

CUMBRIA RFU DISCIPLINE COMMITTEE

Long Form Disciplinary Judgement

DISCIPLINARY HEARING

Venue: Carlisle Rugby Club.

Date: Wednesday, 18th October 2017

JUDGEMENT

Club: Cockermouth RUFC

Panel: Chairman M.Neal

Member 1 A.Lynch

Member 2 D.MacInnes

Secretary D.D.Morton

Presenter: M.Shields

Decision

The Panel found that Cockermouth RUFC was GUILTY, in their absence, of conduct prejudicial to the interests of the game by breaching the requirements of RFU Regulation 19.1.4 that requires all clubs to cooperate with an RFU or CB disciplinary investigation or disciplinary proceedings.

No representative(s) from Cockermouth attended the hearing. Accordingly, using their powers under Regulation 19.9.1, the Panel determined that the Club, on whom a Notice of Hearing had been served, did not have reasonable grounds for not attending, and proceeded to hear the case against the Club in their absence.

The Panel imposed a sanction as shown below.

Preliminary Matters

A summary of the circumstances pertinent to the complaint was presented on behalf of the CB by M.Shields:

“On Saturday, 16th September 2017 Cockermouth 2nds entertained Wigton 2nds.

“A Cockermouth player, James Robinson was sent off by the referee after being cautioned (yellow cards) twice.

“The referee subsequently submitted a report to the discipline committee. It should be noted that the charge against the player was amended to one of striking an opponent. It should be noted that he pleaded guilty at hearing immediately before the Cockermouth case.

“RFU regulation 19.6.3 requires that, “club secretaries must report to their constituent body.....within 48 hours after the match, all relevant details relating to any on or off field disciplinary matters and / or alleged breaches of any regulations arising out of, or in relation to the match”.

“In recent years Jeff Peet has been dealing with disciplinary matters on behalf of Cockermouth RUFC and accordingly documents have been sent to, and other communications have been with him.

“A message (copy attached) was sent electronically to the discipline committee secretary at 2231 on Sunday 17/09/2017. The message simply advised that a player had been sent off in a second team game against Wigton on 15/09/2017. No other details were provided. A message was sent to Jeff explaining what was required and where he could find the form.

“No reply was received and Jeff was contacted on the evening of Wednesday, 20/09/2017 and he assured the discipline secretary that he would complete the report form and let him have it later that evening. No form was received.

“David Whild, secretary at Cockermouth, was then messaged explaining what the situation was. The reporting period was extended to 23/09/2017 in an effort to help the club. David Whild replied on 21/09/2017 (attached). He indicated that he would be speaking to Jeff the following day. Despite this there has been no further contact from anyone at Cockermouth and no documents have been received.

“The player sent off on 16/09/2017 was provisionally suspended in accordance with the regulations; such suspension will remain in place until earlier this evening.

“There is a clear breach of the RFU regulations in this case and no indication of support for the discipline process”.

The Panel also noted that there had been previous and similar delays in dealing with disciplinary matters involving Cockermouth.

Relevant documents were submitted to the Panel for consideration.

The Panel also noted that the Cockermouth player whose sending off was the catalyst for these proceedings, had attended a hearing in person. He had pleaded guilty and in mitigation had expressed displeasure at the way the matter had been dealt with, and that he had had little or no contact with Cockermouth officials since he had been sent off on 16/09/2017.

Charge and Plea

That Cockermouth RUFC failed to discharge their responsibilities under Regulation 19 of the regulations of the RFU, by not reporting the sending off of a Cockermouth player who was dismissed during a game at Cockermouth between Cockermouth and Wigton on 16th September 2017, such conduct being prejudicial to the interests of the Game.

Contrary to Rule 5.12 of the Rules of the Rugby Football Union.

A not guilty plea was entered by the Panel.

The Club Case

No one attended from the Club and neither were any written representations submitted.

Sanction

- 1. Cockermouth RUFC 1st XV be deducted 10 league points (Cumbria 1 League); 5 points to be deducted immediately with the implementation of the other 5 points suspended until the end of the**

2017-2018 season on the condition that there are no further breaches of the regulations.**

- 2. Fined £500.**
- 3. Pay Cumbria RFU administrative fee of £100 (plus VAT).**
- 4. Pay Cumbria RFU administrative fee of £50 (plus VAT) incurred by the hearing of the case involving the player (James Robinson).**
- 5. Pay hearing costs of £100 (plus VAT).**
- 6. The total sum of £800 to be paid before 12th November 2017, otherwise the **suspended 5 point league deduction will be implemented.**
- 7. Provide the names, addresses, and full contact details of three members of the Cockermouth RUFC discipline committee. These to be sent to the discipline secretary of Cumbria RFU before 12th November 2017. Failure to comply will result in the activation of **suspended 5 league point deduction be activated immediately.**

Right of Appeal

There is a right of appeal against this decision. Any appeal must be lodged with the RFU Head of Discipline before 6th November 2017 and must be accompanied by a cheque for £125 made payable to the RFU.

Signed

Discipline Secretary