

**EUROPEAN RUGBY CUP**  
**DECISION OF JUDICIAL OFFICER**

**HELD AT NEATH**

**22<sup>nd</sup> December 2010 at 11.00am**

**IN RESPECT OF:-**

Vincent Roux (“the Player”)

**AND**

The Ordering-Off of the Player in the Amlin Cup match between Gloucester and La Rochelle ( “the Match” ) played at Kingsholm, Gloucester on the 19<sup>th</sup> December 2010 following the issue of two Yellow Cards in the Match

**JUDICIAL OFFICER**

Roger Morris ( WRU )

**DECISION OF THE JUDICIAL OFFICER**

- (i) The Judicial Officer considered the Player’s Ordering Off in the Match and concluded that no additional sanction should be imposed upon the Player and so he is immediately free to play.
  - (ii) The Judicial Officer declared that each party to the proceedings should bear their own costs.
- 

**INTRODUCTION**

This Judicial Officer was appointed by Professor Lorne D Crerar, the Chairman of the ERC Discipline Panel pursuant to the discipline regulations of ERC in respect of the Ordering Off of the Player during the Match. The Player had first been issued with a Yellow Card in the 60<sup>th</sup> minute of the Match for an offence contrary to Law 10(4)(a) – punching - and then, in

the 73<sup>rd</sup> minute of the Match , was given a second Yellow Card ( and therefore a Red Card ) for an offence contrary to 12.1(e) – a deliberate knock on.

Present at the hearing by telephone conference on 22<sup>nd</sup> December 2010, in addition to the Judicial Officer were :

The Player ;

Vincent Marlin ( La Rochelle, representing the Player )

Roger O'Connor ( ERC Discipline Officer )

Max Duthie ( Solicitor representing ERC )

## **HEARING**

At the commencement of the hearing the Judicial Officer confirmed the identities of all present and established the nature of the offence for which the Player was Ordered Off. The Judicial Officer outlined the procedure to be adopted for the hearing and that the provisions of the ERC disciplinary regulations ( “the Regulations “) would apply. The Player and all present agreed to proceeding on that basis.

The Judicial Officer established what evidence had been placed before him prior to the hearing and enquired as to whether all present had received the same in good time. That evidence comprised the Referee's Report and a video clip of the match at the time of the first incident i.e. the punch.

There were no preliminary issues that any party wished to raise.

The Judicial Officer outlined the details of the two offences referred to in Referee's report and asked the Player if he admitted committing the acts of Illegal and/or Foul Play and whether or not he wished to contest his Ordering Off. The Player admitted committing the acts of Illegal and/or Foul Play and stated that he did not wish to contest the Referee's decision.

As the Player did not dispute that he had committed the acts of Illegal and/or Foul Play contrary to Laws 10.4(a) and 12.1(e) of the Laws of the Game and should have been Ordered Off, the Judicial Officer must consider whether any additional sanction should be imposed upon the Player.

Mr Duthie, on behalf of ERC, said that he did not advocate any particular sanction. There was no consistent policy through the game and its various Unions as to how double yellow card cases should be approached. He referred the Judicial Officer to three such cases dealt with relatively recently although only one of those cases involved an offence under Law 10.4 of the Laws of the Game. Mr Duthie also pointed out that the Judicial Officer had a wide discretion afforded to him by Regulation 6.7.39 of the Regulations.

The Player was invited to explain his actions and to present any evidence he wished the Judicial Officer to take into account. The Player, by himself and through his representative, confirmed he accepted he had committed both offences. He was sorry for his actions and apologised for what he had done. The second offence ( the deliberate knock on ) had been an instant reaction during the course of the game but he fully accepted that a yellow card was an appropriate sanction for his actions and that , therefore, that a Red Card had to follow.

The first offence, the punch, had again been a thoughtless act in the heat of the moment and as a reaction to one of his team mates being , as he saw it, assaulted by a Gloucester player.

The punch he threw did not land with any power or cause injury but he accepted the referee was correct to send him to the “sin bin”. He repeated his apology for what he had done.

The Judicial Officer confirmed with all present his initial view of the video evidence namely that it did not show the alleged punch but it did confirm that the Referee was well placed to see clearly whatever had happened.

There were no further submissions and so the Judicial Officer delivered his decision as follows.

He noted his powers under the Regulations. He considered that, in a case involving an offence such as a punch, a judicial officer should not hesitate to look carefully at the Referee’s decision and to impose further sanction should he consider the circumstances to warrant it. However in this case there was no clear evidence before him that allowed any assessment of the seriousness of the punch but there was clear evidence that the referee saw what had happened and made a straightforward and timely decision to award a Yellow Card. There was no evidence either that the punch had caused any injury to the victim. In these circumstances the Judicial Officer had no reason to demur from the decision of the Referee and so accepted that the Yellow Card was appropriate sanction for the punch.

The second Yellow Card , although close in time to the first, was not for violent conduct and the Judicial Officer did not consider that it had a cumulative effect such that, taken together with the first offence, the matter warranted any greater sanction than the ordering off.

Accordingly no further sanction would be levied and the Player was immediately free to play.

Mr Duthie had helpfully confirmed that he did not seek an order for costs and no such order was made

The Parties are reminded that they have a right of appeal against this decision.

24<sup>th</sup> December 2010

---

**Roger Morris**  
**Judicial Officer**

---

**Date**