

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A (WRONGFUL DISMISSAL) CLAIM BROUGHT BY:

Hibernian FC

on behalf of

Ryan Porteous

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 6th October 2021 to deliberate this Claim.
2. In the 30th minute of the Cinch Premiership fixture; Rangers FC v Hibernian FC, played on Sunday 3rd October 2021, the player was sent off for A1: Serious Foul Play.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of the player. In support of this Claim, the club submitted video footage and photos of the incident in question, a written submission from the Club Secretary, and a statement from the player.
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 had not committed a foul in the incident leading to his dismissal. They contended that the player had not used excessive force or brutality in the incident and had simply won the race to the ball. They submitted that his momentum had carried him forward, whilst grounded, but at no point was there a challenge, as the player's angle was away from the opposing player who arrived at the incident area after the player had played the ball. They did not believe the player was 'studs up', or lunging in the challenge. They further submitted that at no point was the opposing player in control or possession of the ball and he simply fell over their grounded player after the ball had been played. They also made reference to a belief that the Referee did not consult with the Assistant Referee, whom they believed to have had a 'better and closer viewpoint' than the Referee.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that the player ran at speed, lunged and left the ground with both feet. He explained that the player led with the studs of a straight leg towards his opponent's leg around and above the ankle area. The player's leading foot (studs showing) went over the ball towards his opponent. He believed that the overall force and intensity involved in the challenge was excessive and therefore the challenge by the player endangered the safety of his opponent.
7. The Fast Track Tribunal viewed video footage in real time and slow motion of the incident leading to the dismissal. They also carefully considered the written submission from the Claimant and the Referee's detailed report. It also considered the definition from Laws of the Game in relation to serious foul play: (*ref IFAB Laws of the Game 2020/21*)

*A tackle or challenge that endangers the safety of the opponent **or** uses excessive force **or** brutality must be sanctioned as serious foul play.*

Any player who lunges at an opponent in challenging for the ball from the front, side or behind, using one or both legs, with excessive force or endangers the safety of the opponent is guilty of serious foul play.

Ryan Porteous, Hibernian FC

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were unsuccessful in demonstrating that an Obvious Refereeing Error had occurred.

Having reviewed the single angle video evidence submitted by the Claimant, the Fast Track Tribunal were unable to agree with the Claimant that an Obvious Refereeing Error had occurred. They noted that the Referee had a clear and uninterrupted direct view of the incident from a few yards away. They noted the comment from the Claimant that the Referee had not consulted with the Assistant Referee whom it was suggested had a better view. The opinion of the Fast Track Tribunal was that the Referee had a clear view himself of the incident and whether he may have communicated by audio relay with the Assistant Referee was not presented by either party. However, they did not feel it was necessary or indeed was he obliged to consult with the Assistant Referee.

For a Claim to be successful as per the JPP Annex K, section 10.10.4 the Fast Track Tribunal must be satisfied that it is more likely than not, in all of the circumstances of the case, that an Obvious Refereeing Error has occurred. That is the error is 'clear, self-evident or easily perceived' (*glossary JPP*).

The Fast Track Tribunal were provided with video evidence which gave a single angle view of the incident from some distance. The Fast Track Tribunal were surprised that further angles of the incident were not provided to support the Claimants case, though the video supplied was helpful in showing the Referee's position and angle of view. The Fast Track Tribunal noted that the Referee was close to the incident. He also had a clear and unobstructed view and had no hesitation in determining at the time that this was a red card offence.

Based on this the Fast Track Tribunal were unanimous that the Claimant failed to demonstrate in their submission that the Referee had made an Obvious Refereeing Error resulting in the Wrongful Dismissal of the player.

The Fast Track Tribunal did not believe this to be a frivolous claim, as considered under section 15.9 of the JPP, therefore no further sanction has been imposed.

The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.