

EUROPEAN RUGBY CHAMPIONS CUP
DECISION OF JUDICIAL OFFICER
Held on Tuesday 20th of January 2016
AT Sheraton Hotel, Charles de Gaulle Airport France

In respect of:

Alexandre Bias ("the Player")

and

in respect of a red card shown to the Player in respect of an act of foul play, contrary to Law 10.4 (e) and 10.4 (g) of the Laws of the game, the match played between Newport Gwent Dragons and Castres Olympique at Rodney Parade on the 15th of January 2016.

Judicial Officer

David Martin (Ireland)

Decision of the Judicial Officer

The Player having accepted that he committed an act of foul play contrary to 10.4(g) for which he had received a red card, the Player was suspended from playing the game of rugby union for a period of one week from the 15th of January 2016 to Sunday the 24th of January 2016.

Introduction

The Judicial Officer was appointed by Professor Lorne D. Crerar, Chairman of European Professional Club Rugby Disciplinary Panel pursuant to the disciplinary rules of the European Rugby Champions Cup Season 2015/2016.

Parties at the hearing

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

Liam McTiernan (EPCR Disciplinary Officer)

Alexandre Bias (the Player)

Matthias Rolland (Director Castres Olympique)

The Judicial Officer established the evidence that was placed before him prior to the hearing and enquired as to whether all present received same in good time. All parties confirmed that the evidence had been received which comprised as follows:-

- Copy letter Liam McTiernan to Professor Lorne D. Crerar dated the 17th of January 2016
- Copy letter Lorne D. Crerar to the Player and Liam McTiernan dated the 18th of January 2016
- Copy Match Official Red Card Report from Referee Peter Fitzgibbon dated the 16th of January 2016
- Copy Statement Ken Inbusch, Assistant Referee
- Copy Report Kieran Barry, Assistant Referee.
- Copy Physiotherapist Report from Chris Jenkins, Newport Gwent Dragons
- Copy Statement Phil Price, Newport Gwent Dragons
- Copy Statement Dermot Early EMO
- Copy Player response to standing directions dated the 18th of January 2016.
- CCTV Footage
- Disciplinary Rules

Preliminary matters and procedures

At the commencement of the hearing the Judicial Officer noted the identities of all present and narrated the reason as stated in the Referee's report for the Player being shown a red card. The Judicial Officer noted that the Match Official Report stated that the Player has been shown a red card in respect of a breach of Laws 10.4 (e) and 10.4 (g). The Judicial Officer having reviewed the documentation advised the parties that it was his intention to amend the report to deal with the hearing as an infringement of 10.4 (g) of the Laws of the game "A Player must not charge or knock down an opponent carrying the ball without trying to grasp that Player". The parties advised that they were happy to proceed with the matter on this basis.

The Judicial Officer noted the Player's response to the standing directions wherein he acknowledged that he was the player to whom the red card was shown and that he did not intend to argue any preliminary matters. The Player in his response accepted that the Match Official Reports and documents before the Judicial Officer, were a true and accurate account of the incident and he further accepted that the incident committed by him did warrant the issue of a red card.

In these circumstances the Judicial Officer indicated that he would proceed to deal with the matter to consider the issue of sanction and to hear the parties in respect of issues required under the Disciplinary Rules.

Evidence

The Disciplinary Officer proceeded to show the video clip of the incident which occurred in the 57th minute of the game. The incident occurred near the Castres Olympique ten metre line towards the left hand touch line. The Newport Gwent Dragons number 1 was in possession of the ball which he was carrying forward. He had received the ball from his scrum half following a ruck near the touch line. He proceeded to advance towards the Olympique 10 metre line when the Player led with his left shoulder without extending his left arm in an effort to make a tackle. It was a clear should charge which made contact in or around the shoulder of the Newport Gwent Dragons number 1. It is visible from the clip that the Player whilst leading with his shoulder did so in a descending movement rather than ascending. At the same time the Newport Gwent Dragons player descended to get himself in a lower position in advance of a tackle. The consequence of this action led to the contact between the players being at a higher part of the body than the player expected. The Player did wrap his right arm around the Newport Gwent Dragons number 1 but at this stage the charge with his shoulder had been completed.

The Player explained that he wanted to make a low tackle but in trying to do so his position was not good. He accepted in questioning from the Judicial Officer that in attempting to make a tackle and leading with this shoulder was dangerous and could cause injury to the Newport Gwent Dragons' player regardless of where contact was made. He accepted that he was taking a risk of committing an act of foul play and that he did commit an act of foul play.

Sanction

The charge by the Player was intentional and reckless in that the Player knew there was a risk of committing an act of foul play. The Player used his left shoulder in committing the act which was done without provocation or retaliation on the part of the Player. It was not carried out in self defence and caused the Newport Gwent Dragons number 1 injury who required treatment although he was able to continue and finish the match.

The contact was made with the Player just above the Newport Gwent Dragon player number 1 shoulder line who was vulnerable in that he was carrying a ball and unable to defend himself [the Player's actions did not have any effect on the game.]

The World Rugby Sanctions contained and found in the Disciplinary Rules are as follows:-

Low end	two weeks
Mid range	five weeks
Top end	ten weeks plus.


In this instance the Player's actions were reckless and taking into account all of the on field issues referred to the appropriate entry point in the opinion of the Judicial Officer is low end.

The Player is now aged 36 years and has been playing the game of professional rugby since age 18. He received a suspension in the season 2006/7 in respect of dangerous play, in effect for what he described as brutality. He explained that this arose following a fight. He received a further red card for a punch. The Player during his playing career was unable to play for a period of two years due to ill health. His record over an 18 year period is generally good. The first red card the Player received was nine years ago. He showed immediate concern for the Newport Gwent Player's condition on the pitch following the incident. He immediately acknowledged his culpability and was very clearly remorseful both in the manner in which he acknowledged and dealt with the red card. The Player explained that he had wished to apologise further to the Newport Gwent Dragons Player after the match but was unable to do so due to an ongoing enquiry that was taking place in respect of another incident in the game.

In the circumstances the Judicial Officer applied a 50% reduction of one week meaning the Player is suspended for a period of one week from the 15th of January 2016 up to the 24th of January inclusive.

There will be no order as to costs.

The parties were reminded of the right of appeal.

Signed 
David Martin
Judicial Officer

27.1.16

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