

DECISION OF THE INDEPENDENT JUDICIAL OFFICER

ERC

Amlin Challenge Cup 2013/14

In respect of

THOMAS SYNAEGHEL of Biarritz Olympique (“the Player”)

And

His ordering off following the issue of a second yellow card in the Amlin Challenge Cup match between Biarritz Olympique and Worcester Warriors played at Biarritz Olympique on 12th December 2013 (“the match”)

Judicial Officer

Antony M. Davies (England)

Decision of the Judicial Officer

- (i) The Judicial Officer considered the Player’s ordering off by Referee Neil Hennessy in the above match. The Judicial Officer concluded that no additional sanction should be imposed and that the Player is immediately free to play.
- (ii) The Judicial Officer made no award of costs.

Introduction

1. The Judicial Officer was appointed by Professor Lorne D. Crerar, the Chairman of the ERC’s Independent Disciplinary Panel pursuant to the Disciplinary Rules found in the Participation Agreement of the Amlin Challenge Cup 2013/14. No formal hearing was convened as all parties agreed that the matter was capable of determination by the Judicial Officer on the basis of written submissions, as provided for by DR 6.7.39.

Nature and description of the yellow cards

2. The first yellow card

The Referee’s report of the yellow card confirmed that the first was given on 28 minutes 47 seconds of the first half and stated:

“Having spoken to the Captain and given a general team warning for repeated infringements, which included two infringements by B1; I penalised and showed a YC to B1 for side entry at tackle/ruck”.

3. The second yellow card

The Referee’s report of the yellow card confirmed that the second was given on 9 minutes of the

second half and stated :

"B1 had conceded two scrum penalties (one FK, one PK) in the first half. After 9 min of the second half I had reason to speak with B1 twice in quick succession re binding and pushing early. I made it clear in the second interaction that I would have to escalate my sanctions for repeated non-compliance. On the third occasion, at the second reset, B1 collapsed the scrum and was shown a second YC and subsequently a RC".

4. Both the above yellow cards were stated to be given under Law 10.3(b) (repeated infringements by the team) and the red card under Law 10.5(b) (second cautionable offence).

Submissions by the Disciplinary Officer and the Player

5. Helpful and realistic submissions were received from ERC Disciplinary Officer, Roger O'Connor, and Pierre Bousquier, Chief Executive, Biarritz Olympique Pays Basque.

Decision

6. The Judicial Officer noted that neither yellow card was disputed by the Player and the Referee was correct to issue a red card to order him off. The Judicial Officer was required to consider whether any additional sanction should be imposed upon the Player pursuant to DR 6.7.39. In coming to his decision, the Judicial Officer felt the following matters of relevance.

- Neither offence involved any violent or physical act aimed at any other player and particularly neither was given for an infringement of Law 10.4.
- Colloquially speaking, both cards might be termed "technical offences".
- The two offences were not related in time or substance. They are some twenty minutes apart. The first was given for the cumulative offending of Biarritz Olympique following a general team warning. The second was likewise given for repeated infringements by the team.
- At the time of the dismissal of the Player there was some 31 minutes left to be played in the game.

7. In all the circumstances, the Judicial Officer considered there to be no need for further sanction and the issue of the red card was deemed sufficient punishment in itself. The Player is therefore free to play immediately.

8. There is no order for costs.

9. The parties are reminded of their right to appeal this decision.


.....
Antony M. Davies
Judicial Officer

Dated: 18th December 2013