



## **WRITTEN REASONS OF THE FAST TRACK TRIBUNAL**

### **IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:**

**Caledonian Braves FC**

**on behalf of**

**Scott Forrester**

1. These are the written reasons for the determination made by a Fast Track Tribunal which convened on Wednesday 8<sup>th</sup> December 2021 to determine this Claim.
2. In the 51<sup>st</sup> minute of the Scottish Lowland Football League fixture between Caledonian Braves FC and East Kilbride FC on Saturday 4<sup>th</sup> December r 2021, the player was dismissed from the field of play by the Referee for the offence A2 Violent Conduct, as defined by IFAB Laws of the Game.
3. The Claimant submitted a claim of Wrongful Dismissal on behalf of the player. In support of the Claim, the Claimant submitted video footage showing the incident in question as well as a written submission and written statements of the player and the Claimant's Manager.
4. In summary, the Claimant's submission was that the player did not punch an opponent, but raised his arm to chest height to stop that opponent pushing him again.
5. The Referee provided a statement confirming the act which he decided was Violent Conduct. The Referee stated that he dismissed the player for Violent Conduct because, during an incident when various players from both teams were confronting each other, the player had punched an opponent player twice, making contact with his opponent's head on both occasions and had used excessive force in doing so.
6. In order for a Claim of Wrongful Dismissal to be upheld the Fast Track Tribunal must be satisfied, on a balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the player.
7. An Obvious Refereeing Error, as stated in Annexe F to the Judicial Panel Protocol 2021/22, is defined as being an error at a match by a Referee or a Match Official which is clear or self-evident, or easily perceived.
8. In IFAB Laws of the Game, Violent Conduct is defined as follows:-  
  
"Violent Conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, Match Official, spectator or any other person, regardless of whether contact is made."
9. The Fast Track Tribunal considered all of the available evidence. The Fast Track Tribunal viewed the video footage and carefully considered the Claimant's written submission and the statements of the Referee, player, and the Claimant's Manager. Having done so, the Fast Track

Scott Forrester, Caledonian Braves FC

Tribunal found, on a balance of probabilities, that the player did not use excessive force towards his opponent and did not punch his opponent. The Fast Track Tribunal found that the player remonstrated with his opponent and raised his arm to shoulder height as his opponent made to push him again. The Fast Track Tribunal found that the player had reacted aggressively to his opponent, albeit after being pushed by the latter, when he should not have done so. Accordingly, the Fast Track Tribunal found that the player had committed the offence B1j) Unsporting Behaviour- shows a lack of respect for the game.

10. The Fast Track Tribunal had the benefit of, and placed particular reliance upon, the video footage of the incident, whereas the Referee did not have that visual assistance at the time that he made his decision.
11. Accordingly, and on a balance of probabilities, the Fast Track Tribunal found that the Referee's conclusion and decision to dismiss the player for Violent Conduct, was a self-evident error and that the player, by his actions, had in fact committed the cautionable offence of B1j) Unsporting Behaviour.
12. Therefore the determination of the Fast Track Tribunal was that the Claim be partially upheld, that the sending off offence and mandatory sanction be rescinded, that the cautionable offence of Unsporting Behaviour B1j) had been committed by the player, and that the appropriate sanction for that offence be imposed.
13. The determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to appeal.