

**DECISION OF THE INDEPENDENT JUDICIAL OFFICER**  
**European Rugby Champions Cup, 2014/2015**

Held at Huguenot House, 35/38 St. Stephen's Green, Dublin on Thursday 30  
October 2014

In respect of:

**Romain Taofifenua ('the Player')**

and

A citing complaint by Peter Larter (England) Citing Commissioner in respect of an alleged act of foul play contrary to Law 10.4(c) of the Laws of the Game namely "kicking" in the European Rugby Champions Cup match between Ulster Rugby and Rugby Club Toulonnais ("Toulon") played at Kingspan Park, Ravenhill, Belfast on 25 October 2014 ('the citing complaint').

Judicial Officer: Christopher Quinlan QC ('the Judicial Officer')

**Decision of the Judicial Officer:**

- (i) The Judicial Officer found the Player committed the act of foul play contrary to Law 10.4(c) and accordingly upheld the citing complaint.
- (ii) The Judicial Officer was satisfied that the act of foul play merited a red card and that the Player should have been ordered off for the offence.
- (iii) The Player is suspended from taking part in the game of rugby union for a period of 3 weeks from 27 October 2014 to 16 November 2014 inclusive. The Player is free to resume playing on 17 November 2014.

- (iv) The Judicial Officer made an award of costs against the Player limited to the Judicial Officer's expenses.

## **Introduction**

1. I was appointed by Professor Lorne D. Crerar, Chairman of the Independent Disciplinary Panel pursuant to the Disciplinary Rules found in Schedule 4 of the Participation Agreement of the European Rugby Champions Cup 2014/2015 ('DR'). The Judicial Officer was appointed to consider the citing complaint against the Player arising from the European Rugby Champions Cup between Ulster Rugby and Rugby Club Toulonnais ('Toulon') played at Kingspan Park, Ravenhill, Belfast on 25 October 2014.
2. Peter Larter (RFU) was appointed as Citing Commissioner to the said match and cited the Player for an act of foul play contrary to Law 10.4(c), namely 'kicking'.
3. In addition to the Judicial Officer, the following persons were present at the hearing:
  - Romain Taofifenua ('the Player')
  - John O'Donnell, Senior Counsel for the Player
  - Roger O'Connor, Disciplinary Officer
  - Liam McTiernan, Regulations Executive ('LM')
  - Sylvie Kleinam, Interpreter
4. The Player and his representative confirmed that they had received the relevant papers. They had received and viewed the footage of the incident, which gave rise to the citing complaint. I explained to them and they understood the procedure to be followed, would be in line with that provided by the DR and took no issue in respect thereof.

5. The parties complied with the Standing Directions<sup>1</sup>. The Player purported to accept committing an act of foul play contrary to Law 10.4(c) though not as alleged by the Citing Commissioner; he did not accept that the citing complaint recorded accurately what the footage showed; and asserted that his admitted act of foul play did not merit a red card.

### **Citing Complaint**

6. The citing complaint was initiated by the Citing Commissioner's report dated 27 October 2014. The incident out of which the citing complaint is said to have occurred in the 47<sup>th</sup> minute of the match. The detailed report reads:

*"I reviewed the incident in the Sky TV wagon; it was also referred to me by the Ulster Team Manager (David Millar). The Ulster number 12 (Stuart Olding) was carrying the ball and was tackled by the Toulon number 23, 5 metres inside his own half and about 15 metres from the touchline. As Olding was placing the ball, the Toulon number 4 (Romain Taofifenua) tried to secure it, but was prevented from doing so by the Ulster number 7. Taofifenua then stood up and his view of the ball and Olding's head was obscured by the Ulster number 7. Taofifenua then tried to kick the ball but, because he couldn't see it or the location of Olding's head, when he swung his leg his boot it made contact with the back of Olding's head. The AMS recorded replays of this incident at 48.20 clearly show the contact, the last replay shows the direction of Toulon 4's attempted kick with Olding's head between Taofifenua's leg and the ball; they also show that Ulster 7's left boot made a glancing contact with Olding's head. I believe that it was a genuine attempt by Taofifenua to kick the ball but, as he couldn't see his target (the ball) or Olding's head, he shouldn't have made the attempt to kick it. It was a dangerous act, and players have a duty of care over other players who are in vulnerable situations. I therefore cite Romain Taofifenua (Toulon number4) for kicking Stuart Olding's head, thereby committing a dangerous act of foul play."*

---

<sup>1</sup> Appendix 6, DR

7. In advance of the hearing I considered the recorded footage of the incident sent to me. The footage recorded the incident from nine angles, though there was a degree of overlap between some. The footage was in different zoom modes and at full speed and slow motion. I viewed it all, with the commentary muted. In any event, LM helpfully took me through the footage. My factual findings in respect thereof are set out hereinafter (paragraph 36).

