

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Cove Rangers FC (“the Claimant”)

on behalf of

Martin Scott (“the Player”)

1. These are the written reasons for the determination made by a Fast Track Tribunal (“the Tribunal”), which convened on 9 May 2019, to determine this Claim.
2. In the 35th minute of the Pyramid Play Off Competition match between Cove Rangers FC and East Kilbride FC, on 4 May 2019, the Player was dismissed from the field of play, by the Referee, for A2 Violent Conduct, as defined by Laws of the Game. The dismissal resulted from the Player’s challenge upon, and subsequent contact with, the opposing East Kilbride FC player No 3.
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 and other incidents in the game, as well as a written submission, an extract of the Player’s disciplinary record from 14 July 2018 to 16 February 2019, and an extract from a Daily Record report on the game dated 4 May 2019.
4. In order for a Claim for 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.
5. In summary, the Claimant’s submission was that the Player could not avoid contact with the opposing player as the incident developed, and did not stamp on that player or dive into a challenge, leading with his feet, with him.
6. The Referee provided a statement confirming the act which he decided was Violent Conduct.
7. Violent Conduct is defined in Laws of the Game as follows;
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.
8. Obvious Refereeing Error, as stated in Annex F to the Judicial Panel Protocol 2018-19 (“the Protocol”), 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.
9. The Tribunal viewed the video footage of the incident, supplied by the Claimant, and carefully considered the Claimant’s written submission, the Referee’s statement, and the other evidence. Having done so, the Tribunal found that the Player brought the opposing player to the ground with a challenge and then stamped upon that player. The Referee and Assistant Referee were well positioned to see the incident and make the decision. Accordingly, having considered all of the evidence and the Claimant’s submission, the Tribunal found, on a balance of probabilities, that the Referee had not made an Obvious Refereeing Error in concluding that the Player’s contact

with the opposing player constituted Violent Conduct. The Referee's decision to dismiss the Player for Violent Conduct was not a clear, self-evident or easily perceived error.

10. Therefore, the Determination of the Tribunal was that the Claim be dismissed and that the sending off offence, and mandatory sanction, be re-imposed.
11. Regarding the video evidence submitted by the Claimant, in respect of other incidents in the game, the Tribunal relied on Paragraph 9 in Annex K to the Protocol, which provides as follows; A Fast Track Tribunal will not normally consider to be relevant any evidence and/or submissions that do not relate directly to the act or acts that led to the Decision that is the subject of the Claim, in particular, but not limited to, video evidence of Refereeing Decisions, other than video evidence of the Refereeing Decision which is the subject matter of the Claim.

Given the terms of Paragraph 9 of Annex K to the Protocol the Tribunal did not take account of the additional evidence.

12. The Tribunal also determined that the Claim was not frivolous, an abuse of process, a delaying tactic or without prospect of success, having had regard to Paragraph 13.13.8 of the Protocol.
13. The determination of the Tribunal is final and binding on all Parties and is not subject to appeal.