Referees Report for showing the Player the Red Card in relation to an allegation that the Player had engaged in a dangerous tackle contrary to Law 10.4. (e)

The JO reminded all parties that the European Rugby Challenge Cup Disciplinary Rules found in the Participation Agreement Season 2014/2015 ("the DR") would apply and outlined all procedure to be followed and all present agreed to proceed on such basis.

The JO established what evidence had been placed before him prior to the hearing and received confirmation that all present had received same within the extended time periods decided by the JO prior to the hearing. The evidence for consideration was as follows:

- The letter from Roger O'Connor Disciplinary Officer EPRC to Professor Crerar advising of a Red Card shown to the Player and requesting appointment of a Disciplinary Committee to hear the matter
- Referees Report of Jerome Garces FFR
- Reports of the Assistant Referees Pascal Gauzere and Mathiew Raynal
- Statement of Sam Beard Edinburgh No. 13 ("the Opponent")
- Statement of Stuart Patterson Clinical Manager & Lead Physiotherapist – Edinburgh Rugby
- Players replies to Standing Directions 6th May 2015
- Response to Players replies from Liam McTiernan Regulations Executive EPRC dated 6th May 2015
- IRB Amended Memorandum re Dangerous Tackles (High Tackles) dated 4th August 2011
- List of Gloucester Rugby Playing Commitments
- Video Footage of the Incident

The JO noted the terms of the Players Response to the Standing Directions found that at Appendix 6 of the DR, wherein he acknowledged he was the Player to whom the Red Card was shown, he would not argue any preliminary matters, he accepted that the official Reports were a true and accurate account of the incident in the showing of the Red Card and that the incident committed by him did warrant a Red Card and he did not seek to show such Red Card as erroneous.

The Player and his Representative Mr Humphrey's reiterated such stance at the hearing and the JO indicated that in such circumstances he would consider the issue of sanction and hear the parties in respect of the on field issues first as required by DR 7.8. 32

The JO review the video evidence of the incident and heard the Player, his representative and Mr McTiernan on the events shown on the video.

On reviewing the video evidence, it was noted that Edinburgh Rugby had won the ball and were moving it across its back line going left. The Gloucester back line were moving to their right to defend the Edinburgh attack. At this time in the match (63 minutes 32 seconds) Gloucester Rugby were a man down, No 6 Ross Moriarity having been sin binned 8 minutes earlier. As a result, Gloucester Rugby were a man short in defence. The Opponent advances at speed and Edinburgh pass the ball behind him. The Player is observed looking at the Opponent presumably with the intention of tackling him should the ball be passed to him. As the ball was passed behind the Opponent, the Player is noted to be looking at the Edinburgh backline and moves to his right to defend the outer channel. The Opponent is seen blocking his attempt. The Player puts both arms at shoulder height on the Opponent and swings the Opponent out of his way. Play moved on and the TMO asked the Referee to review an act of perceived foul play at the next breakdown.

The Players actions were explained by his Representative, Mr Humphrey's, in the following terms:

At the time Gloucester Rugby were down to 14 men. Edinburgh had two back row players in their back line as the play commenced. Being a man down (No. 6 Ross Moriarity, would normally be positioned between 10 and 12) Gloucester Rugby needed to push wider and harder than they would have if they had their full compliment. Their defensive structure may get beaten on the outside but never through their defensive line. The Opponent was clearly in front of the ball and blocking the Player's effort to move wider. It was suggested that the Player could not actually know what had happened in the collision as his eyes had gone off the Opponent and had gone to the Edinburgh player to whom the ball had been passed.

On viewing the video footage and on hearing the Player's evidence, it appeared clear to the JO that the Player was being blocked by the Opponent but that he knew or should have known of his Opponent's presence in his running line. He was clearly watching him with a view to tackling him until the ball was passed behind the Opponent. Thereafter the Players arms were placed on the Opponents shoulders before the Player swung around him presumably to get him out of the way to move to the outside channel. Play did continue until the TMO's intervention requesting the Referee to review the action for foul play on the Player's part.

The Opponent left the pitch for a head injury assessment, was found to be fine and re-joined the match showing no ill effects of the incident.