8. The said citing report continues

*'Not mentioned by the officials when I talked to them immediately after the end of the match.'*

9. I was provided with (and considered) emails from the referee (Wayne Barnes), the two assistant referees ('AR') and the television match official ('TMO'). They stated as follows:

a. Wayne Barnes: *"I saw the incident live, decided it was an attempt to play the ball and accidental contact was made and therefore did not feel the need to refer the matter to the TMO. I immediately said 'fait gaffe' which means 'be careful.' I did not see the incident on the screen, but was aware it was being shown. From a refereeing and TMO point of view, we have been asked to take more responsibility on decisions and therefore that was at the forefront of my mind for not referring the matter."*

I interpolate that Ms Kleinam told me "fait gaffe" is slang and can mean, 'be careful', 'take care' or 'watch it'.

b. AR Tim Wigglesworth: *"I was unaware of the incident in real time and only became aware after a replay was shown on the screen in the ground. My view at the time was that the Toulon player had made an attempt to play the ball and as such did not bring this to Wayne's attention."*

- c. AR Nigel Carrick: *"Nothing to report as the incident went unobserved by myself."*
- d. TMO Rowan Kitt: *"I saw the incident on the second set of replays, I immediately judged it was an accidental contact by the Toulon player on the Ulster player on the floor, and therefore did not refer it to the referee for further scrutiny. My reasoning for this was that the Toulon player's view was obscured as he tried to kick the ball through."*

10. I did not deem it necessary for the Citing Commissioner to attend the hearing and neither party required his attendance. He did not attend nor did the match officials.

11. I considered an emailed statement from Stuart Olding, the Ulster No 12 ('SO'):

*"From what I remember about the incident, I carried the ball into contact and was tackled. I recoiled to put the ball back on my teams side and then felt something hit me on the back of the head just behind the ear. I didn't know what it was at the time until I was told after I came back to consciousness that it was a kick. The Toulon second row came up to me after the game and was apologetic and seemed sincere that no harm was meant but I feel there is a duty of care when you are trying to kick a ball that is less than a foot away from someone's head on the ground."*

12. As for the treatment received by SO, the citing complaint records

*"The Ulster doctor (Michael Webb) attended to Olding on the pitch, and he told me that Olding was unconscious for between 30 and 60 seconds. Olding then recovered and was able to walk from the pitch. No other adverse effects were apparent by about an hour after the end of the match. Note: I have a written statement from Dr Webb to this effect. The Dr Webb advised me that if Olding's condition changed he would notify me within 24 hours; I have heard nothing further from him."*

13. I considered a number of emails from Dr Michael Webb, the Ulster team doctor. The first in manuscript timed and dated 15.45 on 25 October accords with the citing complaint. The next, an email timed at 14.08 on 27 October stated:

*"I am Dr Michael Webb Medical Director Ulster Rugby. On sat 25th Oct I was team doctor for Ulster in their ERCC game v Toulon. Early in the second half both myself and one of our physiotherapists attended to Stuart Olding who following an on field incident was lying motionless on the pitch. When we reached him it was apparent he unconscious. He regained consciousness over the ensuing 30-60 seconds. At that stage we cleared his neck and he was able to walk off the field. In the medical room he reported tenderness at the site where he was kicked (photo appended).*

*We monitored his well-being for the next 1-2 hours and he developed no adverse effects of the injury, and he remains well this morning. His concussion will be managed as per IRB GRTP protocols."*

14. I was shown the photograph referred to therein. It showed red linear marks to the Player's head, within his hair, behind and essentially parallel with the top half of his right ear.

