

CONSTITUENT BODY SHORT JUDGMENT FORM

Constituent Body	Nottinghamshire, Lincolnshire & Derbyshire	
Case number	Click here to enter text.	Select: <input checked="" type="checkbox"/> Red Card <input type="checkbox"/> Citing <input type="checkbox"/> Other

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PARTICULARS OF OFFENCE

Player's surname	Payne	Date of birth	31 st May 1989
Forename(s)	Gavin	RFU ID #	2059573
Club name	Ashfield RFC	Date of match	5 th January 2019
Offence & Law charged <small>(e.g. 9.12 - strike with head)</small>	9.28 - A player must not use threatening actions or words towards Match Officials.	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not Admitted
Home team	Ashfield	Away team	Mosborough
Home team level*	3 rd XV	Away team level*	2 nd XV

***TEAM LEVEL REFERS TO 1ST XV, 2ND XV, COLTS, VETS, etc NOT WHOLE CLUB LEVEL**

HEARING DETAILS

Hearing date	30 th January 2019	Hearing venue	Derby Conference Centre
Chairman	Matthew O'Grady	Secretary	John Downham
Panel member 1	Andrew Stout	Panel member 2	Malcolm Yates
Decision	<input checked="" type="checkbox"/> Proven <input type="checkbox"/> Not Proven		

CASE SUMMARY & SANCTION

NOTE: UNDER RFU REGULATION 19.5.2, PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	14 weeks	Entry Point	Mid-Range
Banned from	Saturday 5 th January, 2019	Banned to	Saturday 13 th April, 2019
Ban split from	N/A	Ban split to	N/A
Free to play	Sunday 14 th April, 2019	Costs	£30

NOTE: SANCTION IN MATCHES FOR AGE GRADE ONLY

NOTE: FOR SENDING OFF SUFFICIENT STATE UNDER TOTAL SANCTION

Signature (Chairman)	Matthew O'Grady	Date	Friday 1 st February, 2019
Signature (Secretary)	John Downham	Date entered to GMS	Click here to enter text.

PLEASE TICK APPROPRIATE BOX: Intentional/deliberate 19.11.8(a) Reckless 19.11.8(b)

Gravity of player's actions 19.11.8(c)	Nature of actions 19.11.8(d)		
Offences against Match Officials are serious. The Player made a threat of physical violence against the Referee. The Player got into the Referee's personal space to make his threat. This aggravated the overall seriousness of the threat of physical violence. There was a single, rather than repeated, threat of physical violence. This was a brief, but nonetheless threatening and intimidating incident. The Player delivered the threat by shouting. The Player was close enough that the Referee felt the Player's saliva when he shouted at him.	The Referee's report: "After a player to player altercation the player was irate and stated he would hit another player (for unseen offence). As the player was walking past me, he began to approach me and repeated the threat as a statement, he then continued to approach me and stated "if he does that again and you don't deal with it, ill (sic) deal with it and then put my fist through your face". The player had walked from around 10m away from me to within 1m and shouted aggressively in my face."		
Existence of provocation 19.11.8(e)	Whether player retaliated 19.11.8(f)		
There was some form of altercation preceding the threatening behaviour, but nothing that could excuse or justify the Player's actions towards the Referee.	Addressed under 19.11.8(e).		
Self-defence 19.11.8(g)	Effect on victim 19.11.8(h)		
N/A	This was a threatening and intimidating event. The Referee was alone with no team mate or colleagues to assist him or provide moral support. Referees are inherently more vulnerable than other game participants.		
Effect on match 19.11.8(i)	Vulnerability of victim 19.11.8(j)		
The incident occurred in the 78 th minute and it was paused whilst this incident took place. The Player admitted he had to be held back by his team mates.	See 19.11.8(h).		
Level of participation/premeditation 19.11.8(k)	Conduct completed/attempted 19.11.8(L)		
The Player moved from 10m from the Referee to being within his immediate personal space. The Players had time to reflect and make a different choice.	Completed.		
Other features of player's conduct 19.11.8(m)			
The Player was of one three players from the same club directing abuse at the Referee. The group element of the offending made it more serious in the Panel's view given the cumulative intimidating effect there will have been upon the Referee compared to a single act by a single individual.			
Entry point number	Top end* Enter here	Mid-Range 24 weeks	Low End Enter here

NOTE: STATE NUMBER OF WEEKS OR MATCHES ENTRY POINT FOR OFFENCE – ENTRY POINT IN MATCHES FOR AGE GRADE ONLY

*If top end, the Panel should identify an entry point between the top end and the maximum sanction (19.11.9) as set out in Appendix 2

In making the above assessment, the Panel should consider the RFU guidance (Note 2) set out in Appendix 5 (page 366) to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).

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The Panel found the offending to be more serious than Low End given:

- 1) The threat was one of physical violence.
- 2) That threat was directed at the Referee personally.
- 3) The threat of physical violence was delivered in very close physical proximity to the Referee, close enough that the Referee felt the Player's saliva and had to issue the red card to the side of his body. The Player was within one person's width to the Referee at his closest point.
- 4) The threat was delivered by shouting.
- 5) The act of getting into the Referee's personal space was of itself threatening.
- 6) The Player was so out of control he had to be held back by others.
- 7) The Player was part of a group of players of the same team directing abusive and/or threatening behaviour at the same Referee.

The Panel had in mind that the threat was spoken only once and this was a brief event in the context of frustration at another player's actions, but that did not counter balance the features identified immediately above.

AGGRAVATING FACTORS (REGULATION 19.11.10)

Player's status as an offender of the Laws of the game 19.11.10(a)

Need for deterrent 19.11.10(b)

N/A

Any other off-field aggravating factors 19.11.10(c)

N/A

Number added on:

0

NOTE: AGGRAVATING IN MATCHES FOR AGE GRADE ONLY

Acknowledgement of guilt 19.11.11(a)	Player's disciplinary record/good character 19.11.11(b)
The Player did not admit getting into the Referee's face. The Referee had to be called to give evidence. He otherwise accepted his actions. He told us that it should not have happened and he should not have lost his temper.	Exemplary. Good character. First red card.
Youth & inexperience of player 19.11.11(c)	Conduct prior to and at hearing 19.11.11(d)
The Player is 30 years old. He has been playing the game for 10 years. The Player started the game as captain but, recognising he was losing his own self-control, handed the captaincy to another player.	Excellent. His presence at the hearing in light of certain circumstances he shared with us was creditable.
Remorse & timing of remorse 19.11.11(e)	Other off-field mitigation 19.11.11(f)
The Player's remorse was limited by his failure to accept getting into the Referee's face. He told us candidly that he lost control. He was embarrassed by his actions, which he said were out of character. He told us that if he had his time again he would remove himself from the situation	Player is a valued member of the 3 rd XV side and has been an important person in organising the team.

Number deducted:

10

NOTE: SUBJECT TO REGULATION 19.11.13, A DISCIPLINARY PANEL CANNOT APPLY A GREATER REDUCTION THAN 50% OF THE RELEVANT ENTRY POINT SUSPENSION

NOTE: MITIGATING IN MATCHES FOR AGE GRADE ONLY

ANY OTHER INFORMATION

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