

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A FAST TRACK NOTICE OF COMPLAINT (FT NOC)

Scott McKenna (Alleged Party in Breach)

Aberdeen FC (Club)

1. These are the Written Reasons for a Determination made by a Fast Track Tribunal (Tribunal), which convened on 4 October 2018.
2. The Compliance Officer issued a FT NOC to the Alleged Party in Breach on 2 October, 2018, alleging a breach of Disciplinary Rule 200 during the SPFL Premiership match between Aberdeen FC and Celtic FC on 29 September 2018.
3. It was alleged in the FT NOC that the Alleged Party in Breach had committed an act at in or around the 35th minute, which amounted to the sending off offence of Serious Foul Play.
4. The Compliance Officer included the following evidence with the FT NOC: the opinions of 3 former match officials, and statements by all four match officials appointed to the match as to whether they had seen all or part of the alleged incident.
5. The Alleged Party in Breach denied the charge detailed in the FT NOC.
6. The Alleged Party in Breach submitted a written submission and video evidence.
7. The hearing took place at Hampden Park on 4 October 2018 at 3.15 pm.
8. The Alleged Party in Breach and his Club representative attended by video conference.
9. In coming to a Determination in this case, the Tribunal had to decide on three things:
 - (1) What part of the physical act referred to in the FT NOC, if any, was not seen by the Match Officials at the time;
 - (2) Was the physical act a sending off offence, and, if so, was it an act of serious foul play and/or violent conduct;
 - (3) Was the act of serious foul play exceptional in nature, i.e. is there evidence that the level of excessive force used very high and/or was the level of endangerment very high and/or did a significant injury occur as a consequence of the act.
10. The matter of the competency of the FT NOC was raised. The Tribunal considered submissions from the Alleged Party in Breach and the Compliance Officer on this matter.
11. The submission of the Compliance Officer addressed the Tribunal to the effect that the Referee, although he stated he was in a good position to see the Alleged Party in Breach clearly playing the ball with his right foot, he later stated in his statement that he was unsure of the extent of the contact (with the opposing player) and did not award a free kick. The Compliance Officer contended that this meant that the Referee had in fact not seen the part of the interaction which constituted the Alleged Breach.
12. The submission of the Alleged Party in Breach was as outlined by the Club Representative in his written submissions and on the video evidence submitted which was viewed by the Tribunal. The Club representative also addressed the Tribunal upon the issue of any alleged action being exceptional.

13. The Club representative stated that, so far as excessive force was concerned the player had only used a sufficient level of force and there was no significant injury to the opposing player.
14. The Compliance Officer referred to her submissions and stated that her position was that the action was exceptional in nature and therefore competently raised in accordance with JPP 13.3.3 and 13.3.4. She stated that there was a high level of excessive force used, a high level of endangerment to the player and the injury sustained by the player was significant.
15. Having heard the submissions from both parties and following consideration of these, the Tribunal concluded that, as only part of the act was seen by match officials, this was, in accordance with section JPP 13, a FT NOC which could be competently raised by the Compliance Officer and the hearing should proceed on that basis.
16. The Tribunal also considered the issue of exceptionality and decided that the FT NOC did meet the standard, in so far as the physical act complained of and not seen by the officials, was exceptional in that the level of injury was significant in that the player was unable to continue to play even after receiving treatment.
17. The hearing proceeded to address the substance of the FT NOC. The Compliance Officer referred once more to the written evidence of the 3 former match officials. The Alleged Party in Breach and Club representative chose to make no further submission.
18. The Tribunal, having considered all evidence and submissions found the FT NOC proved.
19. The Sending Off Offence of Serious Foul Play was applied. The mandatory suspension of 2 matches for the player's recognised team irrespective of competition was imposed.
20. Determinations of a Fast Track Tribunal are final and binding and there is no right of Appeal.