15. A further update was received by email at 14.56 on 28 October 2014

*"For clarification Stuart's return to play will be dictated by how he progresses through the GRTP stages - it's too early to predict at this stage how he will tolerate these. He will possibly be available this weekend if he has no adverse effects at each stage."*

16. An update was received by email timed at 09.02 on the morning of the hearing. It stated:

*"Stuart was rendered unconscious in the game v Toulon last Saturday as per*

*my previous reports. As such he was diagnosed with a confirmed concussion. Since that time he has followed the IRB concussion protocols - initial rest and then a graduated return to play. He cycled Monday, ran on Tuesday, yesterday did a decision making running session. As such he hasn't engaged in team training thus far this week. He has remained well with no ill effects from his escalating routine and today will do a contact session. He will then be monitored for the next 24 hours and if he remains well will then be available for selection for our next game on Saturday evening."*

### **The Player's Case**

17. In his written statement filed in response to the Standing Directions the Player accepted that the citing report was "*generally accurate*". He also purported to accept committing an act of foul play. However he asserted that it did not "*merit a Red Card and/or sanction of suspension*".

18. Notwithstanding the apparent admission of act of foul play, the Player asserted thus:

4. I believe a Red Card was not warranted because what happened was completely accidental. As I remember it, what happened was that Mr Olding who had been holding the ball went onto the ground. I attempted to move in, as initially I could see the ball, but my way was blocked by another Ulster player. I could not see Mr Olding's head and I did not think I would make contact either with Mr Olding's head or any other part of his body when I went to try to move the ball with my foot. The contact I made with Mr Olding's head was completely accidental and I did not intend any contact whatsoever of this sort to take place. Mr Olding then left the pitch but I apologised to him immediately after the game. I did not receive any criticism or complaint from the referee, the assistant referees or any of the other Ulster players. I was and am extremely sorry that this happened and that Mr Olding was injured, and never intended that this would happen. I was honestly trying to play the ball for my team and did not believe contact of this type or an injury would occur.

19. I was concerned to ascertain precisely what the Player was admitting and endeavoured to do so at the start of the hearing. Mr O'Donnell told me that the Player accepted his foot came into contact with SO's head which was

something “*not permitted by the rules [sic]*”. However, that happened “*accidentally*”. Mr O’Donnell said he appreciated the “*potential contradiction*” (as he put it) in that position.

20. Mr O’Donnell relied on the reports from the referee, AR Wigglesworth and TMO. He said the highly experienced referee concluded contact was accidental when the Player made a genuine attempt to play the ball. The TMO and Wigglesworth, both of whom had the luxury of reviewing the incident, supported him. He invited me to view this was “*powerful evidence*”.

21. I heard from the Player. He gave an account in accordance with his statement. In answer to one question from his Counsel, he said he was “*guessing*” as to the location of the ball when he played it (i.e. kicked out at it). He also said that had he thought (at the time) that he would make contact with SO’s head, he would never have kicked out.

22. LM questioned him. The Player said he could see the ball, with SO’s hand on top of it. He said he could not see SO’s head, but had he thought about it, would have realised it must have been close to his hand and so to the ball. When he kicked out, he was off balance; he was trying to kick the ball to free it up. He accepted he did not make contact with the ball. He was asked this question, “*do you accept it was very dangerous to kick out at ball if unsure where the player’s head may be?*” and he replied, “*yes*”.

23. In re-examination, Mr O’Donnell asked him, “*if thought you would have made contact with [SO’s] head, would you have kicked out at the ball?*” and he replied “*No*”. Asked whether it was a case where he did not care where he made contact, he said he “*didn’t think [he] was going to come into contact with his head*”.

24. Ploughing his difficult furrow (foul play by accident) Mr O’Donnell argued that the Citing Commissioner cited because he found that the Player could



not see the ball and was therefore reckless in kicking out. Given the preponderance of the Player's evidence that he could and did see it, the basis for the citing was undermined. Quite where that left the Player who admitted foul play was never clear to me. It also misstates the Citing Commissioner's report. He cited because he concluded that the Player's conduct was dangerous, as he kicked out when he could see neither the ball nor SO's head.

25. Mr O'Donnell relied upon footage of an incident in a match played between Munster and Leinster on 13 April 2013. The incident involved Paul O'Connell's right boot and lower leg foot making contact with the head of the Leinster player as O'Connell kicked out. I was told O'Connell was not cited. It was said to be an example of how things "*may go wrong*" when a player seeks to play with his foot a ball being held by another.

26. I found no assistance in that clip. The fact he was not cited is no more than the citing commissioner's opinion of that incident. It was not relevant to and did not provide me with any help in my assessment of the seriousness of this quite separate incident of foul play.

