EPCR SHORT JUDGMENT FORM

Match	Cardiff Blues	Vs	Rugby Calvisano
Club's Country	Italy	Competition	Challenge Cup
Date of match	18.01.2020	Match venue	Cardiff Arms Park
Rules to apply	**EPCR Disciplinary Rules 2019/20**		

PARTICULARS OF OFFENCE

Player's surname	Van Zyl	Date of birth	10/12/1991
Forename(s)	Kayle	Plea	Admitted ☒ Not Admitted ☐
Club name	Rugby Calvisano		
SELECT: Red card ☒ Citing ☐ Other (specify) ☐			
Offence	9.13 Dangerous Tackling		
Summary of Sanction	3 weeks suspension ending on 10 February 2020		

HEARING DETAILS

Hearing date	23.01.2020	Hearing venue	Offices of Bird & Bird 12 New Fetter Lane London
Chairman/JO	Marcello d'Orey(Portugal)	Panel member 1	Mitchell Read (England)
Panel member 2	John Greenwood (England)	Disciplinary Officer	Liam McTiernan
Appearance Player	Yes ☒ No ☐	Appearance Club	Yes ☐ No ☒

Player's Representative(s):	Other attendees:
No	Maria Gyolcsos EPCR

List of documents/materials provided to player in advance of hearing:

1. Notice of Hearing to the Players and the Disciplinary Officer on 21 January 2020
2. Match Official Report Red Card from Nika Amashukeli
3. Video clip of the incident provided by the Disciplinary Officer
4. Response to standing orders on behalf of the Player and email from the club requesting a video conference hearing.
5. Emails from Daniel Fish (Cardiff Blues Player), Dan Jones (Cardiff Blues Head of Medical).
6. Club schedule sent by email on behalf of the player,

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

Law 9.13 is in the following terms:
A player must not Tackle an opponent early, late or dangerously. Dangerous Tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.
Report of the Referee to the alleged incident which occurred on 77 minute of the match, in the second half when the score was Cardiff Blues 54 – Rugby Calvisano 3 and was in the following terms:
«*On 77th minute Calvisano N14 made dangerous high tackle on opponent on high speed with force making direct contact on players neck*.»

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

An email from the Cardiff Blues Player and from the Cardiff Blues Head of Medical reporting that the player was not injured in the incident.

SUMMARY OF PLAYER'S EVIDENCE

The player confirmed that he had read the Referee's report and that he accepted that he had committed an act of foul play as per the red card report and that the appropriate sanction was the issue of a red card. The player had submitted replies to standing directions confirming this position. Mr. Van Zyl gave a full account of the incident via the video link. He stated that this was not an intentional act, and that he was trying to tackle the Cardiff Blues Player, and preventing him from passing the ball, and he misjudged the height of his arms in the tackle.
He stated that he had no intention of making contact with the Cardiff Blues neck.
After the game finished Mr. Zyl went to the Cardiff Blues Locker room and apologised to the player for the tackle.
The player also informed that he was not a violent player and had never been sent off before.

FINDINGS OF FACT

It had been accepted by the player that he had committed an act of foul play which warranted a red card. Therefore, the Disciplinary Committee was required to consider what further action should be taken as a result of the player being shown the red card in respect of a contravention of law 9.13.

The Disciplinary Committee found, on the balance of probabilities, that:

1. The Player had not intended to make contact with the neck of the Cardiff Blues Player with his arms.
2. The Player knew or should have known that there was a significant risk of committing an act of foul play which had the potential to cause serious injury by trying to tackle in the way in which he did (as seen in the video evidence and described above) and is clear by the video footage that the player immediately realised what he had done, by the way he lifted his arms excusing himself.
3. The player arms made clear contact with the Cardiff Blues neck.
4. Although the act was not violent, it was a rugby manoeuvre that was poorly executed.
5. It was not premeditated.
6. The Cardiff Blues player was vulnerable, because he was tackled from behind, and the act could have cause a serious injury, and was not more dangerous, because the player realized what he was doing and opened his arms immediately.
7. There was no evidence of injury to the player.

DECISION

Breach admitted ☒	Proven ☐ Not proven ☐ Other disposal (please state below) ☐

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)
PLEASE TICK APPROPRIATE BOX Intentional/deliberate ☐ Reckless ☒
State reasons
There was no evidence that the player targeted the neck of the Cardiff Blues player. He accepted that he intended to make a tackle around the Cardiff Blues shoulders/chest to prevent him from passing the ball. This action was reckless and it carried the very clear risk that contact would be made with the Cardiff Blues player's neck. Whilst the panel accepted the player had not intended to make contact with the Cardiff Blues player's neck, he had acted in a highly dangerous manner in relation to the risk of injury and in relation to potential to cause injury.
Gravity of player's actions – R 7.8.32 (c)
The player's actions were grave in that the action involved contact to the neck of the player who was in a vulnerable position. The Cardiff Blues player did not require a head injury assessment and continued to play. There is no evidence of any injury to the Cardiff Blues player.
Nature of actions – R 7.8.32 (d)
Dangerous High Tackle making contact with the Neck.
Existence of provocation – R 7.8.32 (e)
No provocation
Whether player retaliated – R 7.8.32 (f)

The player didn't retaliate.
Self-defence – R 7.8.32 (g)
N/A
Effect on victim – R 7.8.32 (h)
No injuries, he played on.
Effect on match – R 7.8.32 (i)
None
Vulnerability of victim – R 7.8.32 (j)
The Cardiff Blues player was caught from behind in the neck area, in a very vulnerable position.
Level of participation/premeditation – R 7.8.32 (k)
No premeditation found.
Conduct completed/attempted – R 7.8.32 (l)
Completed.
Other features of player's conduct – R 7.8.32 (m)
None

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks	Mid-range	Weeks	Low-end	Weeks
☐		☒	6	☐	

*****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
Not applicable

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
None
Need for deterrence – R 7.8.34 (b)
Not relevant
Any other off-field aggravating factors – R 7.8.34 (c)
None

Number of additional weeks:

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 7.8.35(a)	Player's disciplinary record/good character – R7.8.35 (b)
The player acknowledged his guilt in his responses to the standing directions in advance of the hearing and further acknowledged same in the course of the hearing.	The player has a clean disciplinary record.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
The player is aged 28 years old.	Good
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
The player apologised to the victim player on the pitch.	Nil.

Number of weeks deducted: 3

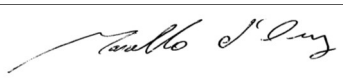
Summary of reason for number of weeks deducted:

The player accepted that he had committed an offence which warranted a red card and did not seek to challenge this, he apologised to the Cardiff Blues player immediately and indicated that he had no intention to cause an injury and conducted himself in an exemplary manner at the hearing. The player had a clean 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 7.2.5

Total sanction (weeks)	3	Sending off sufficient ☐	
Sanction commences	18 January 2020	Costs	€750
Sanction concludes	Midnight Sunday 09 February 2020		
Free to play	10 February 2020		

Signature (JO or Chairman)		Date	**23 January 2020**

NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 8.1 AND 8.2 OF THE EPCR DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 8.2.1 TO 8.2.4 OF THE REGULATIONS