

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



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

Arbroath FC (Club)

on behalf of

Gavin Swankie (Player)

1. These are the written reasons for a Determination made by a Fast Track Tribunal, which convened on 28 December 2018 to deliberate this Claim.
2. In the 45th minute of the fixture between Arbroath FC v Raith Rovers on 22 December 2018, the Player was dismissed from the field of play by the Referee for the sending off offence of A6 Receiving a second cautionable offence (for offence B1k commits an act of simulation).
3. The Claimants submitted a Claim of Wrongful Caution on behalf of the Player. In support of this Claim, the Club submitted video footage showing the incident in question and a written submission.
4. In order for a Claim of Wrongful Caution 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 submission was that the Player had control of the ball and was moving forward. He became aware of the incoming presence of the Raith Rovers no 12, when he laid the ball off to his left hand side and his movement as evidenced on video was consistent with that of contact from the opposing player or taking evasive action to avoid a challenge. They submitted that the player had not committed an act of simulation and was therefore wrongly dismissed for a second caution having previously been cautioned in the 13th minute.
6. The Referee provided a statement explaining his reasoning for the second caution. He submitted that from his position he decided that the player, Mr Swankie, had exaggerated the contact in an attempt to deceive him by falling to the ground and to gain an unfair advantage by giving the impression that a foul had been committed by his opponent.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimant. It also considered the definition from Laws of the Game in relation to: Simulation: Attempt to deceive the referee e.g. by feigning injury or pretending to have been fouled.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had successfully demonstrated that an Obvious Refereeing Error had occurred.
9. The Tribunal determined that the referee had made an obvious refereeing error in concluding that the Player had attempted to deceive him with an act of simulation, which was a second cautionable offence. The challenge on Mr Swankie was clear and he had no opportunity to avoid it given the pace of the opposing player coming in to challenge for the ball, which had been released by the Player. Mr Swankie did not protest the challenge nor seek to influence the referee's decision to give a foul against him.

10. To support this Determination the Tribunal reviewed the single angle video footage supplied by the Claimants in real time and in slow motion. They noted that the player did not initiate the contact with his opponent and indeed appeared to be caught in an unavoidable challenge. He did not exaggerate the contact nor did he protest for a foul against him. There was therefore no attempt to deceive or gain an advantage for his team. As such the second cautionable offence was unwarranted, therefore the player should not have been dismissed.
11. The Determination of the Fast Track Tribunal was that the Claim be upheld and the Sending Off Offence for receiving a second caution and mandatory sanction should be rescinded.
12. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.