27. Mr O'Donnell also relied on the footage of the incidents which led to the decision *Jerry Flannery* 5 March 2010 and *Adam Thompson* 26 November 2012. LM put the written decisions in both cases before me for good reason. I did not derive any assistance from seeing either clip.

28. Mr O'Donnell submitted that the act of foul play did not merit a red card. He relied upon DR clause 7.8.32:

*"Subject to clause 7.8.28, in a citing case or a Misconduct case, the party that is subject of the complaint may admit the complaint at any time and in a case arising out of a Player being shown a red card, the Player may at any time accept that the referee's decision was not wrong...in which case the Disciplinary Committee should hear and/or review the relevant evidence that*

*remains unheard/unseen and then proceed to hear submissions as to the sanction (if any) to be imposed."*

29. He further invited me to apply clause 7.8.41 and impose no sanction.

*"In a citing case or a Misconduct case involving Foul Play, the Disciplinary Committee shall be entitled, where it believes that the act(s) of Foul Play committed by the Player would not have warranted a red card, to impose no suspension on the Player (in which case the Disciplinary Committee will ordinarily expressly state in its written judgment that it believed the act(s) of Foul Play did not warrant a red card). Further, for Misconduct cases involving Foul Play, particularly where the relevant activity also constitutes Misconduct other than solely because it is an act of Foul Play and/or where the offence that makes up the Foul Play is not referred to in Appendix Three to these Disciplinary Rules, the Disciplinary Committee need not necessarily comply with clause 7.8.31, above (and assess entry point, mitigating and aggravating factors) and may instead determine the appropriate sanction at its discretion pursuant to clause 7.8.29, above."*

30. Mr O'Donnell submitted that I should approach the hearing in two stages. Initially decide whether the foul play (which he said was admitted) warranted a red card (stage 1). If so, I should then hear further submissions on sanction (stage 2).

31. I agreed, but with this variation. Given the Player's case, I asked two distinct questions at stage 1: (1) did the Player commit an act of foul play and if so, (2) did it warrant a red card?

## Decision

### Citing Complaint

32. Clause 7.4.1 provides

*“...the Citing Commissioner will be entitled to cite a Player for any act or acts of Foul Play that in the opinion of the Citing Commissioner warranted the Player being shown a red card, even where such act(s) may have been detected by the Match referee and/or assistant referee(s) and may have been the subject of action taken by one or more of them...”*

33. The burden was upon the Disciplinary Officer to satisfy the Judicial Officer, on the balance of probabilities that the Player committed the act of foul play alleged in the citing complaint (clause 7.8.11). As clause 7.8.11 makes clear, the burden is in respect of the fact of foul play, not the gravity thereof:

*“In a citing case, the burden shall be on the Disciplinary Officer to prove, on the balance of probabilities, that the Player cited committed the act(s) of Foul Play specified in the complaint. If he meets this burden, then the citing complaint shall be upheld, even if the Disciplinary Committee finds that the offence committed would not have warranted a red card. Instead, such a finding on the part of the Disciplinary Committee may be taken into account in considering the question of sanction, as set out in clause 7.8.41, below.”*

34. The Player purported to admit an act of foul play contrary to Law 10.4(c). However the basis of that plea – accident – was such that I felt constrained to evaluate the evidence to ascertain whether the Disciplinary Officer had discharged the burden upon him.

35. I noted what the referee, Wigglesworth and TMO said in their respective reports. I noted also the Citing Commissioner’s opinion as to what he

concluded the Player could or could not see. However, where there is dispute as to whether the alleged foul play occurred, it is the task of the Judicial Officer to resolve that question. Such resolution necessitates an analysis of the evidence. In so doing the Judicial Officer will reach his/her own factual conclusions. In so doing, he/she will resolve questions of accident, recklessness and intent.

36. My factual findings were as follows:

- a. SO was tackled round his waist and legs by Toulon 23. The Player assisted in bringing SO to ground, lying on his right side. He was carrying the ball in both hands.
- b. SO placed the ball back on the ground. He did so by extending his arms way from his body, such that his left hand was essentially holding the top of the ball with his right hand beneath it.
- c. Immediately after SO went to ground, and while on his feet, the Player reached over the tackled SO in a legitimate attempt to play the ball with his hands. He looked to have got one, then the other of his hands on it. As he was doing so the Ulster 7 who was at the tackle, bound onto and drove the Player up; he was attempting to clear him out, so Ulster retained the ball.
- d. As he was driven up, the Player kicked out with his right foot. The ball moved back a little from SO's hands and was passed away by the Ulster. The Player's foot (just) missed the ball. He did not make contact with the ball but he did with the back of SO's head/neck.
- e. I was satisfied that the Player was making a genuine attempt to play the ball with his foot.
- f. I was also satisfied he did not intentionally or deliberately kick out at SO's head or any other part of his body.
- g. The Player knew that SO was lying in front of him. Given that he was reaching over and very close to him, he must also have known SO's general orientation, namely the respective positions of his feet, body and head.

