

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY

St. Mirren FC

on behalf of

James Bolton.

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on the evening of Friday 9th February 2024 to deliberate this Claim.
2. In the 84th minute of the Scottish Premiership fixture; St Mirren FC v Dundee FC, played on Wednesday 7th February 2024, 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 a written statement on behalf of the club, plus statements from the player and Manager, along with clips of video footage of the incident and a still image of the challenge.
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 did not display excessive force or brutality in his challenge. They submitted that the player made contact with the ball ahead of the opponent, and successfully pulled his leg away as he approached the opposing player. They acknowledged there was speed in the challenge, but his studs were not showing, and he clearly had his right leg planted on the ground ahead of impact. They submitted that as the player was able to pull out of the challenge, it showed he maintained control of his actions and did not endanger his opponent or use excessive force. The player and Manager statements referenced that the player was able to pull away from the challenge and there was no malice in the tackle.
6. The Referee provided a statement explaining his reasoning for the dismissal. He submitted that the player made a challenge where he lunged at speed towards his opponent. He noted that the player attempted to withdraw from the tackle, but was lacking control, and as a consequence of this, his knee made contact with his opponent's ankle on his standing leg. He further noted that given the intensity of the challenge and lack of opportunity to play the ball, this endangered the safety of his opponent. He deemed this to be Serious Foul Play. He therefore sent the player off.
7. The Fast Track Tribunal viewed video footage in real time and slow motion of the incident leading to the dismissal. 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 2023/24)*

*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.

James Bolton, St Mirren FC

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

Having reviewed the video and written evidence submitted by the Claimant, the Fast Track Tribunal were unable to agree with the Claimant that an Obvious Refereeing Error had occurred. They noted that the Referee had a clear and uninterrupted view of the challenge from a few yards away, and was in a good place to determine the speed, intensity, and control of the player in the challenge. He also had the opportunity to review, and indeed he upheld his decision pitch-side following consultation with the Video Assistant Referee.

The video evidence did show that the player overstretched in reaching the ball, and his momentum carried him into the challenge with the opponent, though he did make an attempt to minimise that impact by bending his left leg from it. Whilst the force may or may not have been excessive, the challenge certainly endangered the safety of the opponent, lunging as noted by the Referee, and this therefore met a threshold to be considered Serious Foul Play.

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 failed to demonstrate in their submission that the Referee had made an Obvious Error resulting in the wrongful dismissal of the player. It was not clear, nor easily perceived, that the Referee had made an Obvious Error in his decision.

The Fast Track Tribunal did not believe this to be a frivolous Claim, as considered under section 15.9 of the JPP, therefore no further sanction has been imposed.

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