

DISCIPLINARY DECISION



Match	Toyota Cheetahs v Zebre Rugby Club		
Player's Club	Toyota Cheetahs	Competition	Guinness Pro 14
Date of match	26 January 2019	Match venue	Toyota Stadium, Bloemfontein
Rules to apply	Guinness Pro 14 Disciplinary Rules 2018/2019		

PARTICULARS OF OFFENCE

Player's surname	Basson		
Forename(s)	Justin		
Referee Name	Ben Whitehouse	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	9.20 – a player must not charge into a ruck or maul. Charging includes any contact made without binding onto another player in the ruck or maul	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>
Summary of Sanction	3 weeks		

HEARING DETAILS

Hearing date	30 January 2019	Hearing venue	Pro 14 Office, 3 rd Floor, Millbank House, Arkle Road, Sandyford Industrial Estate; Dublin 18
Chairman/JO	David Martin		
Other Members of Disciplinary Committee	David Hurley Jennifer Donovan – by Skype		
Appearance Player	(By Skype) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Player's Representative(s)	Ashwell Rafferty, Team Manager Franco Smith, Director of Rugby MJ Smith, High Performance Manager.	Disciplinary Officer and/or other attendees	Amy Monaghan, Pro 14 Rugby
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> - Notice of Hearing/Standing Directions dated the 28th of January 2018 - Referee Report, Ben Whitehouse - TMO Report - Statement of Paula Cumu Balekana - Video Footage - Disciplinary Rules - Medical Report, Zebre Team Doctor. - Player's responses to standing direction. 		

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

The Referee reported "I saw C19 enter a ruck off his feet and out of control, I asked TMO to have a look at challenge. I saw C19 enter the ruck from a distance, use no arms and connected with force using a shoulder to the neck/head area of the Zebre player. The player was out of control, it was dangerous and a reckless act. "

The TMO reported C19 dangerous entry into ruck, shoulder contact to neck and head with force.

There are a number of video clips of the incident from different angles. In the 32nd minute of the second half, Toyota Cheetahs (TC) attacking the Zebre Rugby Club line (Z) on the left hand side of the pitch, approximately 5 meters from the Z line and about 5 meters in from touch. TC number 11 is tackled by Z number 18 and goes to ground with the tackler lying to TC number 11 right hand side, who has his back to the line, with Z number 2 assuming the jackal position to poach the ball. As he was attempting this TC number 20 arrived from directly behind the tackled player with a view to upsetting the poach. He does this by binding on Z number 2 and bringing him forward off his feet, slightly to the right of the developing ruck and cleared him away from the ball. Z number 14 is on the right hand side in a standing position, preparing to poach the ball from a defensive position from the right of the defence line. TC number 19 was running at pace from some distance at what was now a ruck. As he approached the ruck he dropped his right elbow and tucked his arm in so that his right shoulder dipped. He makes no attempt to bind and dives off his feet making contact with his right shoulder to the left side of the head/neck of Z number 14 who was in a crouched position. In doing so TC number 19 is off his feet and fell downwards to the ground moving Z number 14's body to the right as he did so. Z number 14 stands up after the impact and is seen to remonstrate with the player and steps back from the ruck as the ball was lost. Video footage shows a number of Z players drawing the attention of the Assistant Referee to the incident.

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

A medical report furnished by Zebre Team Doctor, Paolo Ferrari, stated that the victim player, Paula Cumu Balekana, has not suffered any consequence.

The Panel received and considered a statement from the victim player who stated "I went into a ruck to try and get the ball while in the process of trying to get a turnover. One of the opposition players came in to try and clear me out, he cleared me out with this shoulder directly hitting me on the left side of my neck."

SUMMARY OF PLAYER'S EVIDENCE

The player in this response to standing directions accepted that he had committed an act of foul play and did not try to show the Referee's decision was wrong but did not accept that this action warranted a red card.

Immediately prior to the hearing the player changed his plea and accepted that he was guilty of an act of foul play that warranted a red card. The player explained that on going through the video that the first

impact was to the shoulder of the victim player and that after that impact was to the player's neck in what he described as a glancing blow. He described that the impact was not big with the player's neck.

FINDINGS OF FACT

The Committee reviewed the videos in the company of the player, these clips of the incident from a number of angles. The Referee who was in close proximity to the incident found that the player had connected with force to the neck/head area of the victim player.

These clips showed as the player explained that the first impact with the victim player was to his left shoulder. The Committee found that the player had launched himself into the breakdown and in doing so had gone off his feet making contact on the victim player's neck having first made impact with the victim player's left shoulder. This impact was with the player's right shoulder and was at speed with force to the shoulder but a glancing blow to the neck. The contact by the player was made without any attempt to use his arms or to grasp the victim player. The Committee accepted that there had been no injury to the victim player as a result of the act of foul play. The neck contains important structures which could in certain circumstance be potentially more vulnerable than the head and a strike to the neck, by the use of the shoulder, made the offence more serious. In the circumstances the offence qualifies for a mid-entry point.

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
There was an intentional charge into the ruck with a shoulder only. However the Committee accepted that the contact to the victim player's head/neck was not intentional but that the player had acted recklessly as to where contact was made.
Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)
The contact was a glancing blow to the neck.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
As stated above
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
None

Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
No, there was no retaliation.
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
The conduct did not constitute self-defence.
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
The victim player's team medical doctor confirmed that he had not suffered any injury as a result of the incident.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
There was some remonstrations by the victim player and teammates drawing the attention of the incident to the Assistant Referee.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
The victim player was in a strong crouched position and had set up to poach the ball from the ruck. At the time the player struck him he was looking downwards and was therefore vulnerable.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
There was no premeditation in terms of making contact with the victim player's head/neck
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
The conduct was completed
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)
There was none.

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks	Mid-range	Weeks	Low-end	Weeks
<input type="checkbox"/>		<input checked="" type="checkbox"/>	6	<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

None
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Not applicable
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
None

Number of additional weeks:

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	
The player in this replies to standing directions accepted that he had committed an act of foul play but did not accept that the action warranted a red card. Immediately prior to the hearing the player accepted that his action warranted a red card, and did not dispute any issues.	
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	
The player is aged 24 years and has been playing professional rugby for approximately 6 years with no previous disciplinary issues	
Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	
The player indicated that he had no intention of causing injury or committing an act of foul play and was sorry for this actions. He had apologised to the victim player after the match. .	

Number of weeks deducted:

Summary of reason for number of weeks deducted:

The player did not dispute the red card and accepted all of the Referees and TMO's report. He apologised to the victim player after the match and conducted himself in an exemplary fashion at the hearing and complied with all directions.


He had a clean playing record.

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	3 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	26 January 2019	
Sanction concludes	24 February 2019	
Matches/tournaments included in sanction	3 matches in Guinness Pro 14 Tournament.	

Costs	Nil
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Signature (JO or Chairman)		Date	31 January 2019
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NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule) (see Page 6)

[Standard Appeal Directions to appear on this page]