- h. The Player's evidence was inconsistent as to whether, when he kicked out, he could see the ball. On the basis of the footage, I am satisfied that when he *began to kick* out he probably could not see it. He might well have had an idea of its location – which fits with his answer that he was “*guessing*” - but that is not the same as being able to actually see it. If he could not see it, but kicked out in the general direction of where he believed it was, that would, on these facts, be reckless. There is an obvious risk that such a kick would hit the player whom he knew was lying at his feet, his head close by. By obvious, I mean a risk that was known or should have been known to him.
- i. However, even if I am wrong and he could or probably could see the ball when he kicked out, his conduct was nonetheless reckless. It was reckless because, there was a risk his kick would hit SO, whom he knew was lying at his feet. That was the act of foul play he risked committing. He knew or ought to have known there was such a risk. Nonetheless he kicked out and was reckless in so doing.

37. Consequently, I was satisfied the Player committed an act of foul play. Accordingly I upheld the citing complaint.

#### Red Card

38. The question as to whether the act of foul play warranted a red card self-evidently necessitates an assessment of the seriousness of the conduct in question. Clause 7.8.41 is silent as to the criterion or criteria by which the Judicial Officer should judge whether the act of foul play warranted a red card. But in that respect, I was assisted by the two decisions put before me..

39. In *Adam Thompson* 26 November 2012, the Appeal Panel stated;

*“We have reviewed all of the cases brought to our attention, noting that they all turn on their own facts, as does this case. As a matter of principle we*

*consider that the following points are relevant when considering offending involving stamping or trampling:*

*a. In instances where a boot comes into contact with an opponents' head or face, even if only recklessly, a sanction beyond the issue of Yellow Card will normally be appropriate (and in this respect Mr Eastwood's submission that the Player was adequately dealt with by the match officials was properly rejected by the independent Judicial Officer);*

*b. When assessing the level of seriousness where a player has intentionally stamped or trampled on an opponent's head the starting point for determining sanction should normally be at least Mid Range. Where injury occurs it is likely that the starting point will be Top End.*

*c. However there may be very exceptional cases where the starting point would be Low End. Very exceptional circumstances would include:*

- contact was in the form of trampling (which might be considered to have occurred within the dynamics of the game as opposed to a distinct and cynical act) rather than stamping;*
- it was extremely light, fleeting or glancing contact;*
- there was no injury;*
- there was other effect on the victim player or the game."*

40. In *Jerry Flannery* 5 March 2010, the Appeal Panel opined:

*"A Disciplinary Committee, when assessing the seriousness of a player's conduct, shall determine the entry point by reference to the factors in IRB Regulation 17.4.2. Although all the factors listed are relevant to that determination, we believe the following broad guidance may be of assistance when assessing the entry point in relation to the offence of kicking an opponent.*

- Top End – a deliberate kick causing injury, the more serious the injury the higher up the top end range, a deliberate kick intending to cause injury or a reckless kick causing significant injury.*

- *Mid Range – a deliberate kick but no injury caused, or a reckless kick causing some injury.*
- *Low End – a reckless kick causing no injury.”*

41. Neither is binding on me. It is clear from both that where a boot comes into contact with an opponent’s head or face as a result of foul play, even if only recklessly, a sanction beyond the issue of yellow card will normally be appropriate. I agree. Where, as here, the act of foul play causes injury then I had no doubt that a red card is and was merited.

42. Having deliberated in private at the end of stage 1, I was comfortably satisfied as to both the commission of an act of foul play and that it merited a red card. I then heard from Mr O’Donnell on sanction.

