

DECISION OF THE INDEPENDENT JUDICIAL OFFICER

The European Rugby Champions Cup, Season 2014/2015

Held at Sofitel, Terminal 5, Heathrow Airport on Wednesday 17 December 2014

In respect of:

Charles Matthews (“the Player”)

and

A citing complaint in respect of an alleged act of Foul Play contrary to Law 10.4(m) of the Laws of the Game, namely “An Act Contrary to Good Sportsmanship” in the European Rugby Champions Cup Pool Match between Leinster Rugby and Harlequins FC played at the Aviva Stadium, Dublin on 13 December 2014 (“the Match”).

Judicial Officer appointed to hear the case:

Rod McKenzie (Scotland) (“the Judicial Officer”)

Decision of the Judicial Officer:

The Disciplinary Officer had failed to prove, on the balance of probabilities, that the Player cited had committed the act of Foul Play specified in the citing complaint and the citing was not upheld and was dismissed.

Introduction

The Judicial Officer was appointed by Professor Lorne D Crerar, Chairman of the European Rugby Independent Disciplinary Panel pursuant to the Disciplinary Rules in the Participation Agreement of the European Rugby Champion’s Cup 2014/2015.

The Judicial Officer was appointed to consider the citing complaint relating to the Player in the Match. The Player was cited for an alleged offence of an act contrary to good sportsmanship in contravention of Law 10.4(m). The citing complaint incident details were

as follow

“A bit far away from the main scuffle (see Care./Madigan reports) Matthews (4H) holds Ryan (7L) from the back and has his right hand on to Ryan’s face, making contact with the eye area. No complaint from Leinster Team Manager.”

The Hearing

In addition to the Judicial Officer the following persons were present at the hearing:

- The Player
- Mr Connor O’Shea - Harlequins RFC – representing the Player
- Mr Max Duthie, Solicitor representing the Disciplinary Officer
- Mr Liam McTiernan, Regulatory Officer, European Rugby

The Disciplinary Officer was scheduled to be present at the hearing but was unavoidably detained at another disciplinary hearing taking place on the same date which had run on for longer than was anticipated. It was agreed by all present that no issue arose by reason of his not being present at the hearing.

At the commencement of the hearing, the Judicial Officer noted the identities of all present and narrated the contents of the citing commissioner’s report, reminding the Player that he had been cited for an alleged contravention of Law 10.4(m).

The Judicial Officer reminded all parties that the European Rugby Champions Cup Disciplinary Rules found in the Participation Agreement (“the Disciplinary Rules” and “DR” in the singular) would apply.

The Judicial Officer outlined the procedure to be followed to determine the citing complaint. The Player and all present agreed to proceed on the basis outlined.

The Judicial Officer ascertained that there were no preliminary matters or issues which either party wished to raise.

The Judicial Officer then established what evidence had been made available to him prior to the hearing and enquired as to whether all present had received copies of same in good time. There was no issue with regard to any party not having received a timeous copy of the