

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

East Kilbride FC

on behalf of

Kai Kirkpatrick

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 18th January 2023 to deliberate this Claim.
2. In the 15th minute of the Scottish Lowland Development League Conference A fixture between East Kilbride FC and FC Edinburgh on Friday 13th January 2023, the player was dismissed from the field of play by the Referee for A1 - Serious Foul Play.
3. The Claimants submitted a Claim of Wrongful Dismissal. In support of this Claim, the club submitted video footage showing the incident in question and written submissions.
4. In order for a Claim of Wrongful Dismissal to be upheld, the Fast Track Tribunal must be satisfied, by way of evidence submitted and upon the balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the player.
5. In summary, the Claimant's submission was that the player was wrongfully dismissed. The club stated that in the 15th minute of the match, that the ball was played forward from an FC Edinburgh midfielder towards the player. It was stated that the ball had bounced before reaching the player, who moved towards the ball at the same time as the FC Edinburgh player to try and gain control of the ball. The position of the club is that the FC Edinburgh player challenged for the ball with his foot well above the player's foot, and as the player moved towards the ball in order to play it, he did so with his foot slightly raised but in a sideways position to try and play the ball in a safe manner. It was submitted that in doing so he maintained full control and that he did not use excessive force. The club also stated that the FC Edinburgh player did make contact with the ball before the player, meaning that he committed a foul, but that there was no excessive force used, nor was there any intent to endanger the opponent with the tackle. The position of the club is that the player was focussed on playing the ball in an entirely safe manner, and that he did so whilst protecting himself from the incoming challenge.
6. The Referee provided a statement explaining the act which he decided was Serious Foul Play. The Referee stated that in the 15th minute of the match between East Kilbride FC and FC Edinburgh, that FC Edinburgh had gained possession of the ball approximately 20 yards from the edge of their defensive penalty area when the player attempted to challenge for the ball in a dangerous manner. The Referee concluded that the player entered this challenge with a significant speed and using his studs, making contact with his opponent on the knee. The Referee stated that this tackle was brutal, excessive, and clearly endangered the safety of his opponent, and that at the time of the incident, that he had a clear and unobstructed view, being positioned no more than 10 yards away. The Referee accordingly awarded FC Edinburgh a direct free kick, and showed the player a red card and dismissed him from the field of play.

7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimants. It also considered the definition from Laws of the Game in relation to Serious Foul Play.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had unsuccessfully demonstrated that an Obvious Refereeing Error had occurred. In doing so, the Fast Track Tribunal carefully considered the available video footage. Unfortunately given the angle from which this had been taken, it was difficult to ascertain precisely what had happened at the moment of contact between the player and his opponent. The Fast Track Tribunal did however observe that the Referee appeared to be extremely well placed to observe the incident, and that his vantage point was clearly better than that occupied by the video camera. The available footage did not however show anything which was in any way inconsistent with the account provided by the Referee. The Fast Track Tribunal was therefore not able to conclude from the available evidence that an Obvious Refereeing Error had been made on a balance of probabilities.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and original sanction should be reimposed.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.