

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Cumbernauld Colts FC

on behalf of

Dean McMaster

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 16th February 2022 to deliberate this Claim.
2. In the 82nd minute of the Scottish Lowland Football League fixture between Gala Fairydean Rovers FC and Cumbernauld Colts FC on Saturday 12th February 2022, the player was dismissed from the field of play by the Referee for 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 showing the incident in question and written submissions.
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 went into a tackle with the opponent and won the ball cleanly. There was no protest from anyone regarding the challenge.
6. The Referee provided a statement explaining the act which he decided was Serious Foul Play was as a result of a two part challenge by the player. The first part when he won the ball cleanly in the challenge, and the second lunging action where the sole of his boot was raised to make full contact with the lower shin of his opponent, and the moderately high speed and intensity of the challenge coupled with the angle of the studs, and the point of contact meant that the player endangered the safety of the opponent and committed the offence of Serious Foul Play.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimants. It also considered the definition from Laws of the Game in relation to: Serious Foul Play.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred. The Fast Track Tribunal was of the view that this was a perfectly fair tackle and that there was no deliberate unlawful act or malice in the contact between the players.
9. The Determination of the Fast Track Tribunal was that the Claim be upheld and the sending off offence and original sanction should be rescinded.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.