



WRITTEN REASONS OF THE FAST TRACK TRIBUNAL

IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Beith Juniors FC

on behalf of

Alistair Park

1. These are the written reasons for the determination made by a Fast Track Tribunal which convened on 23rd December 2020 to determine this Claim.
2. In the 83rd minute of the West of Scotland Premier Division fixture between the Beith Juniors FC and Largs Thistle FC on 19th December 2020, the Player was dismissed from the field of play by the Referee for the offence A2 Violent Conduct, as defined by the Laws of the Game. The dismissal resulted from an incident involving the Player and the Largs Thistle FC number 7, who was also dismissed for the offence A2 Violent Conduct as a result of his actions in the incident.
3. Beith Juniors FC submitted a claim of Wrongful Dismissal on behalf of the Player. In support of the Claim, Beith Juniors FC submitted video footage showing the incident in question, as well as a written submission, statement from the Player, statement from the Beith Juniors FC Manager, and a photograph of an injury sustained by the Player.
4. In summary, the Beith Juniors FC submission was that the Player was not violent in his conduct towards the Largs Thistle FC number 7. They submitted that the Player, after committing a foul on the opponent number 7, was kicked by the opponent, and as a result, sustained an injury to his thigh, which could be seen in the photograph lodged with the Claim. Beith Juniors FC submitted that the Player was not violent in his conduct after being kicked, did not "invade the personal space" of the opponent, and did not make any physical contact with the opponent or use offensive language towards him.
5. The Referee provided a statement confirming the act which he decided was Violent Conduct. The Referee confirmed that he dismissed the Player for Violent Conduct because after he had committed the foul on the opponent, the Player attempted to use excessive force against, and displayed signs of extremely aggressive behaviour towards, the opponent who was on the ground.
6. In order for a Claim of Wrongful Dismissal to be upheld the 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 2020/21, 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 Tribunal considered all of the available evidence. The Tribunal viewed the video footage of the incident supplied by Beith Juniors FC, and carefully considered the Beith Juniors FC written submissions, the statements of the Player and Manager, the photograph supplied, and the statement of the Referee. Having done so, the Tribunal found, on a balance of probabilities that the Player did not attempt to use excessive force or brutality against the opponent. The Tribunal found that the Player, after being kicked by the opponent, who was on the ground following the foul, reacted and recklessly attempted to kick the opponent, who at the same time, kicked out again and struck the Player. The Player did not strike his opponent. The Tribunal found that, in carrying out his actions, the Player had committed the offence B1d) Recklessly kicks or attempts to kick an opponent. The Tribunal found that the Referee was not best able to see the events which occurred after the initial foul by the Player, in particular as other players from both teams reacted to that first foul. The Tribunal had the benefit of, and placed particular reliance upon, the video footage which clearly showed those events.
10. Accordingly, and on a balance of probabilities, the 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 had in fact committed the cautionable offence of B1d) Recklessly kicks or attempts to kick an opponent.
11. Therefore the determination of the Tribunal was that the Claim be partially upheld, that the sending off offence, and mandatory sanction, be rescinded, that the cautionable offence of B1d) Recklessly kicks or attempts to kick an opponent had been committed by the Player and that the appropriate sanction for that offence be imposed.
12. The determination of the Tribunal is final and binding on all Parties and is not subject to appeal.