

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A (WRONGFUL DISMISSAL) CLAIM BROUGHT BY:

Sauchie Juniors FC

on behalf of

Ross Kavanagh

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 30th November 2022 to deliberate this Claim.
2. In the 81st minute of the Scottish Cup Third Round match between Linlithgow Rose FC v Sauchie Juniors FC on Saturday 26th November 2022 the player was dismissed by the Referee for violent conduct.
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 provided detailed written submissions, and a full statement from the player.
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 submissions on behalf of the player stated that as a forward player, that he was running through onto a pass when he was brought down by an opponent and was unable to control the ball. As a result both the player and his opponent ended up on the ground and the position of the player is that he was prevented from getting up by his opponent holding him down. The player stated that he scrambled to get up and as he did so, he pulled his opponent towards him. The player believed that the Referee misinterpreted his actions as being aggressive when in fact he was trying to get away from his opponent by stepping over him when the ball was still in play. At that point the player stated that the opponent was still holding him. The player also opined that rather than being guilty of any violent conduct, that he should have received a free kick for foul play on the part of his opponent at the start of the incident.
6. The position of the player was corroborated by his Manager, Mr Fraser Duncan, who also provided a statement to the effect that he was watching a long ball played by Sauchie Juniors FC left-back when he became aware that the No.4 player for Linlithgow Rose FC had pulled the player down. Mr Duncan further states that he believed that it was a free kick for Sauchie Juniors FC as the player toppled head first whilst being pulled down. Mr Duncan also stated that the Linlithgow Rose FC player still had hold of the player's shirt causing him to fall over the opponent. Mr Duncan opined that it was a clear pull by the Linlithgow Rose FC player in the first place, and subsequently when the player was trying to get back to his feet.
7. The Referee provided a statement explaining his decision. He stated that in the 81st minute of the match that the player was jostling with his opponent which caused both players to fall to the ground together. The Referee stated that as play continued in the vicinity, that he continued to watch the two players as they rose from the ground. The Referee stated that he had an

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uninterrupted view of the player ramming his head and shoulder with excessive force into the body of his opponent as they were getting up, causing the opponent to fall to the ground again with the player on top of him. The Referee judged that the player's actions were an act of violent conduct and accordingly he issued him with a red card.

8. The Fast Track Tribunal viewed the video footage of the incident, and the picture evidence lodged together with the supporting statements and carefully considered the submissions from the Claimants. It also considered the definition from Laws of the Game in relation to violent conduct.
9. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had unsuccessfully demonstrated that an Obvious Refereeing Error had occurred. The Fast Track Tribunal examined the available video evidence in detail, and noted the terms of the submissions on behalf of the player, and also the terms of the Referee's report. The Fast Track Tribunal observed that from the video footage that it was apparent that the Referee was well-placed to observe the incident in question, and that the footage did appear to show that he maintained observations on the incident as the players started to rise again. The footage was noted to have been entirely consistent with the account given by the Referee.
10. The Referee clearly had a good view of the incident and at the relevant time he was nearby and had specifically identified the incident as being worthy of special attention. He had a clear view and has clearly explained his reasoning for coming to this conclusion. There was nothing in the video footage which was in any way inconsistent with the Referee's reasonable interpretation of the player's actions. The Fast Track Tribunal accordingly concluded that the Claimant had not established on a balance of probabilities that the Referee had made an Obvious Refereeing Error. Accordingly the Fast Track Tribunal were satisfied that the Claim should be dismissed.
11. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and original sanction should be reimposed.
12. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.