

East Midlands/ Notts, Lincs and Derby (NLD) Joint CB Hearing

Venue: Remote hearing

Time/Date: 7.00 pm Thursday 24 January 2024

Clubs: Peterborough Lions RFC & Spalding RFC

Panel: Dr Julian Morris (Chair), Tim Bembridge, Mark Lovell

Secretary: John Downham

Attendees: Peterborough Lions:
Mike Marjoram (club secretary), Andy Moore (chairman), Ian Warrington (DOR),
Players who supplied statements (see below)

Spalding:
Andrew Branton (Disciplinary officer), Mr. Trotman (forwards coach), Luke Turner
(Club captain), Peter Julian (Treasurer)

Referee:
John Waring (assessor)
*The referee, Mr. Tim Wilcox, was unavailable as he was in hospital.

Long Form Disciplinary Judgment

1. Preliminary matters

At the start of the hearing, and after introductions, the chairman set out and explained the parameters of the hearing, namely that:

- a. There were no objections to the constitution of the Panel.
- b. The Panel would not be hearing evidence in relation to the verbal abuse of a match official, details of which are present within the papers. It was understood by the Panel that this was being dealt with separately.
- c. The Panel would therefore be dealing solely with the match abandonment.
- d. The chairman confirmed that the referee would not be attending this evening as he was unfortunately in hospital and therefore unable to attend. We did however have the referee's assessor present. It was the Panel's intention therefore, after discussion, that the chair would read the referees report and any other supporting documentation for the record before we heard any evidence from either club.

2. Charges

The following charges were read out by the chairman.

PETERBOROUGH LIONS RFC STATEMENT OF OFFENCE

Breach of RFU Rule 5.12: Conduct prejudicial to the interests of the Union and/or Game.

PARTICULARS OF OFFENCE

During the league match between Peterborough Lions RFC 1st XV and Spalding RFC 1st XV played on Saturday 9th December 2024 the Match Official determined to abandon the game after 22 minutes due to numerous players from both sides throwing punches at each other with repeated whistle blows from the Match Official having no effect.

Peterborough Lions pleaded NOT GUILTY

SPALDING RFC STATEMENT OF OFFENCE

Breach of RFU Rule 5.12: Conduct prejudicial to the interests of the Union and/or Game.

PARTICULARS OF OFFENCE

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Spalding pleaded NOT GUILTY.

3. Documentation

The following documents had been provided (and read by the Panel) for the hearing:

- Charges
- Match abandonment report (Timothy Wilcox - referee)
- Addendum to referee report (email – 11.12.2023 @10.57)
- Match official abuse levels 5 and below
- Peterborough Lions RFC
 - EMRFU charge sheet
 - Communications between East Mids Discipline and Peterborough
 - Peterborough statements
 - Ian Warrington – Peterborough Lions DoR
 - Mike Marjoram – Peterborough Lions Secretary
 - Ian Starkey – Peterborough Lions
 - Paul Field – Spectator
 - Nicola Reynolds – Peterborough Lions (Referee)
 - Joe Lee – Peterborough Lions VC & Prop (Referee)
 - Will Moore – Peterborough Lions No9
 - Nicholas Du Toit – Peterborough Lions Coach
 - Andy Moore – Peterborough Lions Chairman

- Luke Palu – Peterborough Lions No8
- Spalding RFC
 - EMRFU charge sheet
 - Communication between NLD Discipline and Spalding
 - Letters from Spalding to Match Officials
 - John Constable (statement)
 - Notes from Ali Sharp, Spalding coach

It had been confirmed (during the hearing) that the match was not recorded. It would have been Peterborough's responsibility, but their video system was not in place that day. Spalding confirmed they only record home matches.

4. The cases and evidence

The chairman read out the Match Abandonment Report (the 'Report') and Addendum report (email) that had been provided by the referee, Mr Wilcox. In leaving the hearing, Mr Waring confirmed that he had nothing further to add to the information provided by the referee.

The Report contained the following:

"Up until this point this had been a close fought, even tempered game. There had been one incident with a bit of pushing and shoving between two players.

