

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



### IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

**Kilmarnock FC (“the Club”)**

**on behalf of**

**Kris Boyd (“the Player”)**

1. These are the written reasons for the Determination made by a Fast Track Tribunal (“the Tribunal”), which convened on 30<sup>th</sup> January 2019 to determine this Claim.
2. In the 81<sup>st</sup> minute of the Scottish Premiership game between Aberdeen FC and Kilmarnock FC, on 26 January 2019, the Player was dismissed from the field of play by the Referee for A1, Serious Foul Play, as defined by Laws of the Game. The dismissal resulted from the Player’s tackle upon the opposing Aberdeen FC player No 3, G. Shinnie.
3. The Claimants submitted a claim of Wrongful Dismissal on behalf of the player. In support of the Claim, the Claimants submitted video footage showing the incident in question, and other incidents in the game, as well as a written submission and a statement of the Player.
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 did not use excessive force and did not endanger the opposing player in the tackle in the 81<sup>st</sup> minute of the game.
6. The Referee provided a statement confirming the act, which he decided was Serious Foul Play.
7. Serious Foul Play is defined in Laws of the Game as a tackle or challenge that endangers the safety of an opponent or uses excessive force or brutality. Law 12 states that any player who lunges at an opponent in tackling for the ball from the front, from the side or from behind using one or both legs, with excessive force, or endangers the safety of an opponent, is guilty of Serious Foul Play.
8. Obvious Refereeing Error, as stated in Annexe 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 and the statement of the Player, as well as the Referee’s statement. Having done so, the Tribunal found that the Player made the tackle at speed, with his leg off the ground and his studs showing, and made contact above the opposing player’s foot. The Player made contact with the opposing player after the latter had played the ball. The Tribunal found that the nature of the tackle did endanger the safety of the opposing player. The excessive force used by the Player caused a risk to the safety of the opposing player.

10. The Tribunal further found that the Referee was well positioned to see the tackle and make his decision.
11. Accordingly, having considered all of the evidence, the Tribunal found, on a balance of probabilities, that the Referee had not made an obvious Refereeing Error in concluding that the Player's tackle on the opposing player constituted Serious Foul Play. The Referee's decision to dismiss the Player for Serious Foul Play was not a clear, self-evident or easily perceived error.
12. Therefore the Determination of the Tribunal was that the Claim be dismissed and that the sending off offence, and mandatory sanction, be re-imposed.
13. Regarding the video and written evidence submitted by the Claimants, in respect of other incidents in the game, the Tribunal relied on Paragraph 9 in Annex K to the Protocol, which provides that 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 that Paragraph the Tribunal did not take account of the additional evidence.
14. 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.
15. The Determination of the Tribunal is final and binding on all Parties and is not subject to Appeal.