

DISCIPLINARY DECISION



Match	Ospreys Rugby v Ulster Rugby		
Player's Club	Ulster Rugby	Competition	Guinness PRO14
Date of match	15/02/2019	Match venue	Morganstone Brewery Fields
Rules to apply	Guinness PRO14 Disciplinary Rules		

PARTICULARS OF OFFENCE			
Player's surname	Henderson		
Forename(s)	Iain		
Referee Name	Quinton Immelman	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	Law 9.11 – A Player must not do anything that is reckless or dangerous to others	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>	If "Other" selected, please specify:
Summary of Sanction	No Sanction		

HEARING DETAILS			
Hearing date	19/02/2019	Hearing venue	Via Skype: player in Dublin; Panel in Edinburgh
Chair	Roddy Dunlop QC (Scotland)		
Other Members of Disciplinary Committee	Ian Douglas (Scotland) Beth Dickens (Scotland)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Club	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Jonny Petrie, CEO, Ulster Rugby Derek Hegarty, Legal Representative	Disciplinary Officer and/or other attendees	Amy Monaghan, Tournament Manager, PRO14 Rugby
List of documents/materials provided to Player in advance of hearing	Hawk-Eye Footage Letter notifying the Player Citing Commissioners Report Referee's Report TMO Report Medical Report form Ospreys Rugby, Chris Towers Player Statement from Sam Cross, Ospreys Rugby		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/MATCH FOOTAGE

The Citing Commissioner referred the player to the Discipline Panel for suspected reckless or dangerous play, describing a "neck roll" to Ospreys No. 7. The incident was detected on field and reviewed via the TMO. The match officials deemed penalty sufficient.

The referee's report described the incident, and indicated that it was thought that it only warranted a Penalty as the player had part of his arm around the shoulders (not the neck) of Ospreys 7.

The TMO, who had flagged the incident, indicated that whilst there was an initial leg lift by the Player, the Ospreys #7 was let down legally and safely. The player was trying to remove Ospreys #7 from the ruck by holding him around the shoulders. However, the TMO considered that it was the actions of Ulster #7 which introduced any force into the equation. The TMO had agreed penalty sufficient.

The match footage was reviewed several times, at normal speed; in slow motion; and frame by frame. The following are the central elements:

- A tackle is made just over the halfway line, with Ulster attacking and in possession.
- Ospreys 7 enters the tackle area in order to "jackle" for the ball.
- Ulster 7 drives in from Ospreys 7's right side.
- Almost immediately thereafter, the Player comes in from Ospreys 7's left side.
- The Player lifts Ospreys 7's left leg with his right hand and arm, at the same time putting his left arm over the shoulder of Ospreys 7. He does so in an attempt to drive Ospreys 7 straight backwards. This attempt is initially successful.
- The Player appears to realise that a leg has been lifted, and lowers it back to the ground.
- As he does so, increased force from Ulster 7 pushes Ospreys 7 back towards the Player.
- The Player is by then off balance with only one foot on the ground. Ospreys 7 and the Player then fall top the ground, with the Player's arm around the head of Ospreys 7.
- The Player seeks to release from his opponent's head, and manages to do so just before they reach the ground.

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

Ospreys 7 submitted a statement indicating the he did not feel that what happened was intentional, or that malicious force had been used.

Ospreys' physio indicated that the player had been treated on field, and gone on to complete the match. Thereafter he had stiffened up, was being treated for a left sided upper trapezius muscle strain. He was described as improving, and able to train non-contact.

The player and his representative also showed a guidance video, issued by World Rugby on 30 January 2019, showing a "neck roll" which was said, by World Rugby, to merit a yellow card.

SUMMARY OF PLAYER'S EVIDENCE

The player described the incident as shown in the footage, and explained that he had been seeking to clear the Ospreys 7 away from the "jackle" zone by driving him straight backwards. Once he realised he had lifted a leg he lowered that back to the ground. He was unable to get both of his own feet on the ground due to other players. The actions of Ulster 7 driving the Ospreys 7 in the opposite direction caused him to go to ground. He accepted that as his arm was around the shoulder / neck of Ospreys 7 there had been an act of foul play. However, there was no intention to undertake a "neck roll": rather, he was attempting to drive Ospreys 7 straight backwards, and what occurred was only because of the opposing forces introduced by Ulster 7.

FINDINGS OF FACT

The Panel unanimously agreed with the Player's acceptance that an act of foul play had occurred, as a result of the positioning of his arm around the neck and shoulder of Ospreys 7.

The Panel went on to find, again unanimously:

1. The original manoeuvre attempted by the Player was a legitimate clear out.
2. The Player lifted the leg of Ospreys 7 but, having realised that this had happened, immediately lowered it again.
3. The Player was not in a stable position, as one of his own feet was off the ground as a result of the proximity of other players.
4. Nevertheless, had it not been for the involvement of Ulster 7, the Player would have succeeded in driving Ospreys 7 backwards.
5. As it happened, Ulster 7 had a firm grip of Ospreys 7 and was driving him diagonally towards the Player.
6. The combination of the instability of the Player and the actions of Ulster 7 was such that the Player and Ospreys 7 fell backwards.
7. As the Player fell, he had his arm around the head of Ospreys 7.
8. As the Player fell, he attempted to release, and managed to do so just before he and Ospreys 7 hit the ground.

In the whole circumstances, the Panel found that the Player did not set out to undertake a "neck roll". An attempt at a legitimate clear out was made. The combination discussed above led to the Player taking his opponent to ground with the former's arm around the latter's head. However, that was not intentional. Moreover, a comparison with the World Rugby guidance video supported the Panel's own feeling that the incident did not merit more than a yellow card.

That being so, the "red card" test is not met, and the citing is dismissed.

DECISION

Breach admitted Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)

Intentional/deliberate Reckless

State Reasons

Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)

Number of additional weeks:

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)

Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)

Number of weeks deducted:

Summary of reason for number of weeks deducted:

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	[insert]	Sending off sufficient <input type="checkbox"/>
Sanction commences		
Sanction concludes		
Matches/tournaments included in sanction		

Costs	
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Signature (Chair)	_____	Date	_____
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NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIR TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – DISCIPLINARY RULES 8.1 (PAGE 4-32)

[Standard Appeal Directions to appear on this page]