

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL CAUTION CLAIM BROUGHT BY:

Name of Club Bonnyton Thistle FC (“Club”)

on behalf of

Name of Player Marc Walker (“Player”)

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on Wednesday 10 April to deliberate this Claim.
2. In the 89th minute of the Challenge Cup Lowland and East of Scotland Under 20 Development League fixture between Bonnyton Thistle FC and Kelty Hearts FC on 5 April 2019, the Player received a caution by the Referee for 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 written submissions.
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 did not commit an act of simulation and that the Referee had made a mistake.
6. The Referee provided a statement explaining the act, which he decided was simulation.
7. The Fast Track Tribunal viewed the video footage of the incident and carefully considered the written submissions from the Claimants. It also considered the definition from Laws of the Game in relation to Simulation which states:

Attempts to deceive the referee, eg. by feigning injury or pretending to have been fouled.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had not successfully demonstrated that an Obvious Refereeing Error had occurred. The Fast Track Tribunal were satisfied that the referee’s decision was correct. The definition of an Obvious Referring error requires that an error be clear or self-evident or easily perceived and that was not established by the video evidence.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the original sanction of caution should be upheld. The Claim is not considered to be misconceived or one that had no prospects of success.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.