

## WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



### IN THE MATTER OF A FAST TRACK NOTICE OF COMPLAINT

**Name of Club - Hibernian FC ("Club")**

**Name of Player - Darnell Johnson ("Player")**

1. These are the Written Reasons for a Determination made by a Fast Track Tribunal ("Tribunal"), which convened on 12 February 2019.
2. The Compliance Officer issued a Fast Track Notice of Complaint to the Alleged Party in Breach on 8 February 2019 alleging a breach of Disciplinary Rule 200 during the Scottish Premiership match between Celtic FC and Hibernian FC on 6 February 2019.
3. It was alleged in the Fast Track Notice of Complaint that the Alleged Party in Breach's actions in or around the 79<sup>th</sup> minute amounted to the sending off offence of Serious Foul Play.
4. The Compliance Officer included the following evidence with the Fast Track Notice of Complaint: Statements of the referee and assistant referees, statements of 3 former match officials, player discipline record, written submissions by Compliance Officer and video evidence of the incident.
5. The Alleged Party in Breach denied the charge.
6. The Alleged Party in Breach submitted a written submission and video evidence.
7. The hearing took place at Hampden Park on 12 February 2019 at 11.00 am.
8. The Alleged Party in Breach did not attend but was represented by Club representatives.
9. The submission of the Compliance Officer was, in the first instance directed at the competence of her Notice of Complaint and stated that it was competent in that the match officials, from their statements, had not seen the specific part of the act which in her view constituted the breach of Disciplinary Rule 200 and that the part of the action which was unseen was exceptional in terms of paragraph 13.3.4 on basis that there was a very high level of endangerment in terms of 13.3.4.3 and that a significant injury had occurred as a result of the action in terms of 13.3.4.4.
10. The submission of the Alleged Party in Breach was that the match officials had seen all of the incident and referred to the Referee and Assistant Referees' positions as demonstrated in the video evidence. They also took exception to part of the Referee's written statement in that he provided narrative in answer to question 3 where the form made clear that he should not have answered that question.

In addition they disagreed with the views of the 3 former match officials and used the video evidence in support.

11. Having viewed the available footage of the incident and having considered the submissions from both parties, the Fast Track Tribunal decided that the Fast Track Notice of Complaint was competent in that the Tribunal accepted the Compliance Officer's submission that part of the

incident had not been seen and that that part of the action was exceptional in that a significant injury had occurred.

12. The Tribunal were then addressed by both parties on the matter of the unseen incident being the sending off offence of Serious Foul Play, the Compliance Officer relying upon the statements of the 3 former match officials and the video evidence. The Alleged Party were of the view that the incident was not foul play and disagreed with the statements submitted and referred again to the video evidence.
13. The Tribunal, after due consideration found the Notice of Complaint proved.
14. The sending off offence of Serious Foul Play was applied. The mandatory suspension for the offence is a 2 match suspension to commence immediately.
15. Determinations of a Fast Track Tribunal are final and binding and there is no right of Appeal.