On DR Rule 7.8.32, Mr Humphrey's put it to the JO that the offending was not intentional or deliberate on the Players part but may have been reckless. There was no particular gravity to the Players actions in that he did not use a stiff or short arm. The act was part of the Players efforts to get around the Opponent to defend his teams line and was done with both arms around the Opponent in a swinging action.

It was suggested that there may have been an element of provocation in that the Opponent was clearly off side while engage in obstruction. While the offending act did require the Opponent to have a head injury assessment, he was passed fit and continued to play the match. While all high tackles are by their nature dangerous and the victim vulnerable, some cognizance had to be given to the Opponent's actions. The JO did not believe the Player pre-meditated his actions but nonetheless, it was completed. There were no ill effects on the match from the Player's action other than the fact that Gloucester Rugby were obliged to play the remaining 17 minutes of the match with 14 players.

The JO requested the parties to address him on any aggravating and/or mitigating circumstances. It was acknowledged by all that the Player had a clear record. Mr McTiernan reminded the JO of the IRB Memorandum of the 4th of August 2011 relating to High Tackles. There were no other aggravating factors of relevance.

In relation to mitigation, it was accepted that the Player had acknowledged his culpability at the earliest opportunity. He is 24 years of age and was playing in only his 15th senior game having played 3 games with Gloucester Rugby during his first season being 2013/ 2014 and 12 games in the current season. He is Australian by birth and this match being a European Final, was the biggest game of his career to date. He apologised to his Opponent unprompted immediately after the match and could be seen in the video after having being Red Carded with a towel over his head. He had apologised to his own team and to his Club immediately after the match also and was clearly remorseful for his actions.

A brief discussion ensued regarding the wholly disproportionate rule DR 7.8.37. Mr Humphrey's pointed to a number of other tackles during the game and asked the JO to consider whether the offence did pass the Red Card offence and if there was sufficient doubt, to extend the benefit of such to the Player. It was noted that the match Referee was an experienced International Referee and that the issue of the Red Card was conceded in the Replies to Standard Directions.

Having adjourned to consider the matter in private, the JO announced his decision in the following terms:

The IRB Sanctions for an offence under Law 10.4. (e) carry the following tariffs

1. Low End 2 weeks
2. Mid-Range 6 weeks
3. Top End 10 weeks with maximum of 52 weeks

In this instance the Players actions were reckless and taking into account all the on field issues referred to above the appropriate entry point was low end. The JO felt obliged to consider and apply the IRB Memorandum of the 4th August 2011 by adding 1 week additional suspension to the Low End entry point.

Commencing consideration of mitigation at 0% the JO was of the view that the Player and his Club were to be commended for the manner in which they had addressed the Red Card and having regard to the mitigating circumstances set out above, a full 50% mitigation should be extended to the Player. Such mitigation can only be applied to the entry point tariff and accordingly 50% of 2 weeks, namely one week is the appropriate period of suspension which should be allowed

by way of mitigation. The Player is suspended for a period of 2 weeks. Accordingly he is suspended from playing Rugby Union from the 1st day of May 2015 to the 17th day of May 2015 inclusive.

No order was made or sought in respect of cost.

The Player was informed of his right of appeal under DR 8.1.

In conclusion the JO expressed the following comments regarding this matter and a related matter of the Citing Complaint against Ross Moriarity also of Gloucester Rugby in the same match.

It was regretted that the JO's decision in relation to both cases following a strict application of the DR should have resulted in similar outcomes for offences of a very differing nature and character of offence. The Citing of Ross Moriarity was more objectionable and culpable than the offence against Mr Meakes. However it was not for the Judicial Officer to apply any subjective criteria to the need for a deterrent to combat a pattern of offending in the game and perhaps the entry level for a deliberate strike of an Opponent with a knee as set out in the IRB Sanctions of Foul Play should be reconsidered.

Secondly in congratulating Gloucester Rugby on their success in winning the European Challenge Cup 2015, it cast a dark and lengthy shadow on the Clubs victory that two of their starting Players should be facing disciplinary action in the aftermath of the Club's victory.

Mark McParland
Judicial Officer
May 2015