A maul formed just inside the Peterborough half, on their left, on the 15m line (far side from the main stand). An incident occurred to my left and when I looked around two players were scuffling and throwing punches (I believe it was P8 and S1, but I am not 100% sure because of the speed at which the incident developed). They were quickly joined by other players from both sides (3 or 4) who also started throwing punches. I immediately blew the whistle, long and loud, but this had no effect. The situation then escalated very quickly (chain-reaction?) across 10m or so as various players decided to try and punch an opposition player. Repeated whistle blows had no effect. Numerous players threw punches. I saw many punches connect with bodies and some with heads. This was not the usual pushing, shoving and grabbing shirts, this was an all-out brawl involving a lot of players, I would say most of the forwards plus some of the closer backs. Things eventually petered-out at which point I called the captains over and abandoned the game. There were too many involved to pick out individuals to sanction and, in my opinion, the rest of the game would have been difficult to manage as players sought revenge. Sending off the initial two players did not seem sufficient as so many others had connected with head punches. I did not see, or hear, what sparked it initial confrontation.

Up until this point the game had been a close fought enjoyable, well-disciplined game except for one shoving event between two players.

I talked to both captains and then both coaches and explained the situation and my actions.

After the game both captains and the Spalding coach apologised for the actions of their players.

After the abandonment, walking towards the main stand, I was shouted at a member of the small crowd. He shouted "you're a fucking disgrace, you should be fucking ashamed of yourself" plus various other things which I did not hear clearly as I had turned away. The abuse was verbally aggressive and threatening, but as the person was behind the barrier I did not feel physically threatened. I believe this to be a Peterborough supporter. I reported the incident to the Peterborough Chairman to whom I had been speaking prior to the incident. He glanced towards the person indicated but did not comment. The Spalding coach witnessed the abuse and commented to me about it later."

The email contained the following:

"If possible can you please add the following as an addendum to me report. (I tried to add to my version, but it will not let be edit)

Addendum, added 11/12/23

As I minimum I could have given a red card to each of the two players who started the fracas and yellow carded the players who immediately joined. However, that would have allowed those others who threw head punches off with no sanction. Alternatively, I could have sanctioned all those heavily involved and continued (maybe) ten-a-side. If there had been retaliation later in the game and someone had been seriously injured, it would have been my responsibility for not controlling the game.

The PET newspaper report is inaccurate, although their first line sums it up; "when a fracas between members of both sides led to a coming together of most players on the pitch". Those "eye witnesses" were a least 60m away, probably further. The "very experienced old players" probably retired when a regular punch-up was seen as part-and-parcel of the game. This is not the image rugby should be portraying and this type of behaviour should not be condoned in any shape or form, especially by senior club officials.

With regard match video, I saw no evidence of the Vet system being used on the day."

The chairman then invited (alphabetically) Peterborough to present their case first; Mr Marjoram spoke. The essence of his submissions were as follows:

- He considered Spalding and Peterborough would agree on everything except who started the fracas – they considered Spalding had thrown the first punch.
- That the incident that did occur was, to use the well-known phrase – 'handbags'.
- The statement submitted by the club, which included the director of rugby, head coach who were on the touch-line together with players on the pitch, describe a very different picture to that painted by the referee.
- There were no injuries, no blood injuries after the fracas, from his perspective both teams were fine with each other afterwards.
- He stated that he had spoken with the referee after the game. In his opinion, he seemed agitated, something was wrong with him, he did not seem well. He wondered whether that, whatever it was, had affected his ability to referee the game.

- He had raised those issues with the assessor on 11.12.2023 and had stated / raised again the issue as to whether the referee's symptoms had caused the match to be abandoned.
- The point was that everyone on the day was utterly surprised that the match was stopped. Up until that moment, at 22 minutes, there had been no issues, it was a good match. He considered the outcome to be disproportionate.
- He re-iterated that none of the Peterborough players were treated for any injuries, absolutely none.
- In conclusion and accepting that he was unable to challenge the referee as he could not attend, he stated that the decision was a total overreaction, no one understood then why, and they still do not; they just do not agree with the referee's decision that day. The referee was fundamentally wrong.
- Although the referee stated he was fine, his view was that he was not well and that there was some health issue which had affected his judgment that day.

The chairman, had during the submissions raised the point of the referee's evidence and how that should be regarded as the central arbitrator during a game of rugby; this was not disputed. In addition, the chairman also confirmed that we had no evidence before the Panel that the referee had been suffering any medical illness at the time of the game; to speculate that he did, was just that, speculation.

Supported by Mr Warrington, DOR for Peterborough, he echoed Mr Marjoram's submissions:

- He was standing on the touchline next to Spalding.
- He accepted that there was an initial fracas with 2 individuals, but there were no injuries.
- Players from either side did congregate and there was pushing and shoving but, in the end, everyone walked away, there were no injuries, all the players were fine.
- It was a total overreaction on the referee's part.
- Spalding's statements echo Peterborough's in that regard.

