

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

Heart of Midlothian FC

on behalf of

Peter Haring

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the morning of Wednesday 17th May 2023 to deliberate this Claim.
2. In the 77th minute of the Scottish Premiership fixture; St Mirren FC v Heart of Midlothian FC, played on Saturday 13th May 2023, the player was sent off for A1 - 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 written statements from the Head of Football Administration, player, Interim Manager, a still image, and clips of video footage of the incident.
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 not opinion, that the Referee made an Obvious Refereeing Error in dismissing the player.
5. In summary, the Claimant's submission was that the player had not committed a Serious Foul Play offence, they believed it was either reckless in tripping an opponent, or stopping a promising attack. The player noted that he had been cautious not to endanger his opponent by keeping his foot low, and not leading with his studs high. He acknowledged that the opponent had cleared the ball and tripped over his leg.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that at the time of the offence he had determined that the player had made a challenge at excessive speed, with no intention of playing the ball, making contact with his opponent high on the leg, with the potential to endanger the opponent's safety. He further added that having since reviewed footage of the incident he concluded that he had made an error and that the challenge met the criteria for reckless, and a yellow card would have sufficed. He noted on review that the contact point was lower on the opponents boot than he had first believed.
7. The Fast Track Tribunal viewed video footage in real time and slow motion of the incident leading to the dismissal from a single angle. They also carefully considered the written submission from the Claimant and club parties and the Referees report. They also considered the definition from Laws of the Game in relation to serious foul play: (*ref IFAB Laws of the Game 2022/23*)

A tackle or challenge that endangers the safety of the opponent or uses excessive force or brutality must be sanctioned as Serious Foul Play.

Any player who lunges at an opponent in challenging for the ball from the front, side or behind, using one or both legs, with excessive force or endangers the safety of the opponent is guilty of Serious Foul Play.

Peter Haring, Heart of Midlothian FC

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants were successful in demonstrating that an Obvious Refereeing Error had occurred.

Having reviewed the video evidence submitted by the Claimant and with reference to the Referee's statement acknowledging his error, the Fast Track Tribunal agreed that the challenge was reckless rather than endangering the opponent.

For a Claim to be successful as per the JPP Annex K, section 10.10.4 the Fast Track Tribunal must be satisfied that it is more likely than not, in all of the circumstances of the case, that an Obvious Refereeing Error has occurred. That is the error is 'clear, self evident or easily perceived' (*glossary JPP*).

The Fast Track Tribunal were provided with video evidence which gave a clear view of the incident, both in real time and slow motion, and were unanimous that the Claimant had demonstrated in their submission that the Referee had made an Obvious Error resulting in the wrongful dismissal of the player. Indeed the Referee acknowledged this himself in his report.

The Determination of the Fast Track Tribunal was that the Claim be partially upheld, and the sending off offence and mandatory sanction should be rescinded, and be replaced with a yellow card for cautionable offence B1b – Recklessly trips or attempts to trip an opponent.

The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.