

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL CAUTION CLAIM BROUGHT BY:

The Spartans (the Club)

on behalf of

Leeroy Makovora (the Player)

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on 27 August 2019 to deliberate this Claim.
2. In the 81st minute of the Lowland Football League fixture between The Spartans versus Gretna 2008 on 24 August 2019 the Player was dismissed from the field of play by the Referee for a second cautionable offence for simulation.
3. The Claimants submitted a Wrongful Caution claim on behalf of the Player. In support of this Claim, the Club submitted video footage and still photographs showing the incident in question together with 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 was running at pace before colliding with the defender and being pushed to the ground within the penalty box. Simulation was expressly denied.
6. The Referee provided a statement explaining the act which he saw being some 10 yards from the incident and having a clear view. He detailed that the player was running past the opponent who neither challenged for nor made contact with the player before the latter fell to the ground.
7. The Fast Track Tribunal viewed the video footage of the incident and the still photographs provided and carefully considered the written submissions from the Claimants.
8. Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had failed to show that there had been any obvious refereeing error. The referee was well positioned and had a clear view. The evidence produced on behalf of the player failed to indicate any obvious error necessary to be successful in such an appeal.
9. The Determination of the Fast Track Tribunal was that the Claim be dismissed and the sending off offence and original sanction should be reimposed. The Tribunal was satisfied that the Claim, though rejected, was not without prospect of success and was neither an abuse of process nor frivolous.
10. The Determination of the Fast Track Tribunal is final and binding on all Parties and is not subject to Appeal.