The Panel turned to Spalding; Mr Branton responded on their behalf:

- It was no surprise that Spalding disagreed with who had started the fracas, it was Spalding's view that Peterborough had thrown the first punch.
- However, once that was put to one-side, he agreed with the submissions made by Mr Marjoram.
- The club had provided the 2 stills taken by Mr John Constable (these had been viewed by the panel before the hearing).
- He accepted that the catalyst for the event was 2 players who had thrown punches, but in his submissions, the referee could have carded the players

but did not. He was mystified as to why the referee had not handed out any discipline, just deciding to abandon the game with discussion or reason.

- From his perspective there was the normal pushing and shoving, none of the players would admit to trading punches, no one complained that they received one, there were no injuries at all.
- He considered the addendum report to be at odds with the statements that had been provided by people there that day.
- There was also the issue of whether the referee had said 'sorry, that he ruined everyone's day' soon after in making the decision that he did, not from the angle of being sorry, but from the angle that he had realised he had made a mistake.
- It was not his aim to criticise referees, but this was from Spalding's position a bizarre decision to abandon the match. The RFU's own guidance states that it should be decision of 'last resort', and that every effort should be made to diffuse a situation before that option is taken. On this day that was the only decision.
- He raised the spectacle and possibility of a 30-man brawl with no resultant injuries of any players on either side and for those reasons agreed with Peterborough.
- His conclusion was that the referee had 'lost it'.

Mr Turner (Spalding captain) also gave evidence. He stated that once everyone had calmed down, he went over/ was called over to the referee. In his opinion:

- The referee seemed very flustered.
- Neither of the captains knew what was happening
- The referee said he was abandoning the match straight away
- Both captains wanted to speak with their players, wanted to continue, but it was stopped. All the players then shook hands and walked off.
- Also stated that the referee came up to him later stating that he had not known what he had let himself in for, Mr Turner questioned whether that was the referee acknowledging that he had made a mistake.

Peterborough provided the last submissions, from Mr Shaw who was running the line. He stated he had not seen the incident. He had noticed the 2 players (1 and 8) exchanging punches, saw everyone congregate but did not see any other punched thrown. He was asked whether the referee had approached him to discuss the incident, he responded 'no'. And whether he had discussed matters with the referee afterwards, he had not.

There was no further evidence and no further questions.

5. Decisions

The Panel discussed the evidence that it had read and heard. It is clear from the statements and submissions made by both Clubs, that the 2 stories, those of the referee and the Clubs

are at odds; the Clubs only disagreeing with each other on who landed the first punch. Taking all the submissions into account, the Panel decided on balance to accept and adopt the version of the events as detailed in the referee's report. It was unfortunate that the referee was not able to attend (no criticism is intended) but he is currently incumbent.

The Panel considered that had the referee felt unwell he could have ended the game, explained to both clubs, and the game would have been rearranged with no fault to either club. The referee would have known that it would follow the same lines as if he had been injured during the match.

It is also clear to the Panel that had the referee got matters wrong in his eyes, he could also have provided a further explanation at a later stage. In providing a copy of the further addendum report, that was another opportunity for him to have reconsidered (if he had thought he had got matters wrong) his decision to abandon the match; he did not. In fact, he had re-iterated and expanded on the circumstances that had occurred.

In the Panel's eyes, the referee had opportunity to change his thoughts and reasons after the match, he did not. The Panel accepts the referees match and addendum reports.

It follows therefore, that the Panel does not accept the depiction of events as portrayed by the clubs and for that reason considers that the charges are met against each club. Each club putting forward in essence the same argument (save for who threw the first punch).

6. Mitigating Factors

The Panel decided that the incident has no place in the game that we all cherish therefore considered there were no mitigating factors under Regulation 19.11.11.

7. Aggravating factors

The Panel did not aggravate its decision.

8. Sanctions

The Panel determined the following sanctions:

Peterborough Lions RFC

10 points deduction with 5 points suspended* until 1.12.2024

Spalding RFC

10 points deduction with 5 points suspended* until 1.12.2024

General

The Game will not be re-played and there will be no result entered into the tables.

*The suspension of the 5 points will be reviewed and consideration made as to whether the further 5-point deduction should be enforced, in respect of either club, by the sitting panel if either club should find themselves before another disciplinary panel with similar charges in respect of a match abandonment.

9. Costs

As per each CB hearing admin fee charged.

The Panel understand that for NLD that is £50.00.

10. Appeal

Any appeal is to be made to the Head of RFU Discipline within 14 days of the judgment being sent to both Clubs.

Dr Julian Morris

For and on behalf of the Panel