#### Sanction

43. As to sanction, Mr O’Donnell invited me to consider the Player’s disciplinary record which he described as “good”. He has been a professional player since 2009. He received a suspension for 10 days in November 2007 following 2 yellow cards in the same match. In June 2010 (at the IRB Junior World Championship) he was suspended for 2 weeks after being cited for an act of foul play. He asked me to have regard to the fact that suspension would deprive him of the chance of representing his country against Fiji on 8 November 2014. He invited me to find it merited a low end entry point and impose the shortest suspension possible.

44. By application of Clause 7.8.32 I concluded:

- a. The offending was not intentional or deliberate.
- b. The offending was reckless, in the sense set out above.
- c. The Player’s conduct was not particularly grave, in that he made a genuine attempt to play the ball.
- d. He used his foot which came into contact with SO’s head.

- e. There was no provocation.
- f. The Player did not retaliate.
- g. SO was rendered unconscious, injured and had to leave the game.
- h. It had no effect on the match.
- i. SO was vulnerable, in that he was lying on the ground, facing away from the Player and in no position to anticipate contact and so protect himself.
- j. The conduct was not premeditation but was complete.

45. I gave anxious consideration as to entry point. On the basis of *Flannery* the play could have no legitimate complaint if I had concluded the appropriate entry point was mid range. I observe that *Flannery* purported to give no more than "*broad guidance*". There are also examples where contact between boot and head causing injury has not resulted in a mid range entry point (see *Samson Lee*, ERC 22 October 2013). Such examples do no more than demonstrate that each case requires a fact-specific exercise of judgment

46. Since this was a spontaneous and legitimate attempt to play the ball within the dynamics of the game rather than for example a cynical or petulant kick, on balance and not without some hesitation I concluded the appropriate entry point was low end. Pursuant to DR Appendix 3, that is 4 weeks.

47. There were no aggravating factors within Clause 7.8.34.

48. So far as mitigating factors are concerned:

- a. The Player's plea was equivocal. His case was that it was accidental. In my judgment that did not amount to an admission of foul play. I was not persuaded by Mr O'Donnell's submission that the Player "*accepting what happened should not have done but it was accidental*" was an admission of culpability or wrongdoing. He argued there was a "*dichotomy*" of views as to whether foul play can be committed accidentally. I am very firmly of the view that I cannot. Of course a



player is free to take that position, but the consequence is that he will not get the credit which follows an acceptance of culpability.

- b. His disciplinary record is not poor.
- c. As for his character, I had regard to three testimonials which were read aloud to me. They came from Philippe Saint Andre, Guilham Guirado and Paul Goze. They spoke well of the Player.
- d. He behaved well before and during the hearing .
- e. He demonstrated remorse to SO and apologised to him after the match.

49. As for Mr O'Donnell's submission that I should have regard to the fact that suspension would deprive him of the chance of playing for his country, it has been said often enough (and rightly) that in this context the DR do not permit a qualitative assessment of playing consequences of a suspension. If a player commits an act of foul play that merits a suspension, then he must be suspended even if the suspension would cause him to miss important international matches, including (for example) a Rugby World Cup final.

50. It was not appropriate to afford the Player the full 50% mitigation, having regard to the absence of an acknowledgment of fault. I assessed such mitigation as there was, merited a reduction of 25%, namely 1 week, from the starting point of 4 weeks (per clause 7.8.35).

51. The Player is suspended from the date of the citing report, namely 27 October 2014. I made enquires as to his playing schedule in light of clauses 7.8.43 and 7.8.44. I was told and accepted that the Player has been selected for and is a member of the France International squad for this autumn's international fixtures. I was told and accepted that he had been released back to his club, Toulon for the fixture this weekend. Mr O'Connor helpfully confirmed that the release back was on the basis that he was available for selection by Toulon for its match against Grenoble on 2 November. Thereafter he would return to the France squad. I was told he has been told he would, if not suspended, be selected to play for France against Fiji.

Thereafter the expectation was, absent something unforeseeable, that he would remain with the squad available for selection for France's matches against Australia (15 November) and Argentina (22 November).

52. Therefore, he is suspended from 27 October 2014 up to and including 16 November 2014. The effect is that he suspended from matches which otherwise he would be fit, able and expected to play (per clause 7.8.44), namely those scheduled for the 2, 8 and 15 November 2014. He is free to play on 17 November 2014.

### **Costs**

53. I made an order for costs in the sum of the Judicial Officer's travel and accommodation costs.

### **Right of Appeal**

54. The parties are reminded of their right of appeal as set out clause 8.1.



Date: 1 November 2014

Christopher Quinlan QC  
Judicial Officer