

**European Rugby Champions Cup
Decision of Disciplinary Committee
Held at Sofitel London Heathrow,
On the 31st of May 2017**

In Respect of:

Rory Hutchinson (the Player)

And

The citing of the Player by Peter Ferguson that the Player's actions breached Law 10.4 (i) of the Laws of the Game.

Members of the Disciplinary Committee (the Committee)

David Martin (Ireland) Chairman

Roddy Dunlop Q.C. (Scotland)

Andrea Caranci (Italy)

Decision of the Committee

1. The Player having accepted that he committed the act of foul play (Law 10.4(i), tackling the jumper in the air) for which he had been cited, the Committee upheld the citing complaint against the Player.
2. The Player be suspended for a period of two weeks until the 30th of July 2017.
3. There shall be no order as to costs.

Introduction

The Disciplinary Committee was convened by Professor Lauren D. Crerar, Chairman of the EPCR Disciplinary Panel, pursuant to the Disciplinary Rules of the competition 2016/17 in respect of a citing complaint made by Peter Ferguson who was appointed by European Professional Club Rugby (EPCR) to act as Citing Commissioner for the European Champions Rugby Cup playoff final between Northampton Saints vs Stade Francais played at Franklin Gardens on the 26th of May 2017.

Present at the hearing in addition to the Committee and the Player were:-

Liam McTiernan, Disciplinary Officer, European Professional Club Rugby (the Disciplinary Officer)

Danny Rumble, European Professional Club Rugby, Regulations and Compliance Executive

Richard Smith Q.C., Player Representative

Preliminaries

1. There was no objection to the Committee.
2. The Chairman confirmed the identities of all present and established that the Player was before the Committee to answer the citing complaint and that the Player had received in advance all the documents relied upon at the hearing.

The Chairman explained to the parties and they understood the procedure to be followed to be in line with the Disciplinary Rules and took no issue in respect thereof.

The Chairman in conjunction with the Disciplinary Officer established the documents and other materials that were available to the Committee and the Player, namely:-

1. Letter to the Chairman of Independent Disciplinary Panel.
2. Citing Report from Peter Ferguson, Citing Commissioner.
3. Yellow Card Report from John Lacey, Referee.
4. Statement of Nigel Correll, Assistant Referee.
5. Statement of Simon McDowell, Television Match Official.
6. Statement of Alex Sévigny, Director Medical, Stade Francais, Paris.
7. Player response to standing directions
8. Video evidence

Hearing

Citing Complaint

The Citing Complaint initiating by the Citing Commissioner's Report dated the 27th of May 2017. The incident out of which the Citing Complaint is said to have occurred in the sixty first minute of the match. The report reads:-

"Northampton are attacking just inside the Stade Francais 22m line. Northampton kicked the ball in the air and Stade Francais number 9, Will Genia jumps to catch it. Northampton number 23 Rory Hutchinson is running forward at pace, within 2 meters he positions himself to make a tackle, Genia is moving upwards higher into the air and Hutchinson moving and looking downwards tackles Genia around the ankles when Genia catches the ball he is at least a meter off the ground. The ball appears to be approximately 2 meters off the ground in mid-air. Genia lands by putting his hand out to break his fall landing on his head area, his foot follows next. The ball is dropped forwards. Referee Lacey awards a penalty and yellow card but does not review the incident"

The Committee then reviewed the video footage which was played without sound and presented by Liam McTiernan. The clip showed the Player chasing a kick into the Stade Francais 22. The Player was onside and was a couple of meters from the Stade Francais player who caught the ball whilst in the air. The Player continued his forward momentum towards the receiving player and did not make any attempt to catch the ball as he was not in a position to do so. He did however tackle the Stade Francais player whilst in the air as he was coming down having caught the ball, resulting in the tackled player landing on his shoulder and side.

Mr Smith then proceeded to take the Player through the incident. The Player accepted that it was a reckless challenge but suggested that it was a split second decision. The Player said he wanted to get one on one with the player but did not expect the player to get up into the air. The Player accepted that he could have done more to pull out of the challenge but did not intend to hit the receiving player whilst in the air. He explained that he got caught in two minds and decided to go further down towards the player's legs but his timing was not great. He had been on the pitch for a short time prior to the incident and that immediately after the incident he apologised to the Player.

This concluded the Player's evidence.

Decision

The Player having accepted that he had committed an act of foul play for which he was cited the Committee was required to assess the seriousness of the Player's conduct having regard to the Disciplinary Rules. The Committee accepted that the Player's offending was not intentional or deliberate but was reckless in that the Player ought to have known there was a risk of committing the act of foul play. The Player had accepted this in any event.

There was contact between the Player and the opposing player in that the Player used his arms in tackling the player whilst in the air. The incident occurred in the course of attempts by the Player to challenge for the ball and there was no provocation or retaliation involved in the incident. Fortunately the Player's actions did not have any effect on the injured player who was able to get up following the incident and continue with the game. There was little or no reaction from the

opposing players to the incident which did not lead to any further breakdown of discipline.

The victim player was in a vulnerable position in that he was in the air with the ball in hand when he was tackled by the Player. There was no other feature in the Player's conduct in relation to the offending which the Committee was required to consider and accordingly the Committee assessed the seriousness of the offence to be at the low end as the appropriate entry point for this particular incident. The Committee did not consider that there were any relevant off field aggravating factors which would require an additional period of suspension.

Prior to the Committee considering mitigating factors Mr Smith submitted on behalf of the Player that he did not intend the outcome and that it was a clumsy/reckless tackle which he had got wrong.

The Player had complied fully with the standing directions and had immediately accepted culpability for the incident and did not seek to justify his actions. The Player is a young player with no previous disciplinary record. He is quite inexperienced at this level and had come on as a substitute a short time prior to the incident which may have contributed to the incident as the Player felt he had not fully come up to the speed of the game.

References were produced on behalf of the Player and Sean Lineen, Head of National Grade Rugby of the Scottish Rugby Union and Jim Mallinder, which were testament as to the Player's good character. The Player had conducted himself in an exemplary manner at the hearing and demonstrated remorse for his conduct to the victim player.

The Committee decided that the Player's sanction should be mitigated by the full 50% from the entry point of four weeks, namely a reduction of 2 weeks.

As this was the Player's last match of the current season the Committee were required to consider the Player's playing schedule for the coming season given that the Player was not selected to travel on any summer tours and would not be playing rugby during the out of season period. Evidence was provided that the Player was a seven a side player and had previously played in the Premiership Sevens Competition in July 2015 and would be eligible for selection for this competition next

season which would be held on the 29th and 30th of July 2017. The Committee were advised that this was a two day competition in which his club would participate on both days. The Committee considered this to be a meaningful competition and in terms of considering the sanction period, considered that a full day of this competition should represent a period of one week. Accordingly as his team would play on both days the Committee considered that the suspension should be for the 29th and 30th of July 2017 and accordingly suspension should run until midnight on the 30th of July 2017.

The Player was advised of his right to appeal.

There should be no order as to costs.



David Martin
Chairman

19 June 2017